

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, June 19, 1984, at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Victor Prusinowski, Councilman
Vincent Artale, Councilman
Louis Boschetti, Councilman

Also Present: Richard Ehlers, Town Attorney

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Minutes of the Regular Board Meeting held on June 5, 1984 are dispensed without objection and be approved.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

BILLS

Bills submitted on abstract dated June 19, 1984 as follows:

General Town	\$56,972.16
SL	13,089.01
Highway	52,473.90
Small Cities	168,324.83

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

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

General Town	\$ 56,972.16
SL	13,089.01
Highway	52,473.90
Small Cities	168,324.83

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "The department heads are present with us this evening should anyone have any questions of them. Reports Mrs. Pendzick."

REPORTS

Police Department - Total of \$2,805.00 from Public Auction of Abandoned Vehicles and surplus Town Vehicles. Filed.

Tax Receiver - Collections as of June 13, 1984 total, \$20,391,153.14. Filed.

Recreation Department - Monthly report for April, 1984. Filed.

Police Department - Report for May, 1984. Filed.

Open Bid Report - Police/Court Facility. Filed.

Open Bid Report - Diesel Fuel/Sanitation and Highway. Filed.

OPEN BID REPORT - POLICE/COURT FACILITY

Bid Date: June 15, 1984 at 11:00 a.m.
15 Bids Submitted.

General Construction-4 Bids submitted

- #1 NAME: Jon Wal Construction Co.
ADDRESS: 535 N. Country Road, St. James.
TOTAL BID: \$1,090,300.00
- #2 NAME: L.A. Wegner Contracting Co. Inc.
ADDRESS: 88 Golding Avenue, W. Babylon.
TOTAL BID: \$968,500.00
- #3 NAME: Mark Hayes Construction Corp.
ADDRESS: P.O. Box 250, 33 Front St., Hempstead.
TOTAL BID: \$946,400.00

REPORTS Continued

#4 NAME: NRI
ADDRESS: 2182 Jackson Avenue, Seaford.
TOTAL BID: \$1,324,986.00

Ventilating, Heating, and Air Conditioning-4 Bids submitted.

#1 NAME: BlackJack Mechanical Inc.
ADDRESS: 3202 Ocean Harbor Drive, Oceanside.
TOTAL BID: \$119,400.00

#2 NAME: Granton Mechanical Corp.
ADDRESS: 926D Lincoln Avenue, Holbrook.
TOTAL BID: \$123,711.00

#3 NAME: Nick J. Pepe Air Conditioning
ADDRESS: 32 Logan Hill Road, Northport.
TOTAL BID: \$155,550.00

#4 NAME: ARA Plumbing
ADDRESS: 2182 Jackson Avenue, Seaford.
TOTAL BID: \$108,717.00

Plumbing-5 Bids submitted

#1 NAME: Vinco Plumbing Corp.
ADDRESS: 2693 Middle Country Road, Centereach.
TOTAL BID: \$83,375.00

#2 NAME: James McCullagh, Co.
ADDRESS: Plainview, N.Y.
TOTAL BID: \$86,700.00

REPORTS Continued

- #3 NAME: M.J. Flood Inc.
ADDRESS: 252 Islip Avenue, Islip.
TOTAL BID: \$108,700.00
- #4 NAME: Park Avenue Plumbing
ADDRESS: 5 Lawson Place, Dix Hills.
TOTAL BID: \$148,000.00
- #5 NAME: Mid-Island Plumbing
ADDRESS: 36'D Carlough Road, Bohemia.
TOTAL BID: \$108,000.00

Electrical-2 Bids submitted

- #1 NAME: Commander Electric
ADDRESS: 50 N. Pentaquit Avenue, Bayshore.
TOTAL BID: \$190,182.00
- #2 NAME: McDowell Electric Corp.
ADDRESS: P.O. Box 216, Edwards Avenue, Calverton.
TOTAL BID \$141,747.00

OPEN BID REPORT - DIESEL FUEL/HIGHWAY AND SANITATION

Bid Date: June 19, 1984 at 11:00 a.m.
2 Bids Submitted.

- #1 NAME: Agway Petroleum Corp.
ADDRESS: Pulaski Street, P.O. Box 705, Riverhead
TOTAL BID: \$.075 per gallon (plus)

REPORTS Continued

#2 NAME: Liebert Fuel Oil Inc.
 ADDRESS: R.R.2 Box 53, Wading River.
 TOTAL BID: \$.0950 per gallon (plus)

Irene Pendzick, "That concludes Reports."

Supervisor Janoski, "Thank you Mrs. Pendzick. Applications and Petitions."

APPLICATIONS AND PETITIONS

Site Plan-Riverhead Motors (Revised) for Market on Circle Renovation. Filed.
 Fireworks-Riverhead Raceway for Friday, June 29, 1984. Filed.
 Exhibition-Polish Town Civic Association for Fair and Festival August 18-August 19, 1984. Filed.
 Petition-18 Jamesport property owners request parking on West Street from Second Street to the Beach. Filed.
 Site Plan-Peconic River Yacht Basin. Filed.
 Parade-Jamesport Fire Dept. for July 25, 1984. Filed.
 Site Plan-County Seat Plaza (Waldbaums). Filed.
 Petition-495 Shoppers on Railroad Avenue request foot patrolman in area. Filed.

Irene Pendzick, "Thank concludes Applications and Petitions."

Supervisor Janoski, "Thank you Mrs. Pendzick. The time for the first public hearing has not yet arrived. We will do the Correspondence."

CORRESPONDENCE

Suffolk County Dept. of Planning, 6/7/84-If no objection filed by 6/27/84 Re: Adopted Change of Zone, Town of Brookhaven, it will be assumed there are none. Filed.
 Gail L. Beyer, 6/12/84-Requesting amendment to code to permit parking on West Street, Jamesport. Filed.
 Environmental Quality Review Board, Re: Concerns of location and proximity to L.I. Sound of proposed condominiums and that application of Audrey Reinhardt (Daroad Ent.) is a Type II Action. Filed.

CORRESPONDENCE Continued

County Legislature, 6/1/84-Local Law #7-1984 RE: Pine Barrens Commission. Filed.

Dept. of Labor, 3/30/84-Requesting Parking Space for Handicapped Counselor. Filed.

Sherry Johnson, 6/15/84-Objecting to Proposed Recreational Park. Filed.

Rev. James Bergin, 6/18/84-Requesting withdrawal of Landmark Status for St. John's Church and Rectory. Filed.

Southampton Town-Notice of Public Hearing Re: Chapter 69 (Berms). Filed.

Irene Pendzick, "That concludes Communications."

Supervisor Janoski, Thank you Mrs. Pendzick. Under Unfinished Business:

Old River Road Recreational Park-Change of Zone for Recreational Use District in Manorville. That is pending before the Planning Board.

Robert Celic-Change of Zone and Special Permit for Children's Nursery on Route 25 and Shade Tree Lane, Aquebogue. That is pending Town Board consideration.

Kimbroke Enterprises-Special Permit for 190 Condominiums on Sound Avenue, 1,500 feet east of Pier Avenue. That is before the Planning Board.

Bill Homer-Site Plan for addition to vehicle shop. (Aamco) That will be acted upon by the Town Board this evening.

Shorewood Construction-Special Permit to construct 1-family residence. That will be acted upon this evening.

Kenneth Schmidt-Special Permit for 1-family residence in Wading River. That will be acted by the Town Board this evening.

Daroad Enterprises-Special Permit for Accounting Offices on Roanoke Avenue. That is before the Planning Board.

County Seat Plaza-Site Plan for Waldbaum Shopping Center, Route 58. That will be acted upon by the Town Board this evening.

Broad Cove-Request for extension of permit. That is under consideration by the Town Board.

PERSONAL APPEARANCES

Supervisor Janoski, "There are about 4 minutes remaining before the first scheduled public hearing. I will recognize anyone wishing to be heard on any subject. Sal."

Sal Messina, Roanoke Avenue, Spoke from Audience and remarks were INAUDIBLE.

Supervisor Janoski, "You have to come up to the mike Sal."

Sal Messina, "My name is Sal Messina. I live on Roanoke Avenue here in Riverhead. I would like to address this to the chair. Are we doing anything concrete about the water on Roanoke Avenue and Middle Road?"

Supervisor Janoski, "Yes."

Councilman Prusinowski, "Yes. We have several proposals. In fact, Charlie came in tonight and talked to me and there is a new development where Lou McClean and Associates had contacted him and wanted him to set up a meeting with the Highway Committee. He has an idea for a temporary (temporary) stop gap solution to get rid of some of the water. In the meantime, (We were just talking tonight, just briefly, Charlie and I.) we have a meeting scheduled for tomorrow night which we have to go over the projects that we have on the board now. We have 1.4 million dollars left from the drainage bond issue. We have applied to the State of New York. The Supervisor has asked the Assemblymen Joe Sawicki and Ken LaValle, which they have written letters to Mr. LaRoca to redirect some of the 1.16 million dollars slated for Sound Avenue. Take approximately 500 thousand and earmark it for this project which we will be working on that. We know what the solution is for Middle Road. We have to find the money and the means to do it. That's what the bottom line is. In the meantime, Charlie is going to continue his program up there trying to lower the water table as best as he can until we get this thing under way."

Sal Messina, "So the solution is a sewer set up."

Councilman Prusinowski, "No."

Sal Messina, "What I see going on up there is you've got a round robin going. Charlie is pumping water up into the sump and the sump is draining underneath everybody's house into their cellars. And everybody's draining from their cellars out into the road and Charlie is pumping back into the sump again. That's been going on for a week now and the water is still there."

Councilman Prusinowski, "We understand that. And like I said, the engineer contacted Charlie today and he wants to meet with us as soon as possible. He has an idea of alleviating that particular situation. Not a permanent solution. The permanent solution is one which would have a proper drainage system to drain the entire area to the Peconic Bay."

PERSONAL APPEARANCES Continued

Sal Messina, "You're talking about a sewer system then."

Councilman Prusinowski, "No. A drainage system. There's a difference."

Sal Messina, "A drainage system that's going to drain similar to a sewer system going into the Peconic Bay."

Councilman Prusinowski, "Well, yes. Connecting up some ponds and stuff. That's where we are right now and the Town Board will be meeting tomorrow night and we'll be going over this priority list."

Sal Messina, "I never had any water until Charlie pumped up into Riverhead Cement Block and made a lake over there. Now all of a sudden, in two months, I just had my cesspools..... Two months ago and I've got 3 of them. They're all full. I just had them emptied today and chances are they will be full again in a couple of months. Thank you."

Councilman Prusinowski, "Ok Sal."

Supervisor Janoski, "Let the record show that the hour of 7:46 p.m. has arrived. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, June 19, 1984 at 7:45 p.m. at Riverhead Town Hall to hear all interested persons regarding: The Repeal of Local Law #2-1968 of the Town Code, Re: Vehicles, Abandoned.

Supervisor Janoski, "Mr. Town Attorney."

Richard Ehlers, "We have had some problems with the enforcement of the vehicle ordinance. As a result of the fact that it's difficult to determine when a vehicle is in fact abandoned. And this counter weighs against the fact that some people have to have a vehicle which is not registered for a short period of time. As a college student is away from home attending college and the vehicle is unregistered. Now this is essentuated by the fact that: under the vehicle and traffic law; that if you don't have insurance on a vehicle, you have to return the plates to the Motor Vehicle Department. So the attempt of the 2 public hearings tonight, the first one to repeal the old law and the second one to substitute the new law, is to (at one point) beef up the abandoned vehicle section by determining that the town does have the authority to remove these vehicles and impound them if they are discarded, abandoned, or junked. While at the same time,

PUBLIC HEARING

Continued

Richard Ehlers, Continued

providing some flexibility. So that if a vehicle is in good operating condition, is in fact on the premises for a short period of time unlicensed, it is not technically subject to the provisions of the code."

Supervisor Janoski, "Thank you Mr. Town Attorney. Does anyone wish to address the Board on this issue? Yes sir."

Emil Rajdl, Wading River, "My name is Emil Rajdl of Wading River. I am in favor of the law. But what I would like the Town to do is at least specify what is a short period of time. I've seen situations where there are one vehicle, 2 vehicles, 3 vehicles and so on."

Supervisor Janoski, "We're not talking....."

Emil Rajdl, "What is a short period of time?"

Supervisor Janoski, "We're not specifically talking about a short period of time. What we are trying to do is define what an abandoned vehicle is. I think what we will put in place is a description of a vehicle that can not be used. That can not be reasonable put on the road and of course parts of vehicles. What we had a problem before with is: it simply was an unregistered vehicle which could be a brand new car. We had a great deal of difficulty enforcing that because of that broad definition. We are trying to redefine it and if the car can be put on the road, then it's a judgement call. If a car is in the kind of shape that it would pass inspection and go on the road, then it is not an abandoned vehicle. But a vehicle that can not run or is junked or pieces of vehicles, then we would be able to clean them up."

Richard Ehlers, "Specifically sir, is every vehicle. Basically anything that I would consider a car. It's a junked vehicle including a trailer, motorized or not which is without a current and valid license plate or plates and is in such a rusted wreck, discarded, dismantled, partly dismantled, inoperative, or abandoned condition; so as to be no longer intended or in condition for legal use on the public highways. So it would have to be both those conditions."

Emil Rajdl, "Ok. So rusted. But what about vehicles that may not be so rusted but are there for 3 or 4 years?"

Richard Ehlers, "Then it would appear that it's in...."

Emil Rajdl, "They can't be put on the road. But again, each time an officer would come, it would be a judgement call."

PUBLIC HEARING Continued

Richard Ehlers, "Alright. In the final analysis, it's always going to be a judgement of the judge and the officer should....."

Emil Rajdl, "Yes. But the way the law reads; the officer has the discretion at that time to just walk away from the house and not even show a summons. The way I read the law. He could just walk away and not issue anything and a period of 10 years could go by and vehicles may not be that rusted. And they could be put on the road but the tires could be flat for 4 years and there just sitting there."

Richard Ehlers, "Well, if you didn't like his judgement as a Police Officer, you could always go down to the Police Station and ask to file a complaint on your own behalf. Now, that's going to be any situation with any violation of the law. Presumably, if the tires are flat, it's rusted, hasn't been on the road for a number of years, the judgement would be that it is not intended to be used on the road."

Emil Rajdl, "I also noticed from that law, that you deleted the fact there was a phrase in the old law that property with so much junk on it would reflect the property value. It would lower the property value. I noticed that you deleted that from the law. Now, in effect, you have a situation like that and if the judgement call goes in favor of the individual's vehicles, the neighbor next door has a reduction in property value. I think you should put that clause back in the law. So at least an individual then can appear and say: Hey, my property value is being diminished. The town has refused to do anything. Everything is being based on a judgement call. And you know yourself, if I put 2 junked vehicles in front of Town Hall property, it's not going to look very good for the town. People drive by and say: Boy, look at the Town of Riverhead. I realize people have hard times with regard to vehicles and no one minds the cars for 2 or 3 months. But I think you have to specify the time. And I would go as far to say maybe 6, 7 months. But even that, I think....Inaudible. Thank you very much."

Supervisor Janoski, "Thank you. Steve."

Steve Haizlip, Calverton, "Mr. Supervisor and other Board members. Any provisions to this law that would allow the preservation of a vehicle? That is, the engine would get pickled. That is the term that you use to put preservative oil and put a cover over it and you get the vehicle you want to keep until such a time you're able, or someone comes to pick it up. In other words, like this gentleman said, there's no term with it. And so, if I got a car and I want to keep it and I want to leave it sit there but I can't afford license plates or insurance just to let it sit and I preserve it. Now what's the status on that?"

PUBLIC HEARING Continued

Richard Ehlers, "It's supposed to be inside a building."

Steve Haizlip, "If we're all lucky and can afford a garage."

Supervisor Janoski, "Steve, what the town is trying to do, because we agree with this gentleman in the back and I want to point out that the purpose of this hearing is to get input like he just gave us. We know (the Town Board and the Police Department) what we are trying to address. And that is the storage of vehicles that becomes a nuisance to neighbors. We couldn't do it under the old ordinance because it was so vague. We are trying to clean it up a little bit. And we're going to go after that nuisance vehicle or the number of vehicles. I can think of many number of places that have vehicles or parts of vehicles or pieces of junk stored. We are trying to clean this up and we recognize that there are vehicles that are stored for a number of reasons. I myself, have a 1971 Eldarado Convertible which is not registered. Of course it's in a garage but there are reasons for keeping cars. We are not interested in removing them. We are interested in removing the nuisance."

Steve Haizlip, "I see what you're after then. To clear the junked and the dismantled....Inaudible. Ok. Thank you."

Supervisor Janoski, "Is there anyone else wishing to address the Board? Yes sir."

Stanley Krupski, Rte. 25, Calverton, "There's a couple questions I'd like to ask. In order to have plates on a car and store it, you have to have insurance on it right?"

Supervisor Janoski, "In order for it to be registered, it has to have insurance."

Stanley Krupski, "It has to have it. So in order to have an old car on your property, according to your law that you're trying to pass, you have to have insurance and plates on it."

Supervisor Janoski, "No."

Stanley Krupski, "No. Ok. What about people that have antique automobiles that they are trying to, in the near future or the long distance future, restore? You're going to have all kinds of old parts that you're going to be picking up there and they're to restore this one car."

Supervisor Janoski, "I think that the owner of such a vehicle has an obligation to store the car in such a way that it does not become a nuisance. The Town Board knows very clearly what it's trying to address. We're trying to form

PUBLIC HEARING ContinuedSupervisor Janoski, Continued

here (and we appreciate your input) a law that will address that problem and it is quite a problem. We are not interested in going after a person who has an antique vehicle who is trying to restore that kind of a vehicle. But we are interested in cleaning up some of the clutter and the nuisance vehicles that we see scattered all over the town. We couldn't do it under the previous law which simply defined it is an unregistered vehicle. That was (I think) a worse law than what we are trying to put in place now. Because that did say, if you didn't have a license plate on it, you couldn't have it on your property. We are trying (here) to more clearly define the problem so as to allow the person who has an antique vehicle, the latitude to keep it and restore it."

Stanley Krupski, "There's also people who have race cars. Most people usually have an extra car around for spare parts and stuff like that. What about them?"

Supervisor Janoski, "That's a unique situation that we (quite honestly) have not addressed and I thank you for raising that issue."

Stanley Krupski, "Like Mr. Haizlip said, not everybody can afford to store in a garage. A stock car or what have you. I pay 14 hundred dollars a year taxes. What am I paying it for if I can't do what I want with my property?"

Supervisor Janoski, "Because your neighbors probably paying 14 hundred dollars taxes too and he has certain expectations."

Stanley Krupski, "I still feel it's a waste of time and you should do some more in the town. You take a walk downtown and all you hear is cursing. You see all these drug addicts hanging around and stuff like that. Spend more time on that instead of stupid things like this. Thank you very much."

Supervisor Janoski, "Thank you. Mr. Kasperovich, it's time for me to start the next public hearing which is on the same story. So let me do that and we can continue this going."

SUPERVISOR JANOSKI RECESSED THE 7:45 PUBLIC HEARING AT 7:56

Supervisor Janoski, "Let the record show that the hour of 7:56 p.m. has arrived. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING ContinuedPUBLIC HEARING - 7:55 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, June 19, 1984 at 7:55 p.m. at Riverhead Town Hall to hear all interested persons regarding: Adoption of Local Law #1-1984 to the Town Code, Chapter 100, "Vehicles, Junked and Abandoned."

Supervisor Janoski, "Thank you Mrs. Pendzick. Mr. Town Attorney."

Richard Ehlers, "That's the same public hearing. We are now attempting to adopt the proposed amendment in place of the one that we were earlier deleting. When you want to delete a local law, you have to hold a public hearing to first delete it and then hold another public hearing to adopt what you want to replace it with."

Supervisor Janoski, "Thank you Mr. Town Attorney. Mr. Kasperovich."

William Kasperovich, Wading River, "My name is William Kasperovich. I live in Wading River. I think the intent of the Town Board is commendable in trying to get rid of some of these wrecks. It seems considerable attention has been given to this. There are two sides to hear that I personally feel in the sense that: you've gone overboard and in the sense that we haven't been considerate enough. The intent of the Board isn't always the definition taken by the justice in the court. The judge defines what he reads in his own mind. That doesn't necessarily mean it's exactly the same thing as the intent of the Board. Consequently, I feel a procedural arrangement should be spelled out. Once in the warning. Once in the appearance ticket and once in a positive response. Now, this should all be recorded in some manner. In other words, all the junks (so call alleged junks) that are in question, would have a file in Town Hall until it was completely resolved. In that manner, we can account for the entire township with all the varying conditions. The earlier procedures would be formalities giving allowance and consideration to the owner of the alleged junk or the property or whatever. With reasonable time to do something about whatever the town thinks is not acceptable. This record of all the alleged junks in the township that are in question would take some of the owners off the enforcement officer. It would also force the enforcement officer to count all questionable alleged junks. His opinion would have to be second place. His action in his recording alleged junk would be a necessity. And that way the machinery of the law would be put in short without excluding anybody and with consideration of not harming anybody. That is the general coverage of this. I think it's certainly commendable of the Town Board to undertake this sort of thing and I do think you ought to review a few areas of the wordage such that it can be effective and still not create difficulties. Thank you."

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you Mr. Kasperovich. Mr. Benedict."

Dick Benedict, Riverhead, "It may sound silly, but is there some way that you could ask for a permit to keep a car on your premises? If you had one car and maybe some day you want to get 2, but then it would be a maximum. If you came in for another one and the town says no you can't have one. Because right now, I have a 67 Mustang in my yard, 2-door, if anybody wants to buy it. But it's got some rust on it. But right now I don't have any plans of moving that car either. But I would be glad to come down and ask for a permit to store it. Instead of getting 3 or 4 to go with it for spare parts. I don't have any plans of getting rid of that. But if the neighbor had, for some reason, he might come down to the Town Board and say: send an officer down there because I got a junk car in the yard. I wouldn't want to give the Mustang up that easy. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else who wishes to address the Town Board on this issue? Yes sir."

Bob Tressler, Riverhead, "My name is Bob Tressler. I live on Roanoke Avenue right next to the intersection of Middle Road and I realize that what you're doing now is not working. You realize it. It's just (as the gentleman stated before) a round robin. It's not even a solution. Ok. But what I want to ask you....."

Supervisor Janoski, "You're talking about drainage. We are in the middle of a public hearing on this local law. I can invite you up later to talk about Roanoke Avenue."

Bob Tressler, "I hope you do that because I would like to talk about it."

Supervisor Janoski, "Certainly. Does anyone else wish to address the Town Board on the adoption of local law 1-1984? That being the case, I declare the hearing closed."

7:55 PUBLIC HEARING CLOSED AT 8:03

Supervisor Janoski, "Sir. There's about 2 minutes before the next public hearing. If you'd like to come up now, it would be fine."

Bob Tressler, "Thank you. Again, the situation right now where you're pumping that (eventually) uphill and it is coming back again underground. People are pumping it out of their basement back onto the road and you've got a situation quo status where it's not going away and I don't think you can give me any idea when it's going to go away. Middle Road is still closed and probably will be closed for quite a while. But another problem that I am not sure you've addressed, is: We are all on cesspools in that area. And as Mr. Messina

Bob Tressler, Continued

stated, they are full. In some cases over flowing. And that sewage is out on the road and you can smell it. Now, has anybody from Riverhead town or if not Riverhead town, do you know if anybody from the County....."

TAPE ENDED AND ENDING REMARKS WERE UNRECORDED

Supervisor Janoski, ".....the south shore where that flooding problem was in March. We can certainly request that kind of investigation by the County Health Department."

Bob Tressler, "If it is in fact a health hazard, doesn't that give the county or Riverhead town water powers ...inaudible."

Supervisor Janoski, "We recognize that there is a drainage problem to solve. What we have to do is identify the situation and then..... We are going to have a meeting. The Town Board is going to meet tomorrow night specifically on drainage problems in town and we have got a certain amount of money and a number of problems and we have to address them and we are going to choose (of course) and move ahead on this project."

Bob Tressler, "I appreciate that. In fact, It is an immediate health danger. Doesn't that give it a little higher priority?"

Supervisor Janoski, "They are all high priority. They are flooding problems. Nothing we can do beyond what we're doing. We are going to get a solution to the problem and then we are going to put it into place. Whatever engineering solution that it happens to be."

Bob Tressler, "The timetable was reported, possible two years. If it is a health hazard, that can't remain for that period of time."

Councilman Prusinowski, "What I said in the paper what that, if the permanent solution (the long form which is the big drainage project that's been recorded for 500 thousand) sometimes it takes upward of 2 years before you get the public hearing, the access of private properties. Could be a lot sooner. We would like to have it done in three days. I don't like to be pinned down to a time because a reporter is trying to pin me down and I would not be pinned down. I am not going to lie to you and tell you what you want to hear; that says; yes by June 30 we'll have the problem solved and lie to you. That's not the way I do business. Ok. We are trying to work on the problem. I met with Charlie tonight. We are going to report to the Town Board tomorrow night that Lou MacLean Associates came to the area. One of the engineers thinks he has a stop gap solution to temporarily alleviate the situation. We don't know what that is. He wants to meet with us and discuss

PERSONAL APPEARANCES ContinuedCouncilman Prusinowski, Continued

it with us. Apparently it's not too costly. That's not a permanent solution. We have a certain amount of money. What the Town Board is going to determine tomorrow night is, a priority list of what can be done and what can't be done and I am sure Middle Road is high on that list. We know what the problem is. And like I said, we're going to address it tomorrow night. We only have so much money to go around."

Bob Tressler, "Is that an open meeting tomorrow night? It is or it isn't."

Supervisor Janoski, "Well, it certainly has to be. Any time the Town Board gathers together to discuss the policy of the town, it's an open meeting. If you want to be there you can certainly be there."

Bob Tressler, "What time is it?"

Supervisor Janoski, "Let me tell you something and I got to be honest with you. We are going to be doing some work to try to make some decisions. You're not going to be allowed to take part in the meeting."

Bob Tressler, "I can at least listen to what is determining my fate."

Supervisor Janoski, "Absolutely."

Bob Tressler, "What time is the meeting?"

Councilman Lombardi, "6 o'clock."

Councilman Prusinowski, "6 o'clock right here in the board room."

Supervisor Janoski, "Now, it's going to be around 6 o'clock because we have something to do before that and when that prior meeting ends will determine when the second one will start. But it will be around 6 o'clock."

Bob Tressler, "Thanks."

Supervisor Janoski, "Ok. Yes sir. Nope. I am sorry. I've gone a little over on the time. I'll get back to you. We have a public hearing scheduled. Let the record show that the hour of 8:08 has arrived. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING - 8:05

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, June 19, 1984 at 8:05 p.m. at Riverhead Town Hall, to hear all interested persons regarding: The Addition to the Town Code, Section 108-112, Business PB District.

PUBLIC HEARING Continued

Supervisor Janoski, "Ok. Mr. Town Attorney."

Richard Ehlers, "The proposal is to amend the business PB District to include Nursery and Day Care schools as a professional business type use within that zone."

Supervisor Janoski, "Does anyone wish to address the Town Board on this issue? Yes sir."

Bill Stillwagon, Main Road, Aquebogue, "Bill Stillwagon, Main Road Aquebogue."

Supervisor Janoski, "Why don't you drop that microphone a little bit."

Bill Stillwagon, "Bill Stillwagon, Main Road Aquebogue. The Celic Estate, is that PB right now?"

Supervisor Janoski, "No."

Bill Stillwagon, "Ok. I don't understand. Why would you include the nursery in a PB zone? What brought that about?"

Supervisor Janoski, "It was (quite honestly) the application of the Celic parcel. And in discussion, the Town Board thought that residential, which is what the area that allows nursery schools was the only proper zoning to have that in. In that PB (professional business) would seem an acceptable zoning for a nursery school."

Bill Stillwagon, "I see. So if you pass that, then this Celic Realestate (Celic Estate) will try to get that changed to PB then. Or the purchasers will try to get that changed to PB so they will be able to have a nursery on Shade Tree Lane."

Supervisor Janoski, "It would not surprise me."

Bill Stillwagon, "Ok."

Supervisor Janoski, "But let me go a little step further. That east of 105, there is some PB existing. There is some small area of Agricultural and then Business A and Business B for a very long stretch. The Town Board is presently waiting for the Planning Board's recommendations in rezoning that area. Down zoning if you'd like to use that definition, to a less intense use, such as PB."

Bill Stillwagon, "Ok. That being the case, people who want to buy the Celic Estate. They would purchase that contingent upon that being changed to say....."

Supervisor Janoski, "If they were smart, they would make the contract subject to approval of necessary permits."

PUBLIC HEARING Continued

Bill Stillwagon, "Right. That's what I think it is at this time. Mr. Prusinowski, are you going to vote on this issue?"

Councilman Prusinowski, "No."

Bill Stillwagon, "Why not?"

Councilman Prusinowski, "Because I am the grandson of the late Joseph P. Celic."

Bill Stillwagon, "In other words, your family will get direct financial gain from the sale of this estate."

Councilman Prusinowski, "My family has a direct financial interest in this parcel. That's correct."

Bill Stillwagon, "Ok. The fact that your family will gain financially, will that have influence over the other members of the Board?"

Councilman Prusinowski, "Well, I think you'd have to ask them because I haven't discussed this application with them."

Bill Stillwagon, "I see."

Councilman Prusinowski, "As I have not discussed (this applications) other applications such as Suffolk Life Newspapers moving into the Great Eastern building with the Town Board because I work for Mr. Willmott."

Bill Stillwagon, "Alright. That's very interesting. Thank you very much."

Supervisor Janoski, "Thank you Mr. Stillwagon. Let me reiterate what Vic has said. Vic has not taken part in any conversations about this application because he recognizes what Mr. Stillwagon has attempted to do and can certainly be brought up. That a conflict of interest be charged and he has refused to take part in any of the discussions regarding this application. Is there anyone else who would like to address the Town Board on the matter of the Business PB use? Yes sir."

Ernest Olsen, Main Rd., Aquebogue, "My name is Ernie Olsen."

Councilman Artale, "Ernie, you can lift that up a little."

Ernest Olsen, "How's that? My name is Ernest Olsen. I live on Main Road, Aquebogue. With all of the ½ acre building lots that are proposed recently, the Town of Riverhead can expect a baby boom in the next few years. The size of the necessary schools would not be limited to 14, 15 youngsters. With working mothers, nursery schools would be an important part of

PUBLIC HEARING ContinuedErnest Olsen, Continued

our community. Presently, Professional Business areas consist of some businesses that require peace and quite. Such as medical or accounting firms. A nursery school or a day care school with playgrounds, would not compliment the peace and quite required by some of the other type professional business. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Town Board on this issue? That being the case, I declare the hearing closed."

8:05 PUBLIC HEARING CLOSED AT 8:14

Supervisor Janoski, "In the minute remaining, I have not closed the first public hearing which was called at 7:45 which was dealing with the Repeal of Local Law regarding junked vehicles. Before I close it, let me ask one more time, is there anyone wishing to address the Town Board on that issue? That being the case, I declare the hearing closed."

7:45 PUBLIC HEARING CLOSED AT 8:15

Supervisor Janoski, "Let the record show that the hour of 8:15 p.m. has arrived. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING - 8:15

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, June 19, 1984 at 8:15 p.m. at Riverhead Town Hall to hear all interested persons regarding: The addition to the Town Code, Chapter 96, Trash, Rubbish, and Refuse Disposal.

Supervisor Janoski, "Thank you. Mr. Town Attorney."

Richard Ehlers, "The proposal here is to give the Town Board the ability to determine that a property is not properly maintained. That is: it either has rubbish on it. It's gone to seed so to speak. The trees are not being maintained. They might be hanging over the road or in otherwise dangerous condition. The property may have refrigerators with doors on it. It may have mechanical devices which are rusted and sharp and no longer used. And the thrust of the ordinance is that the Town Board, upon a public resolution, would send a notification to the property owner that there is in fact a problem with the property. Within a period of time the property owner would be permitted to either remedy that or come before the Town Board

PUBLIC HEARING ContinuedRichard Ehlers, Continued

for a hearing. And there would be basically, testimony by the owner of the property as to why it didn't meet the conditions of the ordinance. That is: it wasn't dangerous or it wasn't unsightly or it wasn't rubbish or it wasn't unclean or a harbor to rodents. And at the same time, the town would be permitted to put in evidence through its Building Department or their public officials, as to why it didn't meet the ordinance. And the Town Board would then be able to enter and order for the testimony as issued. Declaring that the rubbish or the debris should be removed. If the property was not cleaned up in accordance with the order, the Town Board would be able to enter upon the premises and remove the debris to the landfill or clean the property. In the event that the bill thereafter presented was not paid, it would become a lien against the property on the next tax assessment. In the event that the owner did not agree with the Town Board's determination, he would have the customary Article 78 remedies by petition to the Supreme Court for the review of the Town Board's discussion. So it's the hope that the ordinance provides sufficient due process to protect the property owners interest to fairly present his case as to why his property does fall within the ordinance or have the conditions complained of. While at the same time, giving the Board the latitude to enforce the ordinance in the event that the owner refused to comply."

Supervisor Janoski, "Thank you Mr. Town Attorney. Is there anyone present who wishes to address the Town Board on this matter? Mr. Nohejl."

Bill Nohejl, Wading River, "Does this pertain to just (like) residential area? Does it pertain to land that is going wild? What does it all pertain to?"

Supervisor Janoski, "The major part of what the Board is concerned with is of course, commercial properties. Commercial properties. But that is not the limitation of this law. It does to any land in the Town of Riverhead. Not the natural land, certainly would not be a concerned unless it was used as a dumping ground. There are some residential properties however, that have become cluttered with junk. Parts of vehicles for example. Parts of machinery, garbage."

Bill Nohejl, "Machinery is the part I am after. Machinery on a farm piece of property....."

Superivsor Janoski, "That is not what....."

Bill Nohejl, "Wait a minute."

Supervisor Janoski, "I understand what you're saying. Bill, the Town Board is trying (once again) to address a problem in the township. We recognize full well that there is machinery stored in the Agriculture Industry. We also recognize that there are properties that have junk, abandonment,

PUBLIC HEARING ContinuedSupervisor Janoski, Continued

that have garbage, that are overgrown. They are unsightly. They harbor rodents and various other health problems. What we are trying to do is identify a mechanism to address this problem in the township. We have no intention of disturbing the agricultural community. The machines that they store."

Bill Nohejl, "Alright. I've read the public notice and I also think it said grass in there. Grass pertains to what now? How do you describe grass? How? How do you define it? How do you define it? How do you define it as to whether the property is growing up in weeds or grass?"

Supervisor Janoski, "Bill, on your way here, I don't know if they cut it now, but on West Main Street there's a building called East Lawn. The Terry House known is that also. That's the grass, which I know what I mean when I say grass is that green stuff that is 3 feet high. And we called the owner and said it was an unacceptable condition. He was there today (because I talked to him) cutting it. That is what we mean by grass."

Bill Nohejl, "I think grass should be eliminated. For the simple reason that you know when make a law, nobody is above the law. Now, I am not knocking Charlie. But if you're going to start putting grass in, you're going to have to get a couple hundred thousand dollars worth of machinery. You've got to get extra laborers. And it's going to cost you to keep up that grass. I would eliminate grass. Especially in the condition that you're saying. That's why I asked you, does it pertain to residential. If it's a residential house or a commercial building that's being growing up wild, uninhabited, or up on farmland where there is woodland adjacent and fields..."

Supervisor Janoski, "I think the point is well taken that there has to be some clearer definition. Which I again, will point out is the purpose of these public hearings. To get that kind of input."

Bill Nohejl, "Because, as I said, you're not above the law. Otherwise you're going to have men in that highway that is going to cost you money. If it's good for me, it's good for you. Thank you sir."

Supervisor Janoski, "Thank you Bill. Yes ma'am."

Lillian Baldissard, 170 Ackerly St., "My name is Lillian Baldissard and I reside at 170 Ackerly Street in Riverhead. I think you've heard about this problem from me before and I've appealed to the Suffolk County Mosquito Department, the Health Department, Riverhead Fire Department, and to you. Does this law mean that my neighbor will have to clean up the lot?"

Supervisor Janoski, "That's what it is meant to address. The problem such as what you live with."

PUBLIC HEARING Continued

Lillian Baldissard, "And how about the trees and poison ivy that is growing on to my property?"

Supervisor Janoski, "I believe, in the body of the law, we talked about noxious weeds. That's the usual kind of terminology. Is that the way it's referred to?"

Lillian Baldissard, "And this will also be covered?"

Supervisor Janoski, "As a matter of fact, one of the motivations for (which we've talked about) this law was this particular problem. Because we recognized there are similar problems throughout the town. And I think that the person who lives next door to such a problem as the best witness to the need in the town for this kind of law. We are not interested in going after Bill Nohejl's farm that may be in rye. But we are interested in going after problems such as you have mentioned."

Lillian Baldissard, "Thank you."

Supervisor Janoski, "And of course I think that Bill knows that. Yes sir."

Emil Rajdl, "I'd just like to say once again that I am in favor of this law."

Irene Pendzick, "I need your name please."

Emil Rajdl, "Emil Rajdl, Wading River."

Irene Pendzick, "Could you spell Rajdl please?"

Emil Rajdl, "R-a-d-j-l. I am in favor of this law and think the town should push ahead. The residents of this town don't know how lucky they are. There are other areas of the country whose laws are much much more stringent. My wife and I looked at a piece of property in Phoenix. And the broker told us that there's a certain amount of time in which to landscape. I said, that's no problem. I am that type of person. I said how long? He said 2 weeks. No excuses. So we are rather lucky here. And I think the town should push ahead. It's a town that I am proud of and it should be kept clean."

Supervisor Janoski, "Thank you. Is there anyone else who wishes to address the Town Board on this matter? Mr. Kasperovich, I'll warn you that you have about one minute."

William Kasperovich, "Well I'm sorry. One minute won't do the trick."

Supervisor Janoski, "Well then, we'll have to have you back again next time."

PUBLIC HEARING Continued

William Kasperovich, "Right after the following. This particular section is very close to my heart because the trash, rubbish, or refuse is so deep that you can no longer wade through it. So I will wait until we come back to it."

Supervisor Janoski, "Certainly. But you very nicely filled up that minute that I had to kill and I thank you very much for that. Let the record show that the hour of 8:25 p.m. has arrived. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING - 8:25 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, June 19, 1984 at Riverhead Town Hall to hear all interested persons regarding: Amendment to the Town Code, Section 107-7, Re: Conservation Advisory Council.

Supervisor Janoski, "Thank you Mrs. Pendzick. Mr. Town Attorney."

Richard Ehlers, "Joe Baier who is the chairman of the Conservation Advisory Council, is here in the audience tonight. So he may be able to answer some of the questions that I can't answer. The attempt of this ordinance amendment is to provide a clearer mechanism for the way in which permit applications to the Conservation Advisory Council are handled. Under the existing salutary scheme, it appears that the Town Board should (on each occasion) make an individual ruling. That has not been the practice followed since (as near as I can determine) the time the code was adopted. And the amendment was designed to more clearly follow the practice as it has been followed and seems to be more reasonable. That practice is: when you make an application to the Conservation Advisory Council, they must within 21 days, go out and take a look at the property effected and render a decision. That decision is then forwarded to the owner of the property as well as to the Town Board. If nobody squawks within 10 days, it becomes a final order. If either the Town Board or the owner of the property finds the decision of the Conservation Advisory Council unacceptable, we then begin with a hearing before the Town Board. Then the Town Board can reach its own conclusions based on the testimony at hand. That streamlines the process which under the current theory, would hold. That in each application (Many of which are minor. A deck extension or others which should not require public hearing time.) that the Town Board would have to become involved. So it's a sort of a vote power with the right to hearings on both the behalf of the owner of the property as well as the Town Board."

Supervisor Janoski, "Mr. Baier, would like to make a comment?"

PUBLIC HEARING Continued

Joe Baier, "No at this time."

Supervisor Janoski, "Fine. Ok. Is there anyone else who wishes to address the Town Board on this matter? Steve."

Steve Haizlip, "I simply don't understand it. I wish the gentleman would come up and explain it."

Supervisor Janoski, "Mr. Baier you have an invitation."

Joe Baier, "Joe Baier, Wading River. Chairman of the Conservation Advisory Council. In the specific piece of legislation gives the Conservation (the whole legislation not just this one parcel. But the whole legislation gives the Conservation) Advisory Council responsibility to investigate and report back to the Town Board on any construction that would be near wetlands. That would be fresh water or tide wetlands. Near bluffs. In areas where there might be serious drainage problems and ground water problems is a very broad brush of the law. It gives the Conservation Advisory Council responsibilities to look at a lot of things that take place within the town. What the Town Attorney has said that it has been our practice (We have been doing this for the past 7 or 8 years.) to receive an application. Go out and make an inspection and talk to the applicant. If we feel there is any difficulties and agree on what should or shouldn't be done and then make a determination. The existing law says that that determination must be made by the Town Board. When we first started in 1975 (76), we got about 10, 15 applications a year. Last year we had 60 and this year it's increasing again. So the same thing that is happening everywhere in the town. There's growth. Where there's growth, there's more applications and there's more things to do. And the Town Board simply just doesn't have the time to really get into total depth of these things. But on the other hand, if they see a problem or we see a problem where the applicant doesn't like our determinations, there's ample opportunity for anybody to come before the Town Board and say; we don't like the decision. We want the public hearing. Or the Town Board says they are not satisfied with our determination. The Conservation Advisory Council determination. They can also asked for the hearing to be held. Is that is?"

Steve Haizlip, "So the recap on that then is: if there's an application comes in to build a house. Then you're going to go out and look this land over and check it and then make your conservation assessment. Then come back and make your report. So that's more or less what it sizes up to be."

Joe Baier, "Only if the building has wetlands, fresh water, or tide wetlands or bluffs. Not if it is just an ordinary piece of property."

Steve Haizlip, "Oh. Ok. Now we finally got the jest of it. Thank you."

PUBLIC HEARING Continued

Supervisor Janoski, "Certainly Mr. Town Attorney."

Richard Ehlers, "Just to clarify this. This is not expanding their jurisdiction at all. They currently do these inspections that Mr. Baier has discussed. In the case of all these applications. The only amendment that's before the Board tonight is; what they do after they've made a decision. Do they merely (under the old section) make a recommendation and force the Town Board to hold hearings and reach another determination. Or can the Town Board review their determinations and the applicant, if anybody has any objections, it becomes the state of the permitted at that time."

Supervisor Janoski, "Mr. Benedict."

Dick Benedict, Fanning Boulevard, "I would like to know who the other members of this board are. If you could give me their names. And are they elected or appointed or how do they get their jobs?"

Supervisor Janoski, "They are appointed by the Town Board."

Joe Baier, "The Conservation Advisory Council has 9 members. George Bartunek, John Halpin, Del Kucera. Oh boy. Mike Velys, Gil Raynor, Neil Fenton, Bob Donnelly."

Supervisor Janoski, "Yes sir."

Bill Stillwagon, "Can I ask what qualifications they have to do this type of work?"

Supervisor Janoski, "Let me point out (Mr. Stillwagon) that this is a hearing on a specific subject. It has nothing to do with the qualifications of the members of the board. I am sure Mr. Joe Baier would be glad to talk with you in the hall and give the qualifications. We are talking about an amendment to the Conservation Advisory Council procedure. If you have any comment on that particular matter, I would be happy to hear it."

Bill Stillwagon, "Ok. Also one other thing. Do we have the right as citizens to request that? For instance, the controversy over the beer distributor site. Could we have requested the Conservation Advisory Council to make a judgement on that? Or would that be through the Town Board only?"

Richard Ehlers, "Conservation Advisory Councils were formed throughout the state as a result of state legislation which gave towns funds for studies in areas of concern. And also it ducktails into the Environmental Law which is administered by the D.E.C. And you can see in recent developments in the case of erosion, the D.E.C. promulgates regulations."

PUBLIC HEARING ContinuedRichard Ehlers, Continued

It then gives local jurisdiction the opportunity to either control bluff erosion or fresh water wetlands if the local jurisdiction wishes to. They then provide us with maps that delineates the areas of which the Conservation Advisory Council may be concerned with. And if those maps are approved by the local jurisdiction or modified and then approved, that then becomes the subject matter to which the C.A.C. may advise. They can not bring jurisdiction upon themselves. Nor can you ask them to assume jurisdiction. They can only act in those areas where they are statutorily permitted to act. The town ordinance basically picks up the state legislation and then funnels it through a mechanism to these particular members to act on on each township. So if you were to examine the state as a whole, you'd find as many townships and villages as there are Conservation Advisory Councils and their jurisdiction is all determined by state law. So the answer is no you can not vote their jurisdiction."

Bill Stillwagon, "Thank you. I think I've got that."

Supervisor Janoski, "Henry."

Henry Pfeiffer, Wading River, "I am a little curious as to whether or not we are authorized by the state to operate under home rule. And if so, does all the authority invest itself then in the Town Board? Who have the right then to utilize whatever mechanism necessary like the Police Department, Sanitation Department, Recreation Department, to carry out his responsibilities? Is that correct? Do we operate under a home rule?"

Supervisor Janoski, "Yes we do. It's in the New York State Constitution. The concept of home rule. Except in cases such as this environmental question which is a statewide concern. Any statewide concern of the State of New York, through the legislation, has the ability to enact whatever laws they feel are necessary to address the question or the problem involved in that statewide concern. For example, Emil's questions."

Henry Pfeiffer, "Thank you."

Supervisor Janoski, "Well, let me just look over here."

TAPE ENDED

8:25 PUBLIC HEARING RECESSED AT 8:35

PUBLIC HEARING ContinuedPUBLIC HEARING - 8:35 p.m.

I have affidavits of publishing and posting of a public notice of a public hearing to be held on Tuesday, June 19, 1984 at 8:35 p.m. at Riverhead Town Hall to hear all interested persons regarding: Amendment to Section 108-67 C of the Town Code, Re: Lot Area.

TAPE BEGAN

Richard Ehlers, ".....out to the Planning Board and get my subdivision. Unfortunately, some people were not aware of the merger at the time they purchased lots or inherited lots from relatives and undersized the lots. That would be, if I own a ½ acre lot and bought the neighboring lot and it was acre zoning and I went back to the Planning Board. The Planning Board said: Well, we would love to help you. But unfortunately the lots are undersized and we don't have jurisdiction to effect a subdivision because we can only grant you lots which are in substantially conformity with the zoning schedule. And then you look at an area say, South Jamesport where the majority of the lots are of a specific size and the neighbor would ask, why should I now be precluded from selling this lot for building my cousins house there or whatever. So the attempt here is to provide a three-prong approach to the Planning Board so that they may have jurisdiction and have the ability to subdivide merged lots. The first test which they would be required to receive evidence on, is whether or not the people believe the lots would be merged. In other words, if we have someone who fully intended to merge a lot at one time and then later on comes back and says no. They would not seem to fit within the group that should be granted the relief. The second test would be; whether or not the lot that's going to result can not be less than ½ this size permitted in this area. So if you're in an area of acre zoning and you're attempting to end up with 4 quarter acre lots, it's not going to happen under the current proposal. The third test would be that a neighborhood as a whole be of a lot size equal to the size of the lots that the people are trying to obtain. And that goes back to the basic scheme of merging. Which is: you're trying to get the lots up to what the Town Board has determined through the zoning ordinance to be the correct size. So under this amendment, people who have merged lots (and I want to emphasize that the merger of taxed parcels is not the merger of lots. That is strictly a question with the County Clerk's office in the recording of deed. The merger occurred when the zoning ordinance was adopted and at any time subsequent to that, the lots were bought in the same ownership.) that that may be remedied by an application to the Planning Board for a minor subdivision. And if they meet those three criteria, they can have such a minor subdivision."

PUBLIC HEARING Continued

Supervisor Janoski, "May I digress? Mr. Arnoff are you here for a particular reason tonight? Or are you just visiting?"

Harvey Arnoff, Attorney, "I am here for a reason."

Supervisor Janoski, "Ok. We are not scheduled for any business. Ok fine. I thought that maybe you were confused that I wanted to let you go home."

Harvey Arnoff, "No. Thank you."

Supervisor Janoski, "Alright. Now, what is interesting is, that I have been involved in what Mr. Ehlers has just explained and I don't understand it any more. Well anyhow, the purpose of this public hearing (of course) is to get your input. And it has become a problem in the town that adjoining lots owned by the same person have automatically been merged under the provision of the town law. We are trying to provide a mechanism by which we can unmerge them where the owner can request that they be split open (apart) into two separate parcels under those criteria which have been mentioned. Does anyone wish to address the Town Board on this matter? Mr. Arnoff."

Harvey Arnoff, "I stopped in this evening for a very.... As you are all probably aware or not aware, I have an action presently pending involving this very issue at the Supreme Court of Suffolk County here with the town. Under the circumstances as presented by this proposed amendment to the zoning code, I feel what you achieve is a very salutary thing for the community at large. We have a lot of people, who at a certain point of time, (of course I have an invested interest)....."

Supervisor Janoski, "Harvey. You know you attorneys. What does salutary mean?"

Harvey Arnoff, "Salutary not salutary. Salutary means it's beneficial to all involved."

Supervisor Janoski, "Thank you very much."

Harvey Arnoff, "Ok. Because what we have is a lot of people who are essentially innocently duped. Were totally unaware of this change and the merger that happened. Especially in or about the time of the promulgation of the zoning by this town. Or the adoption of the zoning code by this town. And what it really does is, give an escape valve to these people who are discovering it even as recently as within the past year what they really thought were two lots and they might have been having 2 or 3 or more tax bills. All of a sudden they get one tax bill and they wake up and they say: Gee, what happened. And under the circumstances, I think what we have here is innocent people who, unfortunately, they could have done something at the time. They could

PUBLIC HEARING ContinuedHarvey Arnoff, Continued

continue a single and separate status for these lots. They didn't choose on it. They didn't have anybody tell them that they had to. I think that really is the issue. And I think the statute or the proposed amendment deals with it directly and in a way which the town can handle and deal with each application. Because it prevents (I think the wording prevents) someone who buys continuous lots today from coming in and saying: I didn't know. It's quite clearly (at this point in time) stated they reasonably should have known. And I think the way it's worded is appropriate under the circumstance and I would urge the board to adopt it. Thank you."

Supervisor Janoski, "Thank you Mr. Arnoff. Steve did I see your hand up?"

Steve Haizlip, "Mr. Town Attorney, I would like to ask, does this law that you're proposing now, going to have any change on any old property? Like in 1957. I bought land (I got land) and put the house on it. But then I got an additional lot in the back later. Now, Am I secure from this here? Can my lot stay there?"

Richard Ehlers, "Sure. Are your two lots in the same name?"

Steve Haizlip, "Yes."

Richard Ehlers, "Then you're going to need the benefit of this probably."

Steve Haizlip, "So what I am up here for and this reading....."

Richard Ehlers, "You probably own one lot basically at this point."

Steve Haizlip, "I own the one that the house sits on and acquired the land in the back later."

Richard Ehlers, "It doesn't matter when you acquired it. You don't have to acquire it at the same time. If you own that in the same name, then they merged at the time you purchased them in that same name. And it doesn't matter if you had ten lots at 10 different dates. They all become one big parcel. And if you want to sell a piece of that, you theoretically have to go back to the Planning Board for a subdivision. As long as the size of those parcels that are merged are big enough to fit the zoning schedule.... Like, how big is your back place?"

Steve Haizlip, "I think it's about 50 or 70 by 150. That is just approximate."

PUBLIC HEARING Continued

Richard Ehlers, "It's less than an acre. And your front piece is less than an acre as well?"

Steve Haizlip, "Yes."

Richard Ehlers, "And are you in an Agricultural District? If you were in an Agricultural District, (hypothetically) it is one acre zoning. You wouldn't be permitted to split those now."

Steve Haizlip, "Well, ok. Thank you. I guess I had better come in and do some checking."

Supervisor Janoski, "Mr. Nohejl."

Bill Nohejl, "I originally was against this when it was adopted and John was on the board in a proceeding reign. And I believe that even farmland of 20, 30 acres is merged together which stinks. The man has got a tax bill for each one. Now he has to come to the Town Board and divide. Ask to subdivide that piece of property which I felt then and still feel, is not right. You have 2 pieces of property and they conform to size, there's no reason that it should be one parcel. And I am in on this immensely."

Supervisor Janoski, "Thank you."

Bill Nohejl, "Thank you."

Supervisor Janoski, "Yes Ma'am."

Diane Haupt, South Jamesport, "Good evening board members. I just want to say....."

Supervisor Janoski, "Please state your name and address even though I know who you are."

Diane Haupt, "I am sorry. I am Diane Haupt from South Jamesport. I just want to say this is very unfair to the people in South Jamesport or Jamesport who have had these lots for many years. When I bought our lot, (my husband bought our lot when we first got married) we didn't build right away because we didn't have the money. A few years later, we bought the second lot behind us. We have the property to build a house today. If I want to give it to our children or build a small house for ourselves, we couldn't do it because you've not let us have one lot. And yet, down on Second Street, the Town Board of zoning has allowed a house to be built probably on a lot 75 by 75. That's not fair to the people who have had it for many years. I can see it now for the people what to buy a new lot for an acre. But not to us. Thank you."

Supervisor Janoski, "I think so but.... Yes Ma'am."

PUBLIC HEARING Continued

Marie Friszolowski, South Jamesport, "My name is Marie Friszolowski. I live in South Jamesport. We hit the same kind of situation. We bought a home on a lot in 1957. In 1970 we bought the adjoining piece of property. At the time, a Riverhead attorney took care of it for us. At the time, we had a Riverhead builder take a look at the lot to make sure it was a buildable lot. We were assured that it was and now we find out that what we were told then is not true. The lots both are 90 by 150. Now, in South Jamesport you spoke specifically about farm lots. What is the zoning now in South Jamesport? Not a farming Agricultural area?"

Richard Ehlers, "I'll show you the zoning map in my office. I think it's mostly Business C along the water. I believe there's a Residence D."

Marie Friszolowski, "This is a Residence D."

Richard Ehlers, "The zoning may not conform to your idea of exactly what's there. Lets look at the map after."

Marie Friszolowski, "Both the lots are approximately a third of an acre."

Richard Ehlers, "What's going to happen under this proposal if it's adopted, is that if your two lots when they are split, are at least half as large as required, (which I think it's $\frac{1}{4}$ acre down there although I don't recall exactly) then you should be able to get the subdivision through the Planning Board. But you will have to go to the Planning Board for a subdivision because there has to be some board that will arbitrate over which of these merged lots will be split."

Marie Friszolowski, "But you say, should be able to."

Richard Ehlers, "If you'll join me during the break, I'll show you the map specifically and tell you what....."

Marie Friszolowski, "Thank you. I'd appreciate that."

Supervisor Janoski, "The purpose of this amendment to the town code is actually to solve problems such as this. Not to add to it. Well, it wouldn't be a hearing without Bill Nohejl. I am sorry. Mr. Kasperovich."

William Kasperovich, "I would have suspected that all that has been said that somebody would have said that this is showing up some of the difficulties that were put aside for the future (The future is now upon us.) when the zoning areas were established. When the zoning was established there were many areas that were not accomodated. There were covered in a general sense. Alright. Now you offer an amendment here making more specific allowances. A gentleman gets up here and talks about benefits to all but he doesn't tell us that he is especially interested in his client's problems. This is not an escape valve for the problems. I think there are

PUBLIC HEARING ContinuedWilliam Kasperovich, Continued

as many problems built into this amendment as we have problems coming up to the Town Board every day. My main objection to this is giving the Planning Board the authority. I feel this authority should stay with the Town Board. Not delegate it to the Planning Board. When we refer to it in (section) paragraph labeled two, that the development of the surrounding neighborhood is such that the subdivision of merged lots would not.... I'm sorry. Alright. Will now result in lots of lesser size than those of the surrounding neighborhood. Now, in my particular neighborhood, you people have allowed a house to be built on a 50 by 100 piece of land."

Supervisor Janoski, "Mr. Kasperovich. Let me correct you on to other points. One: the Town Board does not, nor has it ever had the ability to grant a subdivision. It is specifically granted (under law) to the Planning Board. Two: this Town Board has not allowed something to happen with Wading River. It was allowed by due process of law. So let's just clear up those two points."

William Kasperovich, "Alright. If you allow a lot of a lesser size similar to the surrounding area, you are then going to allow (because already it has a stop list of 150 by 100 for a house) you are then in that surrounding neighborhood entitled to allow another 50 by 100. And so the problem will not be eliminated in the neighborhood but will become pompous."

Supervisor Janoski, "As I recall the legislation, there are three criteria."

Richard Ehlers, "There are three criteria. You need to be in conformity with the original size of the lots in the neighborhood. No less than half the size permitted in the zoning district. And you have to have had a merged lot that you didn't know was getting merged when it happened to you."

William Kasperovich, "Ok. In my neighborhood, no lots meet the code."

Supervisor Janoski, "That's what we refer to euphemistically and lovingly as pre-existing."

William Kasperovich, "Alright. But it's not the original owners that forced the issue but new owners."

Supervisor Janoski, "Bill, quite honestly, I have no idea what you're talking about. We are having a public hearing on a proposal to allow an owner of property who has had properties merged. A mechanism to split those properties. There are three criteria under which that may happen. And I would appreciate it if you would address that issue."

PUBLIC HEARING Continued

William Kasperovich, "I thought I was. Apparently I am not making myself clear or you don't understand my language once again. I am in an area that, when the zoning was put upon us, there was no way that they wanted to add 4 more pages to the code to cover the area. Consequently, they allowed a zoning board such that it would be a higher level and everything that would come up would then be resolved by the Board of Appeals."

Supervisor Janoski, "May I point out Mr. Kasperovich..."

William Kasperovich, "That was there solution at that time."

Supervisor Janoski, "That your neighborhood was built prior to zoning being put in place in this town."

William Kasperovich, "Isn't that what I said?"

Supervisor Janoski, "I didn't understand that. No."

William Kasperovich, "I thought that is what I said."

Supervisor Janoski, "I'm sorry if that's what you said."

William Kasperovich, "We must be talking and thinking differently. Two different things. The areas that the zone could not be established because the land was already parcelled out, was left in an elevated zone grid such that anything that happens has to get a variance at the Board of Appeals. Is that clear enough?"

Supervisor Janoski, "I don't what it has to do with the proposed law, but it's clear enough. Yes."

William Kasperovich, "Well this is the conditions of the surrounding neighborhood as the wordage is used in this proposal."

Supervisor Janoski, "Mr. Kasperovich, we are trying to point out to you that there are three criteria that have to be met. Not the...."

William Kasperovich, "The third criteria is neighborhood area and that is what I am talking about. We have a condition of a neighborhood area where I live and this is not an isolated case. There are a number of other places in the township that are in the similar conditions. Now if you let (that) the existing conditions of the surrounding neighborhood be...."

Supervisor Janoski, "Do you think that that should not be a criteria Mr. Kasperovich?"

William Kasperovich, "Absolutely."

PUBLIC HEARING Continued

Supervisor Janoski, "That is should not be a criteria."

William Kasperovich, "It should not be."

Supervisor Janoski, "Why don't you just say that Mr. Kasperovich? Why don't you say that you do not think that the neighboring area should not be taken into consideration as one of the criteria?"

William Kasperovich, "Well, if you were standing up here speaking as I am, maybe that's the way you would do it. My name is Kasperovich."

Supervisor Janoski, "I know. Mr. Kasperovich let me point out something and probably one of the reasons that I am becoming a little bit..... I've got to go to the little boys room very badly and I have been trying to be patient here and I certainly don't want to leave you in the middle of your statement. But if you could present your thought on this proposal to the Town Board, I would really appreciate it."

William Kasperovich, "Ok. Very quickly. Let's not have a battle of the kidneys. The third criteria I object to is neighborhood areas. And the second is that, there again, we would be giving the Planning Board more authority and we should not do it. With that, I'll let you go."

Supervisor Janoski, "Let me just say one more time, the Planning Board already has that authority. The Town Board does not have it. End of case. Does anyone else wish to address the Town Board on this particular matter? That being the case, I declare the hearing closed."

8:35 PUBLIC HEARING CLOSED AT 8:58

Supervisor Janoski, "Now we have recessed two previous hearings. One is the 8:15 on the addition to the town code, Chapter 96, Trash, Rubbish, or Refuse. Which I will remind you, gives the town a certain mechanism to request that certain areas be cleaned up failing that there is a mechanism for a hearing, after which the Town Board can order it done by our own personnel and present a bill to the owner. If that is not paid, it becomes a lien upon the taxes of the property. Does anyone wish to address the Town Board on that? Mr. Nohejl. I'll get to you when we come back from our break."

William Kasperovich, "I thought I had..."

Supervisor Janoski, "You know you're absolutely right Mr. Kasperovich. Mr. Kasperovich (Bill) was recognized and he had a minute and he didn't have it. A minute (of course) was not enough time for him. So I guess he does have the floor. And quite honestly, Councilman Prusinowski if you will conduct this hearing, I will be back shortly."

PUBLIC HEARING Continued

Councilman Prusinowski, "Bill you have 4 minutes. Go. I said you have 4 minutes."

William Kasperovich, "I also got an American (inaudible) citizenship in this country and at a public hearing, I neither like the time allowed me nor the tone of voice in which it's allowed me. I am d----- if I am going to have to put up with it."

Councilman Prusinowski, "You don't have to put up with it."

William Kasperovich, "I have trash, rubbish,..."

Councilman Prusinowski, "Don't raise your voice please."

William Kasperovich, "I will raise my voice equal to my rights within this township and this country. And you guys have hung me up by the thumbs and I am not going to take that kind of 4 minutes to make my speech. Trash, rubbish and refuse in this township is something everybody is afraid to look at. They all generate it. They all handle it but nobody wants to have anything to do with it. Now, I come along here and you're going to clean up the entire township by putting the onerous on the owner of the property. You're going to jam it down his throat if he don't clean it up the way you like it. Will I say: tough Mac. You want to clean up this town, first make the initial effort by the town and the town forces, the people, the equipment and the additional people and equipment. Secondly, get out there and clean the town owned property. Clean up the recharge basins. Clean up some of the road right-a-way areas. When you talk about this, it seems that you talk about the hamlet or the developed area within Riverhead proper. Well, we don't all live in Riverhead proper. Some of us live 10 miles away. But the law is the same out there as it is here. Now, I say, you want to clean up the bad spots, give it a lick with the town forces first. At the same time, telling the owner what the conditions are so despicable we can't tolerate. Secondly: if the condition reoccurs, give him fair advance information. And then move upon it. The way you've got it written up here is that you're going to tell somebody to do something and if you don't like it, we'll do it and we'll charge it."

Supervisor Janoski, "That's not what's in the legislation Bill. I don't even know why I do this. Go right ahead with your statement."

William Kasperovich, "Now, you speak of within the town of Riverhead. I was corrected this evening by the Town Clerk, that this phrase means the entire township. No, we have varying environments in the township. They are not all the same. Conditions here in downtown Riverhead are a far cry from the neighborhood that I live in. Next, you go down the line here and you speak of trash, rubbish, garbage, refuse. And in the code the way it stands, you have no definition of what you

PUBLIC HEARING ContinuedWilliam Kasperovich, Continued

specifically and explicitly refer to as such matter. And yet, you're going to approve the wordage but you're not going to define exactly what you're talking about. Secondly: you add leaves, grass or other objects. Ok. Weeds grow. We all suspect weeds come from the earth. Grass depends on where you live. Is it cut grass or what? Objects, biodegradable, grown by nature or man-made or non-describable? Certainly in this township we do not have refrigerators with doors on them."

Supervisor Janoski, "Want to bet?"

William Kasperovich, "Because if any official or any civic minded person walked by such a unit, he is just as guilty as dumping that item himself. I have never allowed myself to walk by a refrigerator with a door on it and I have never found anybody in the township that wouldn't help me quickly correct that situation. Now..."

Supervisor Janoski, "Mr. Kasperovich, your 5 minutes are just about over."

William Kasperovich, "I am well aware of that."

Supervisor Janoski, "Mr. Kasperovich, I will tell you that...."

William Kasperovich, "And if you want me to come back..."

Supervisor Janoski, "You will now listen to me. No. I don't want you to come back."

William Kasperovich, "You don't want me to come back?"

Supervisor Janoski, "You have 5 minutes and I will personally have you removed from the chamber of this meeting if you give me any problem about the 5 minute rule. You have made this meeting at least 25 minutes longer already and we have a great deal of business to go on to."

William Kasperovich, "What you're telling me is that I've got nothing to say and you are not listening to what I am saying."

Supervisor Janoski, "You have 5 minutes."

William Kasperovich, "In a very polite language you're saying you're not listening to what I am saying up here. Well my friend you're going to listen one way or another. From this podium or from some other."

PUBLIC HEARING Continued

Supervisor Janoski, "Fine. You have 5 minutes. Your 5 minutes are now up. Thank you Mr. Kasperovich. It's now your turn."

Bill Nohejl, "I was a little taken by the conversation going on here. Mr. Kasperovich did have some good points."

Supervisor Janoski, "He always does."

Bill Nohejl, "He had some good points and I believe that an inhabited area where there is a house, a business or someone is living there should be maintained. If you have a field next to a house and is maintained, (and this could be 2 or 3 acres) is growing up in weeds, I shall never in h--- be compelled to cut those weeds. You have a loophole here. Grass where anyone is living, yes. Now, you were out when Mr. Kasperovich said: I am not picking on Charlie Bloss. I am not picking on the Highway Department. Believe me. But he says you have to take skeletons out of your own closet first before you sweep mine. So, as I said before, Charlie or the town is going to have to hire men. We are not in Easthampton."

Councilman Prusinowski, "Bill, alright. Let me ask you specifically. First of all, these public hearings are for our input. If there's something wrong.... We're not perfect by no means."

Bill Nohejl, "We know that."

Councilman Prusinowski, "We are no better than anybody else in this room."

Bill Nohejl, "We wouldn't be in this room if we were perfect."

Councilman Prusinowski, "We all live in this town together. We all have a stake in this future. Ok. If there's something that you think should be corrected by public hearing.. Because a lot of times you sit up here and you look at these things and we don't see everything that you might see just looking at it for the first time because you're too close to the situation. And I think a lot of time....."

Bill Nohejl, "You can't see the trees through the forest."

Councilman Prusinowski, "I'll be honest. Sometimes we get a little testy because we would like that type of positive input. But it seems a lot of people come up here and start dumping on us and dumping on us and dumping on us like we're criminals."

Bill Nohejl, "I am not dumping on you."

PUBLIC HEARING Continued

Councilman Prusinowski, "And you know after a while... We all live in this town and we want to make it a little better place to live. The fact of the matter is, we have some problems in the town. What do you do one people call up on the phone and complain about a specific situation and they demand action? You tell them to go jump in the lake. We are not going to do it. The same situation as here. They want the elected officials to respond. Now if there's some problem with some of the verbage in this thing, let's try to correct it and make this thing right."

Bill Nohejl, "Very good."

Councilman Prusinowski, "That's what I'd like to do."

Bill Nohejl, "Very good. In the very beginning....."

Councilman Prusinowski, "And I think one of the points that you have is this open acreage thing not connected to residential commercial area. I think that is a good point to consider."

Bill Nohejl, "Another thing I have against it is the town employees going in and doing the cleaning up. I don't think so."

Supervisor Janoski, "Do you have a suggestion as to what we should do?"

Councilman Prusinowski, "They are going to pay for it though."

Bill Nohejl, "That don't make any difference. You have enough work to do on the highways the way it is without going and doing people's lawn. Maybe it would be cheaper for you to come in then it would be to hire someone."

Councilman Prusinowski, "Alright. Like contractors."

Bill Nohejl, "Right. But I don't believe town people should be on private property. I think they should be doing the work on the highways where they belong."

Supervisor Janoski, "What you're suggesting is then, is that we hire a private contractor (when it's necessary) to conduct such an operation."

Bill Nohejl, "Right and agreeable.... Then put a lien against the property. But town people on private property, I disagree with."

Supervisor Janoski, "Fine. Yes Ma'am."

Councilman Prusinowski, "That's a good point."

PUBLIC HEARING Continued

Elaine Olsen, Main Road, Aquebogue, "I just have a suggestion. If you need people to go in to help clean up, how about unemployed people? How about taking them off of unemployment and using them to help clean up? I'd be all for that."

Supervisor Janoski, "It's not as easy as it sounds. It is a fine idea but it's fraught with problems. Insurance coverage, a whole mess of real problems. I wish the heck we could. But what I am saying is that it's not as simple as it sounds. It is really very involved. We do have a work service program which we have instituted for juveniles. And the technicalities that had to be worked out with that, are astounding. Is there anyone else who wishes to address the Town Board on the matter of rubbish, refuse and trash? That being the case, I declare the hearing closed."

8:15 PUBLIC HEARING CLOSED AT 9:12

Supervisor Janoski, "I will now re-open the hearing of 8:25 p.m. dealing with the Conservation Advisory Council. Does anyone wish to address the Town Board on that? Yes Ma'am."

Sherry Johnson, Manorville, "I would like to ask Mr. Baier how we would find out what the Advisory Council recommendations are? How the public is going to be notified."

Supervisor Janoski, "That's one of your good questions. Where is Mr. Baier?"

Joe Baier, "In the case of an application where there are no objections or there are no problems or the Town Board doesn't object to the decision or the applicant doesn't object to the decision, then there's really no actual public notification. Even when there's an object or a question, then it would come before the Town Board and they would hold a public hearing. At which time input can be held."

Sherry Johnson, "That answers it in part. But how do we know what is currently before the Advisory Council? Whether we can object to it or not?"

Supervisor Janoski, "The proceedings of the Advisory Council, their agenda, what they have before them, is public knowledge. You simply have to come down and you have the right to go through their agenda and what they're doing."

Sherry Johnson, "Ok. Fine. Thank you."

Supervisor Janoski, "Does anyone else present wish to address the Town Board on this matter? That being the case, I declare the hearing closed."

8:25 PUBLIC HEARING CLOSED AT 9:14

Supervisor Janoski, "Before we recess, this gentleman here has been trying to address the board for some time and I will recognize you."

Frank Hatcher, 370 Northville Turnpike, "My name is Frank Hatcher and I live at 370 Northville Turnpike. I am interested in the water problem on Horton Avenue. What is being done about houses and real estate there? I've been in that problem for some time. And it seems like this year, the water is going to stay there all year. And winter is going to come again and I worry in the time about the winter. But it's been there all year and I want to know is you'll going to do something about it before winter comes?"

Supervisor Janoski, "You know there are some drainage problems and I know that we have something in the works in that particular area. Bob is out in the hall. Let me point out, the Supervisor has the authority to establish committees. I have established a number of committees to deal with specific problems in the town. For example, John Lombardi and Vic work on the Highway Committee and that is why they are involved in the drainage problem. Lou Boschetti is involved with the Solid Waste Committee. Councilman Artale is involved with the Recreation Facility Committee. So each of us can go out and explore and find the answers to subjects without all 5 of us having to be involved. And then they come back and report to the Town Board and it's more efficient. So certain members of the board know more about a particular problem than others do at any particular point in time."

Councilman Prusinowski, "We were talking about this particular situation tonight. Bob said that there are.... Bob, why don't you explain it so I don't get it wrong."

Robert Scheiner, "What we have done is ask an engineering firm for a proposal providing engineering services for Horton Avenue. In with their letter to us of how much money they would charge, they have made certain observations of what they feel can be done to alleviate the flooding in that area. I discussed it briefly with some of the board members today. I want to get together with them tomorrow again. We are having a meeting on drainage tomorrow. We'll discuss it tomorrow as far as prioritizing it. But there is a fairly simple solution to alleviate the flooding in that one area. And it's been addressed in this letter and I rather discuss it further with you gentlemen."

Supervisor Janoski, "Ok. Thank you. So what we are saying to you Mr. Hatcher is that once again we are have a meeting tomorrow.. With the rainfall we've had (that is one thing) which are conditions that are very abnormal, there are a number of drainage problems in the town which probably won't occur for another 40 years. But we are moving towards trying to address these isolated problems in the town. And we have in the works a solution to the problem as in your area. As we do on Roanoke and Mill. And other areas in the town such

PERSONAL APPEARANCES ContinuedSupervisor Janoski, Continued

Peconic Bay Boulevard. There are a number of projects that are in various stages of being accomplished and designed and being awarded as far as the contractor."

Frank Hatcher, "I've been working in drainage for the last 27 years and I know quite a bit about it. I am watching you and I hope you do a decent job with it."

Supervisor Janoski, "I hope so too. And I think there have been quite a bit of improvements up in the area."

Frank Hatcher, "I think a few mistakes were made. I won't name them all. But there's some here. If it had been on the top of the hill on the left hand side where all that water came in that field about as wide across as this building and pouring down that road. If there had been something there that would hold most of that water there, you wouldn't have so much of the problem down below. In fact, across Reeves Avenue, by that big new house, water came down through there. I ride around when it rains and watch where it runs. A lot of things I see probably you'll don't see."

Supervisor Janoski, "You know, maybe we ought to ask you some questions as we develop a solution to that problem. Thank you Mr. Hatcher. Henry come on up here."

Henry Pfeiffer, Wading River, "I'll be very brief. In common with this flooding problem, we now have what looks like a town wide infestation of mosquitos down at the beach in Wading River and particularly in Bayberry Park. Today we do. Is there any kind of spraying program that we have?"

Supervisor Janoski, "The town does not engage in that kind operation. The County Health Department does. I know John wants to talk about vector control."

Councilman Lombardi, "If you will tell me where it is, I will get a hold of the vector control tomorrow."

Henry Pfeiffer, "Bayberry Park."

Supervisor Janoski, "Bayberry Park. Well. The Town Board is going to take a short recess until 25 minutes of 10 at which time we will return and go immediately into the resolutions."

SUPERVISOR JANOSKI RECESSED THE MEETING AT 9:25
SUPERVISOR JANOSKI RECONVENED THE MEETING AT 9:40.

RESOLUTIONS

#389 AUTHORIZES OVERTIME COMPENSATION - WATER DISTRICT.

(See Water District Minutes)

#390 APPROVES ENTRANCE COLUMNS TO POLISH TOWN.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, the Polish Town Civic Association has included entrance columns in their plans for the renovation of Polish Town since the beginning year of the organization and

WHEREAS, a previous Town Board has approved the concept of erecting structures that delineate the entrances to the area known as Polish Town, U.S.A., and

WHEREAS, the Polish Town Civic Association is now prepared to implement the long-planned columns as part of Tenth Anniversary plans, and as part of the beautification program for the Town of Riverhead.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the construction of columns on Osborn Avenue, approximately 65' south of Lincoln Street as shown on the site plan prepared by Young & Young and dated June 2, 1984 and on the elevation as prepared by Gordon K. Ahlers P.E. dated April 26, 1983, subject to the following conditions:

1. The required certificate of insurance be filed with the Town Clerk, in the amount of \$1,000,000.

2. That the Polish Town Civic Association fund the necessary curbing on the west and east sides of Osborn Avenue for a length as agreed to by the Polish Town Civic Association and the Riverhead Town Highway Superintendent.

3. Subject to the approval of the Building Inspector and the permission of the property owners immediately adjacent to the columns, namely John J. Harris and Harvey Pollak.

BE IT FURTHER RESOLVED, that the lights at the top of the columns will be accepted into the Town Street Lighting District upon completion of this project.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#391 APPROVES SPECIAL PERMIT APPLICATION OF KENNETH W. SCHMIDT, JR.

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

WHEREAS, by application May 9, 1984, Kenneth W. Schmidt, Jr. did apply to this Town Board for a special permit to construct a single family residence on property located on Wading River-Manorville Road, Wading River, New York, which property is currently zoned Industrial A, and

RESOLUTIONS Continued

WHEREAS, this matter was referred to the Planning Board for their review and recommendation, and

WHEREAS, by letter dated May 23, 1984, the Planning Board recommended that the special permit be approved, and

WHEREAS, on the 5th day of June, 1984, this Town Board held a public hearing wherein all persons wishing to be heard were heard, and

NOW, THEREFORE, BE IT

RESOLVED, that the special permit application of Kenneth W. Schmidt, Jr., to construct a single-family residence on property located on Wading River-Manorville Road, Wading River, New York, be and is hereby approved, subject to any and all restrictions and/or limitations outlined in the Riverhead Town Code as may from time to time be amended, and be it further

RESOLVED, that the Town Clerk is authorized to forward a certified copy of this resolution to Kenneth W. Schmidt and the Riverhead Building Department.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#392 APPROVES SPECIAL PERMIT APPLICATION OF SHOREWOOD CONSTRUCTION CORP.

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

WHEREAS, by application dated April 9, 1984, Shorewood Construction Corp. did apply to this Town Board for a special permit to construct a single-family residence on property owned by Mr. and Mrs. Leonard Moore, Wading River-Manorville Road, Wading River, New York, in order for Mr. Moore to better supervise the seasonal workers who live on the farm in an existing labor camp building, and

WHEREAS, this matter was referred to the Planning Board for their review and recommendation, and

WHEREAS, by letter dated May 4, 1984, the Planning Board recommended that the special permit be approved, and

WHEREAS, on the 15th day of May, 1984, this Town Board held a public hearing wherein all persons wishing to be heard were heard, and

NOW, THEREFORE, BE IT

RESOLVED, that the special permit application of Shorewood Construction Corp. to construct a single family residence on property owned by Mr. and Mrs. Leonard Moore, Wading River Manorville Road, Wading River, New York, be and is hereby approved, subject to any and all restrictions and/or limitations outlined in the Riverhead Town Code as may from time to time be amended, and be it further

RESOLVED, that the Town Clerk is authorized to forward a certified copy of this resolution to Shorewood Construction Corp. and the Riverhead Building Department.

RESOLUTIONS Continued

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#393 AMENDS SECTION 48-7 OF THE RIVERHEAD TOWN CODE, OPERATION OF MOTOR VEHICLES ON THE BEACH. *

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that the following amendment be made to the Riverhead Town Code, Section 48-7 regarding the operation of motor vehicles on Town beaches, as follows:

48-7. Application for permit; fee

The Town Clerk of Riverhead is hereby authorized to issue a permit for the use or operation of a motor vehicle on the beach to residents, tenants or taxpayers of the Town of Riverhead, upon due annual application at no cost to such persons and to any other persons not stipulated herein, upon due annual application and upon payment of an annual fee of fifteen dollars (\$15) by such persons. Said annual permit shall run from January 1 through December 31 of each year. (Remainder of section to remain the same). The operation of trykes, motor bikes, mini bikes, or any other two or three wheeled fuel powered vehicle shall be prohibited on any beach within the Town of Riverhead.

The vote, Boschetti, yes, Artale, yes, Prusinowski,

Councilman Artale, "This is not the intent Mr. Supervisor of the Riverhead Town Recreation Department. The intent was to issue permits only for town residents not for non-residents."

Supervisor Janoski, "Motion to table."

Councilman Boschetti, "Are you saying the recreation committee is not sponsoring this resolution?"

Councilman Artale, "No we're not."

Councilman Boschetti, "I withdraw my resolution."

Councilman Artale, "I withdraw my motion."

Supervisor Janoski, "Then there's no need to table."

Councilman Prusinowski, "If it's the wrong resolution, we have to go through the whole thing again."

Supervisor Janoski, "What I think will clear this thing up nicely is if we had a motion to table #393."

RESOLUTIONS Continued

Councilman Boschetti, "Alright. I'll withdraw my original motion and move to table."

Councilman Artale, "I'll second the table."

#393 AMENDS SECTION 48-7 OF THE RIVERHEAD TOWN CODE, OPERATION OF MOTOR VEHICLES ON THE BEACH.*

Councilman Boschetti offered the previous resolution #393 to be TABLED which was seconded by Councilman Artale.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared TABLED.

#394 APPOINTS RECREATION SPECIALISTS (WATER SAFETY INSTRUCTORS) TO RECREATION DEPARTMENT.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the following be and are hereby appointed to serve as Recreation Specialists (Water Safety Instructors) effective June 23, 1984 to and including September 3, 1984, to be paid bi-weekly at the following hourly rate and to serve at the pleasure of the Town Board:

Cindy Noble	\$6.00
David Lekich	\$4.75
Patricia McCabe	\$4.75

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#395 APPOINTS LIFEGUARDS TO RECREATION DEPARTMENT.

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

RESOLVED, that the following be and are hereby appointed to serve as Lifeguards effective June 23, 1984 to and including September 3, 1984, to be paid bi-weekly at the following hourly rate and to serve at the pleasure of the Town Board:

Amy D. Carlson	\$5.25
Christopher Finnican	4.75
James Finnican	5.25
James Hirsch	6.00
James Kavanagh	4.75
Anthony Rizzi	4.75
Christopher Rywelski	4.75
Daniel Osojnak	4.75
Thomas A. Brady	6.00

RESOLUTIONS Continued

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

#396 AUTHORIZES APPOINTMENT OF BEACH ATTENDANTS TO RECREATION DEPARTMENT.

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

RESOLVED, that the following be and are hereby appointed to serve as Beach Attendants effective June 23, 1984 to and including September 3, 1984, to be paid bi-weekly at the following hourly rate and to serve at the pleasure of the Town Board:

Caroline P. McCartin	\$4.50
Karen A. Rosenblad	4.50
Lisa Birnstein	4.50
Pasquale Moyer	4.50

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

#397 AUTHORIZES APPOINTMENT OF PARK ATTENDANT TO RECREATION DEPARTMENT.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that the following is hereby appointed to serve as Park Attendant effective June 18, 1984 to and including September 7, 1984, to be paid bi-weekly at the following hourly rate and to serve at the pleasure of the Town Board:

Larry Jones	\$3.50
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The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

#398 APPOINTS 90-DAY TEMPORARY LABORER TO HIGHWAY CEMENT CREW.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, in order to have desired cement work completed within the Town it is necessary to hire temporary individuals to perform said work.

NOW, THEREFORE, BE IT

RESOLUTIONS Continued

RESOLVED, that the following individual be hired as 90-day temporary laborer at the hourly rate of compensation of \$5 commencing June 19, 1984.

DAVID BOGASH

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#399 ADVANCES FOREMAN - HIGHWAY DEPARTMENT.

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

WHEREAS, Superintendent of Highways, Charles B. Bloss, has requested the advancement of working foreman, Timothy Benton, and

WHEREAS, Article 13, Section 2 of the 1983-84 CSEA Contract provides that "...the assignment and/or promotions of employees by grade, step or classification,...are subject to Town Board discretion".

WHEREAS, due to the recommendation of Superintendent of Highways Charles B. Bloss to advance the foreman on the Salary Administration Schedule, said advancement has received the approval of the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that Timothy Benton, be and is hereby advanced to Group 11, Step 9 in the 1983-84 CSEA Contract to an annual salary of \$20,338.46 as set forth in the Salary Administration Schedule effective June 18, 1984.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#400 TRANSFER OF FUNDS.

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

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

	<u>FROM</u>	<u>TO</u>
SL 599 Appropriated Fund Balance	\$10,000	
SL 5812.402 Street Lighting Maintenance		\$10,000

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#401 APPROVING FEDERAL AIDE FOR HIGHWAY DEPARTMENT.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLUTION OF THE TOWN BOARD OF RIVERHEAD APPROVING A FEDERAL-AID HIGHWAY PROJECT (PRIMARY, URBAN, SAFETY, NOT ON THE STATE HIGHWAY SYSTEM) ADMINISTERED BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE MUNICIPALITY TO PARTICIPATE TO CONTRIBUTE THE LOCAL SHARE OF THE COST OF RIGHT-OF-WAY FOR SUCH PROJECT AND ANTICIPATING A FURTHER RESOLUTION WHICH WOULD AUTHORIZE THE MUNICIPALITY TO PARTICIPATE IN THE NON-FEDERAL SHARE OF THE COST OF CONSTRUCTION OF SUCH PROJECT AND AUTHORIZING THE SUPERVISOR OF THE TOWN OF RIVERHEAD TO EXECUTE AN AGREEMENT ON BEHALF OF THE MUNICIPALITY WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE PERFORMANCE OF THE WORK OF SUCH PROJECT FOR THE PARTICIPATION BY THE MUNICIPALITY IN THE NON-FEDERAL COSTS OF SUCH PROJECT.

WHEREAS, a Project for the PIN 0753.94, Intersection Improvement, Riverhead Urban Area funded under the Federal Aid Highway Program as provided for by the appropriate sections of Title 23 U.S. Code calls for State or local participation; and

WHEREAS, the Town of Riverhead desires to advance the project by authorizing the Municipality to participate in the non-Federal share of the cost of right-of-way acquisition and right-of-way incidental work for portions of the project not on the State Highway System.

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVED, that it is to be understood that this statement in no way diminishes the Town's rights under present procedures to review and comment on specific stages of the project; and it is further

RESOLVED, that it is understood that the Town shall provide 24% of the non-Federal share of the cost of construction of the subject project or portions of the subject project that are not on the State Highway System, such local share estimated to be \$48,000 before such construction can be authorized; and it is further

RESOLVED, that the Town Board hereby authorizes the Town to pay 24% of the non-Federal share of the cost of right-of-way incidental work or acquisition for the subject project or portions of the subject project that are not on the State Highway System; and it is further

RESOLVED, that this authorization shall commit Town to an amount not to exceed \$3,000 for the local share of the costs incurred for right-of-way costs incurred by the Municipality and/or the New York State Department of Transportation; and it is further

RESOLUTIONS Continued

RESOLVED, that the Supervisor of the Town of Riverhead be and is hereby authorized to execute all necessary agreements on behalf of the Town with the New York State Department of Transportation approving of the above-subject project and providing for the Municipality's participation in the cost of the local share of the subject project.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#402 AUTHORIZES OVERTIME-HIGHWAY DEPARTMENT.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Superintendent of Highways be and is hereby authorized to pay time and one-half compensation for overtime for a total of 236½ hours in the amount of \$2,968.21, in accordance with personal services abstract submitted and filed in the office of the Town Clerk.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#403 APPOINTS HOME AIDE.

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

WHEREAS, due to the granting of several leaves of absence and various medical absences of Home Aides, it is now possible to hire a part-time home aide to work additional hours.

NOW, THEREFORE, BE IT RESOLVED, that MARJORIE KELLAR BE and is hereby appointed to the position of part-time Home Aide effective June 21, 1984 at the hourly rate of compensation of \$3.75, not to exceed 20 hours per week.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#404 AUTHORIZES OVERTIME COMPENSATION FOR COMMUNITY BEAUTIFICATION PERSONNEL.

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

RESOLUTIONS Continued

WHEREAS, on June 9, 1984, the removal of billboards and illegal signs was begun by the Town of Riverhead, and
 WHEREAS, employees of the Riverhead Highway Department were employed to undertake this project.

NOW, THEREFORE, BE IT
 RESOLVED, that the Supervisor be and is hereby authorized to pay time and one-half compensation for overtime for a total of 184 hours in the amount of \$2,149.62 to the following employees of the Highway Department, in accordance with the personal services abstract submitted and filed in the Office of the Town Clerk.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#405 CHANGES STATUS OF PROVISIONAL STENOGRAPHERS TO PERMANENT STENOGRAPHERS.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

WHEREAS, MARY E. KOMOSINSKI and NADIA MOORE do presently serve the Town in the positions of provisional stenographer, and

WHEREAS, the Certification of Eligibles for the position of Stenographer has now been established, and

WHEREAS, it is now possible to appoint the above-named employees to the permanent positions of Stenographer.

NOW, THEREFORE, BE IT

RESOLVED, that MARY E. KOMOSINSKI and NADIA MOORE be and are hereby appointed to the permanent positions of Stenographer at no additional compensation effective immediately.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#406 APPOINTS NEIGHBORHOOD AIDES.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, this Town Board did duly advertise the position of Neighborhood Aide with the Town of Riverhead Youth Center, and

RESOLUTIONS Continued

WHEREAS, all applicants were interviewed.
NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be appointed to the position of part-time Neighborhood Aide at the hourly rate of compensation of \$4.55 effective June 25, 1984 not to exceed 20 hours per week.

Dorothy J. Wilson
Judith Doll
Ruth B. Walsh

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#407 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: AMENDMENT TO SECTION 108-3 OF THE RIVERHEAD TOWN CODE, "SPECIAL PERMIT".

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

RESOLVED, that the Town Clerk is hereby authorized to publish and post the below Public Notice with regard to amending section 108-3 of the Riverhead Town Code, "Special Permit".

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 3rd day of July, 1984 at 7:45 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the following amendment to Section 108-3 of the Riverhead Town Code, as follows:

SPECIAL PERMIT

A (3) ~~An abstract of title certified by a New York State licensed attorney at law or title company with offices in Suffolk County, certifying the chain of title to all adjoining parcels.~~ A list of property owned based upon the most completed assessment role filed with the Town of Riverhead within a radius of 500 feet of the subject property. This requirement may be waived by the Town Board where the special permit is for the construction of a single family dwelling.

*Underscore indicates addition

*Running line indicates deletion

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#408 AUTHORIZES TOWN CLERK TO PUBLISH AND POST HELP WANTED AD RE: HIGHWAY DEPARTMENT LABORER.

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

WHEREAS, due to the retirement and resignation of members of the Highway Department, two vacancies do presently exist.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Help Wanted Notice regarding the position of Laborer with the Riverhead Highway Department.

TOWN OF RIVERHEAD
HELP WANTED AD

The Town of Riverhead is now accepting applications for Laborer in the Highway Department. Applicants should be in good physical condition and possess a New York State Drivers' License. Interested individuals are asked to apply in the Accounting Department, Riverhead Town Hall, 200 Howell Avenue, Riverhead. No applications shall be accepted after June 29, 1984.

The Town of Riverhead is an Equal Opportunity Affirmative Action Employer.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#409 GRANTS PERMISSION TO JAMESPORT FIRE DEPARTMENT TO HOLD ANNUAL BAZAAR AT JAMESPORT COMMUNITY CENTER.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artlae.

WHEREAS, the Town of Riverhead is the owner of a certain parcel commonly known as the Jamesport Community Center, Jamesport, New York, and

WHEREAS, this Town Board is in receipt of a request from the Jamesport Fire Department to hold their Annual Bazaar and Fund Raiser at the Jamesport Community Center for the period of July 24, through July 29, 1984.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby grant permission to the Jamesport Fire Department to conduct their Annual Bazaar and Fund Raiser at the Jamesport Community Center for the period of July 24 through July 29, 1984, and

BE IT FURTHER RESOLVED, that the Jamesport Fire Department shall hold harmless the Town of Riverhead by obtaining an insurance policy naming the Town of Riverhead as an additional insured in the amount of \$1,000,000.00 for general liability and property damage, and

RESOLUTIONS Continued

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Police Department and the Jamesport Fire Department.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#410 GRANTS PERMISSION TO POLISH TOWN CIVIC ASSOCIATION TO CONDUCT ANNUAL STREET FAIR AND FESTIVAL.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, this Town Board is in receipt of a request from the Polish Town Civic Association to conduct their Annual Street Fair and Festival at the location of Pulaski Street, Osborne Avenue and Lincoln Street on August 18 and 19, 1984.

BE IT FURTHER RESOLVED, that the Polish Town Civic Association shall hold harmless the Town of Riverhead by obtaining an insurance policy naming the Town of Riverhead as an additional insured in the amount of \$1,000,000.00 for general liability and property damage, and

BE IT FURTHER RESOLVED, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Police Department and the Polish Town Civic Association.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#411 TRANSFER OF FUNDS.

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

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

<u>FROM</u>	<u>TO</u>	
A1990.400 Contingency Account		\$46,500
A3620.430 Safety Inspection Car Expenses		30
A8510.100 Community Beautification Personnel		\$20,000
A8810.400 Buoy Lights		1,000
A1440.400 Engineering Contractual Expenses		25,000
A3620.210 Safety Inspection Field Equipment		530

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#412 ADOPT BUDGET-POLICE STATION CAPITAL PROJECT.

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

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

	<u>FROM</u>	<u>TO</u>
H5710.30 Serial Bonds	1,400,000	
H3120.301 Construction		1,281,000
H3120.302 Engineering		49,000
H3120.303 Contingencies		70,000

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#413 AWARDS BID FOR TOWN OF RIVERHEAD POLICE/COURT FACILITY.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, the Town Clerk was authorized to advertise for bids for the police/court facility to be constructed immediately behind Town Hall, and

WHEREAS, on the 15th day of June, 1984, all bids received were opened and read aloud, and

NOW, THEREFORE, BE IT

RESOLVED, that the bids for the police/court facility to be built behind Riverhead Town Hall be and is hereby awarded as follows:

General Construction:

Mark Hayes Construction Corp.
P.O. Box 250, 33 Front Street
Hempstead, New York
\$946,400.00

Heating, Ventilating and Air Conditioning:

ARA Plumbing
2182 Jackson Avenue
Seaford, New York 11783
\$108,717.00

Plumbing:

Vinco Plumbing Corp.
2693 Middle Country Road
Centereach, New York 11720
\$83,375.00

RESOLUTIONS Continued

Electrical:

McDowell Electric Corp.
 P.O. Box 216 Edwards Avenue
 Calverton, New York 11933
 \$141,747.00

and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to each of the above contractors.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#414 AUTHORIZES SUPERVISOR TO EXECUTE DOCUMENTS, RE: FRED AND EMMA MACK.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

WHEREAS, in the furtherance of the Community Renewal Project carried on by the Town of Riverhead Community Development Office in the Horton and Osborne Avenue area, the Community Development Office wishes to conduct transactions with Fred and Emma Mack, owners of certain property located at 66 Horton Avenue, Riverhead, New York, and

WHEREAS, negotiations are presently being conducted with regard to the swap of the Mack property for property currently owned by the Town of Riverhead.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute any and all documents necessary to carry out the transaction between Fred and Emma Mack and the Town of Riverhead in order to further the Community Renewal Project in the Horton/Osborne Avenue area, and be it further

RESOLVED, that this resolution is adopted subject to Section 90 of the Town Law of the State of New York, wherein this transaction is subject to a permissive referendum, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#415 AUTHORIZES SUPERVISOR TO ENTER INTO AGREEMENT WITH DAVID LESSARD.

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

RESOLUTIONS Continued

WHEREAS, it has been determined that the Town of Riverhead should support its clamming industry through a seed clam development program as proposed by Sea Grant of Cornell Cooperative Extension, which will provide seed clams through rafting, and

WHEREAS, the 1984 budget provides money for such project,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to enter into an agreement with David Lessard for an amount of \$1,500 to administer and conduct the seed clam program, and be it further

RESOLVED, that Mr. Lessard's duties shall include the monitoring of water samples in areas closed to clamming by the Department of Environmental Conservation so that such samples may be submitted to the DEC for their review and approval.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#416 APPROVES SITE PLAN OF WILLIAM HOMER.

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

WHEREAS, a site plan most recently dated June 19, 1984 has been submitted by William Homer for premises commonly known as Aamco located at the corner of Pulaski Street and Osborne Avenue in Riverhead, and

WHEREAS, this site plan has been reviewed by this Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that the site plan submitted by William Homer most recently dated June 19, 1984, with the amendments thereupon approved by William Homer this date, for a building permit to cover premises commonly known as Aamco located at the corner of Pulaski Street and Osborne Avenue, Riverhead, New York, be and is hereby approved, subject to the following:

1. Any and all limitations outlined in the Riverhead Town Code, as it may from time to time be amended.
2. That a covenant containing all the limitations and provisions of this site plan approval resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a certified copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Town Clerk.
3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design. All existing signage shall be removed.

RESOLUTIONS Continued

4. That the entire parking area and exterior areas of all buildings shall be maintained on a daily basis in a neat and orderly way free of litter and debris and if such maintenance is not adhered to the Town Board may revoke the Certificate of Occupancy which may result from this site plan approval.

5. Trash receptacles of a decorative design shall be maintained at the entrance of the building.

6. That the property shall be maintained on a weekly basis by the owner of the property. In the event that the property is not maintained on a weekly basis, the Town may, upon two days written notice, enter upon the property for the purpose of removing rubbish and debris and cleaning the property of noxious weeds, grasses, and other growth, mow the property, trim the trees, and do all things necessary to restore the property to a neat appearance and the expenses thereof shall be borne by the owner of the facility upon presentation of a bill by the Town. In the event that such amount is not paid within ten (10) days of the presentation of such bill, the amount of the bill shall be added to the tax bill covering the property.

7. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a station stating, "No Parking, Handicap Only", and the universal symbol affixed thereto.

8. That the property be maintained at all times in conformity with the plans filed with the Building Department which formed the basis of this site plan approval, specifically, the site plan prepared for William Homer and most recently dated June 19, 1984.

9. That the elevation drawing dated May 29, 1984, be and is hereby approved simultaneously herewith with this site plan approval.

10. That shrubs, grass, concrete curbing, and the front parking area shall be completed at the premises by November 1, 1984; that the curbing as shown on the site plan contains two 30 feet curb cuts.

11. That all sides of the building shall be trowel stucco except for the rear of the building which may be spray stucco.

12. That William Homer shall comply with any and all restrictions and/or limitations as outlined in the special permit approval as if they were fully set forth at length herein. and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to Mr. William Homer, and the Riverhead Building Department.

DECLARATION AND COVENANT

THIS DECLARATION, made the _____ day of June 1984, by William Homer with offices at Pulaski Street and Osborne Avenue, Riverhead, New York, Declarant,

RESOLUTIONS Continued

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, commonly known as Aamco located at the corner of Pulaski Street and Osborne Avenue, Suffolk County, New York, more particularly bounded and described as set forth in Schedule A annexed hereto, and

WHEREAS, for an in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be for the best interests of the Town of Riverhead and the owners and prospective owners of said parcel that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan, said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office, and

WHEREAS, Declarant has considered the foregoing and determined that same will be for the best interest of the Declarant and subsequent owners of said parcel,

NOW, THEREFORE, THIS DECLARATION WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. Any and all limitations outlined in the Riverhead Town Code, as it may from time to time be amended.

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design. All existing signage shall be removed.

3. That the entire parking area and exterior areas of all buildings shall be maintained on a daily basis in a neat and orderly way free of litter and debris and if such maintenance is not adhered to the Town Board may revoke the Certificate of Occupancy which may result from this site plan approval.

4. Trash receptacles of a decorative design shall be maintained at the entrance of the building.

5. That the property shall be maintained on a weekly basis by the owner of the property. In the event that the property is not maintained on a weekly basis, the Town may, upon two days written notice, enter upon the property for the purpose of removing rubbish and debris and cleaning the property of noxious weeds, grasses, and other growth, mow the property, trim the trees, and do all things necessary to restore the property to a neat appearance and the expenses thereof shall be borne by the owner of the facility upon presentation of a bill by the Town. In the event that such amount is not paid within ten (10) days of the presentation of such bill, the amount of the bill shall be added to the tax bill covering the property.

RESOLUTIONS Continued

WHEREAS, on the 20th day of March, 1984, this Town Board declared a moratorium along County Route 58, West of Doctors Path, for a period of ninety days, and

WHEREAS, this moratorium is to expire,
NOW, THEREFORE, BE IT

RESOLVED, that the moratorium declared on March 20, 1984, along Route 58 west of Doctors Path, be and is hereby extended for an additional 60 days, and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to the Building Department, Zoning Board of Appeals and Planning Board.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#418 APPROVES SITE PLAN OF COUNTY SEAT PLAZA.

Councilman Artale offered the following resolution which was seconded by Councilman Boshcetti.

WHEREAS, a site plan most recently dated June 19, 1984 and signed by Mr. Barry Feldman, has been submitted for a building permit for Waldbaum's Shopping Plaza, Route 58, Riverhead, New York, and

WHEREAS, this site plan has been reviewed by this Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that the site plan submitted by County Seat Plaza most recently dated June 19, 1984, and signed by Mr. Barry Feldman with the amendments thereupon approved by Mr. Feldman this date, for a building permit for Waldbaum's Shopping Plaza, to be located on the south side of Route 58, Riverhead, New York, be and is hereby approved, subject to the following:

1. Any and all limitations outlined in the Riverhead Town Code, as it may from time to time be amended.

2. That a covenant containing all the limitations and provisions of this site plan approval resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a certified copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Town Clerk.

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design. All existing signage shall be removed.

4. That the entire parking area and exterior areas of all buildings shall be maintained on a daily basis in a neat and orderly way free of litter and debris and if such maintenance is not adhered to the Town Board may revoke the Certificate of Occupancy which may result from this site plan approval.

RESOLUTIONS Continued

5. Trash receptacles of a decorative design shall be maintained at the entrance of the building.

6. That the property shall be maintained on a weekly basis by the owner of the property. In the event that the property is not maintained on a weekly basis, the Town may, upon two days written notice, enter upon the property for the purpose of removing rubbish and debris and cleaning the property of noxious weeds, grasses, and other growth, mow the property, trim the trees, and do all things necessary to restore the property to a neat appearance and the expenses thereof shall be borne by the owner of the facility upon presentation of a bill by the Town. In the event that such amount is not paid within ten (10) days of the presentation of such bill, the amount of the bill shall be added to the tax bill covering the property.

7. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a stantion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto.

8. That the property be maintained at all times in conformity with the plans filed with the Building Department, which formed the basis of this site plan approval, specifically, the site plan prepared for County Seat Plaza and most recently dated June 19, 1984, and signed by Mr. Barry Feldman.

9. That adequate traffic control devices, including stop signs and yield signs, shall be placed at such locations as the Town Board may from time to time direct by resolution.

10. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code, with regard to type, thickness, and grade. Specifically, the applicant shall maintain the parking field free from all pot-holes and with identifiyable striping.

11. That the Town Board may designate fire zones as they may see fit and it is agreed that the owner of the premises shall sign any and all documents as may be required to designate fire zones.

12. That a woven basket weave fence six feet in height shall be erected along the east, south, and west sides as indicated on the site plan.

13. That trees as indicated on the site plan shall be London Plain three inches in diameter or larger; concrete planters as indicated on site plan shall be placed on the premises in front of the stores and shall have live plantings as maintained by the owner of the shopping center.
and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to Allen Smith, Esq., attorney for County Seat Plaza and the Riverhead Building Department.
and be it further

RESOLVED, that the Elevation Plan dated May 3, 1984, as prepared by R.A.L. Design Associates, be and is hereby approved, except that all signage indicated on said plan shall not be approved by this Town Board, but that further approval shall be needed by this Town Board for all signage to be placed at the property.

RESOLUTIONS Continued

DECLARATION AND COVENANT

THIS DECLARATION, made the _____ day of June 1984, by _____ with offices at _____, Declarant,

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Route 58, Suffolk County, New York, more particularly bounded and described as set forth in Schedule A annexed hereto, and

WHEREAS, for an in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be for the best interests of the Town of Riverhead and the owners and prospective owners of said parcel that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan, said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office, and

WHEREAS, Declarant has considered the foregoing and determined that same will be for the best interest of the Declarant and subsequent owners of said parcel,

NOW, THEREFORE, THIS DECLARATION WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. Any and all limitations outlined in the Riverhead Town Code, as it may from time to time be amended.

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design. All existing signage shall be removed.

3. That the entire parking area and exterior areas of all buildings shall be maintained on a daily basis in a neat and orderly way free of litter and debris and if such maintenance is not adhered to the Town Board may revoke the Certificate of Occupancy which may result from this site plan approval.

4. Trash receptacles of a decorative design shall be maintained at the entrance of the building.

5. That the property shall be maintained on a weekly basis by the owner of the property. In the event that the property is not maintained on a weekly basis, the Town may, upon two days written notice, enter upon the property for the purpose of removing rubbish and debris and cleaning the property of noxious weeds, grasses, and other growth, mow the property, trim the trees, and do all things necessary to restore the property to a neat appearance and the

RESOLUTIONS Continued

expenses thereof shall be borne by the owner of the facility upon presentation of a bill by the Town. In the event that such amount is not paid within ten (10) days of the presentation of such bill, the amount of the bill shall be added to the tax bill covering the property.

6. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a station stating, "No Parking, Handicap Only", and the universal symbol affixed thereto.

7. That the property be maintained at all times in conformity with the plans filed with the Building Department which formed the basis of this site plan approval, specifically, the site plan prepared for County Seat Plaza and most recently dated June 19, 1984, and signed by Mr. Barry Feldman.

8. That adequate traffic control devices, including stop signs and yield signs, shall be placed at such locations as the Town Board may from time to time direct by resolution.

9. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code, with regard to type, thickness, and grade. Specifically, the applicant shall maintain the parking field free from all pot-holes and with identifiable striping.

10. That the Town Board may designate fire zones as they may see fit and it is agreed that the owner of the premises shall sign any and all documents as may be required to designate fire zones.

11. That a woven basket weave fence six feet in height shall be erected along the east, south, and west sides as indicated on the site plan.

12. That trees as indicated on the site plan shall be London Plain three inches in diameter or larger; concrete planters as indicated on the site plan shall be placed on the premises in front of the stores and shall have live plantings as maintained by the owner of the shopping center.

IN WITNESS WHEREOF, the Declarant has hereunto set his hand and seal the day and year above written.

COUNTY SEAT PLAZA

BY: _____

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On this _____ day of June, 1984, before me personally came _____, the individual who executed the above Declaration and Covenant; that he did so by like order of _____; and he did swear to me that he executed same.

RESOLUTIONS Continued

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

#419 APPROVES SITE PLANS OF PECONIC RIVER YACHT BASIN INC.

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

WHEREAS, site plans prepared by Donald A. Denis, Architect, and Howard Young were submitted to this Town Board for approval for a building permit for a marina and support facilities to be located at premises located on the south side of East Main Street, Riverhead, New York, and

WHEREAS, these site plans have been reviewed by the Environmental Quality Reveiw Board and they have recommended that these site plans are a Type II action, and

WHEREAS, these site plans have been reviewed by this Town Board, and

WHEREAS, in light of the amendments to the parking schedule, further amendments to the site plans have been offered for approval,

NOW, THEREFORE, BE IT

RESOLVED, that the site plans submitted by Peconic River Yacht Basin, Inc., as prepared by Young and Young Land Surveyors dated March 2, 1984, and most recently updated June 6, 1984

Supervisor Janoski, "Let me recognize Councilman Boschetti for an amendment."

Councilman Boschetti, "I'd like to amend that we adopt a site plan that was amended tonight and signed by the attorney for the applicant, Allen Smith."

Councilman Prusinowski, "Dated June 18th."

Councilman Boschetti, "June 19th. That is correct."

Supervisor Janoski, "That amendment is moved."

Councilman Artale, "I'll second that move."

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The amendment was thereupon duly declared adopted.

the Foundantion and Deck Framing Plan dated June 14, 1984, and the Foundantion and First and Second Floor Plans dated April 30, 1984, as prepared by Donald A. Denis, Architect, be and are hereby approved, subject to the following.

1. Any and all limitations outlined in the Riverhead Town Code, as it may from time to time be amended.

RESOLUTIONS Continued

2. Subject to Peconic River Yacht Basin, Inc., obtaining the necessary Department of Transportation curb cut approvals; Suffolk County Health Department approval; Town of Riverhead Conservation Advisory Council approval; approval by the Riverhead Zoning Board of Appeals for parking; and Department of Environmental Conservation approval.

3. That additional plantings shall be placed along Route 25 as screening.

4. That no docks, buildings, or moors shall be installed without Department of Environmental Conservation approval.

5. That a covenant containing all the limitations and provisions of this site plan approval resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a certified copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Town Clerk.

6. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design. All existing signage shall be removed.

7. That the entire parking area and exterior areas of all buildings shall be maintained on a daily basis in a neat and orderly way free of litter and debris and if such maintenance is not adhered to the Town Board may revoke the Certificate of Occupancy which may result from this site plan approval.

8. Trash receptacles of a decorative design shall be maintained at the entrance of the building.

9. That the property shall be maintained on a weekly basis by the owner of the property. In the event that the property is not maintained on a weekly basis, the Town may, upon two days written notice, enter upon the property for the purpose of removing rubbish and debris and cleaning the property of noxious weeds, grasses, and other growth, mow the property, trim the trees, and do all things necessary to restore the property to a neat appearance and the expenses thereof shall be borne by the owner of the facility upon presentation of a bill by the Town. In the event that such amount is not paid within ten (10) days of the presentation of such bill, the amount of the bill shall be added to the tax bill covering the property.

10. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a stantion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto.

11. That the property be maintained at all times in conformity with the plans filed with the Building Department which formed the basis of this site approval, specifically, site plans prepared for Peconic River Yacht Basin,

RESOLUTIONS Continued

Inc., dated March 2, 1984, and updated June 6, 1984, prepared by Young and Young Land Surveyors, and Foundation Plan and Deck Framing Plan dated June 14, 1984, and Foundation Plan and First and Second Floor Plans dated April 30, 1984, as prepared by Donald A. Denis, Architect. and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to Peconic River Yacht Basin, Inc., and the Riverhead Building Department.

DECLARATION AND COVENANT

THIS DECLARATION, made the _____ day of June 1984, by Peconic River Yacht Basin, Inc. with offices at _____, Declarant,

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, East Main Street, Suffolk County, New York, more particularly bounded and described as set forth in Schedule A annexed hereto, and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be for the best interests of the Town of Riverhead and the owners and prospective owners of said parcel, and as a condition of granting said site plan, said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office, and

WHEREAS, Declarant has considered the foregoing and determined that same will be for the best interest of the Declarant and subsequent owners of said parcel,

NOW, THEREFORE, THIS DECLARATION WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. Any and all limitations outlined in the Riverhead Town Code, as it may from time to time be amended.

2. Subject to Peconic River Yacht Basin, Inc., obtaining the necessary Department of Transportation curb cut approvals; Suffolk County Health Department approval; Town of Riverhead Conservation Advisory Council approval; approval by the Riverhead Zoning Board of Appeals for parking; and Department of Environmental Conservation approval.

3. That additional plantings shall be placed along Route 25 as screening.

4. That no docks, buildings, or moors shall be installed without Department of Environmental Conservation approval.

RESOLUTIONS Continued

5. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design. All existing signage shall be removed.

6. That the entire parking area and exterior areas of all buildings shall be maintained on a daily basis in a neat and orderly way free of litter and debris and if such maintenance is not adhered to the Town Board may revoke the Certificate of Occupancy which may result from this site plan approval.

7. Trash receptacles of a decorative design shall be maintained at the entrance of the building.

8. That the property shall be maintained on a weekly basis by the owner of the property. In the event that the property is not maintained on a weekly basis, the Town may, upon two days written notice, enter upon the property for the purpose of removing rubbish and debris and cleaning the property of noxious weeds, grasses, and other growth, mow the property, trim the trees, and do all things necessary to restore the property to a neat appearance and the expenses thereof shall be borne by the owner of the facility upon presentation of a bill by the Town. In the event that such amount is not paid within ten (10) days of the presentation of such bill, the amount of the bill shall be added to the tax bill covering the property.

9. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a station stating, "No Parking, Handicap Only", and the universal symbol affixed thereto.

10. That the property be maintained at all times in conformity with the plans filed with the Building Department which formed the basis of this site plan approval, specifically, site plans prepared for Peconic River Yacht Basin, Inc., dated March 2, 1984, and updated June 6, 1984, prepared by Young and Young Land Surveyors, and Foundation Plan and Deck Framing Plan Dated June 14, 1984, prepared by Young and Young Land Surveyors, and Foundation Plan and Deck Framing Plan and First and SEcond Floor Plans dated April 30, 1984, as prepared by Donald A. Denis, Architect.

IN WITNESS WHEREOF, the Declarant did hereunto set his hand and seal the day and year above written.

PECONIC RIVER YACHT BASIN, INC.

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

RESOLUTIONS Continued

On this _____ day of June, 1984, before me personally came _____, the individual authorized to execute the Declaration and Covenant on behalf of Peconic River Yacht Basin, Inc; that said individual was duly authorized by resolution of Peconic River Yacht Basin, Inc., and he did swear to me that he executed same.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "May I have a motion to untake resolution 393 Amending Section 48-7 "Operation of Motor Vehicles on the Beach".

Councilman Artale, "I'll make that motion."

Councilman Boschetti, "Point of information."

Supervisor Janoski, "We have fixed it."

Councilman Artale, "That is now endorsed by the Recreation Department."

#393 AMENDS SECTION 48-7 OF THE RIVERHEAD TOWN CODE, OPERATION OF MOTOR VEHICLES ON THE BEACH *

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the following amendment be made to the Riverhead Town Code, Section 48-7 regarding the operation of motor vehicles on Town beaches, as follows:

48-7. Application for permit; fee

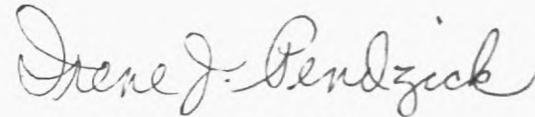
The Town Clerk of Riverhead is hereby authorized to issue a permit for the use or operation of a motor vehicle on the beach to residents, tenants or taxpayers of the Town of Riverhead, upon due annual application at no cost to such persons ~~and to any other persons not stipulated herein, upon due annual application and upon payment of an annual fee of fifteen (\$15) dollars by such persons.~~ Said annual permit shall run from January 1 through December 31 of each year. (Remainder of section to remain the same). The operation of trykes, motor bikes, mini bikes, or any other two or three wheeled fuel powered vehicles shall be prohibited on any beach within the Town of Riverhead.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Just for clarification as part of the record let me point out that the words: and to any other person not stipulated herein, upon due annual application and upon payment of an annual fee of fifteen dollars (\$15) by such persons is being deleted from the ordinance."

There being no further business on motion or vote, the meeting adjourned at 10:10 p.m.



Irene J. Pendzick
Town Clerk

IJP:nm