

Minutes of a Public Hearing held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, July 23, 1991 at 7:30 p.m.

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

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

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

Supervisor Janoski: "Let the record show that the hour of 7:41 P.M. has arrived. The Town Clerk will please read the notice of public hearing."

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:30 P.M. on Tuesday, July 23, 1991 to hear all interested persons who wish to be heard regarding: THE FORMATION OF A TOWNWIDE SOLID WASTE COLLECTION DISTRICT AND A PROPOSED LOCAL LAW ENTITLED "SOLID WASTE MANAGEMENT."

I have some correspondence on both. I have been asked to read into the record correspondence from Alice Graff. She could not be here tonight.

Dear Members, We are victims of circumstance thus are unable to attend the scheduled hearing of July 23rd, 1991 relating to garbage. This correspondence is to provide a circuitous explication of our regard as to the Boards consideration to provide our Town with garbage districts as per adumbrate notices.

We will attempt to be succinct. Our situation has precluded obtaining the services of a businessman engaged in said occupation. We chose the company we preferred to deal with and if we should decide to terminate "their" service due to poor business practice we are free to do so. The Town proposal does not allow a choice and poor service precludes burdensome impositions.

After much scrutiny our preferential bias demarcates our present status. We object to Town garbage districting and perceive this proposal as a divestiture of our liberty.

Thank you for your attention. Bob and Alice Graff

We also have a letter from David Willmott editor and publisher of Suffolk Life dated July 23rd and I'm not going to

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read it in it's entirety because he didn't ask me to.

He's making observations for the record regarding recycling centers, lawn clippings, chemical waste, storage of bailable items, minimum limits and other sections of the proposals.

And concerning the local law Solid Waste Management I have a letter from Allen Smith who has asked me to read it into the record.

Dear Madam and Sirs: Please accept this letter into the record on the proposed local law relating to Solid Waste Management.

The proposed language of this local law (definitional terms, Section 103-9 and 10 and Section 103-34) if enacted as drafted would establish flow control regulations over commercial accounts. This is contrary to the previously announced intentions of the Town Board. These proposals are subject to the criticism: "if it isn't broke, don't fix it." If a commercial account such as Adchem or Suffolk Life Newspapers can sell their waste papers and used pallets that is Adchem and Suffolk Life's business. That waste stream is theirs (not the Town's). Such enterprises do not want the Town involved with this aspect of their business. There may be some legitimate reason for a residential flow control law, however, there are no good or rationale reasons for a commercial flow control law.

Please refer to my letter to Councilwoman Civiletti dated March 11, 1991 (a copy of which is attached). Many of the issues I raised therein have been addressed in the local law which is the subject of this hearing. However, I am of the opinion that as drafted the law is flawed on due process grounds relative to administrative appeal and arbitrary enforcement.

I thank you for this opportunity to address your Board. Very truly yours, Allen M. Smith.

Supervisor Janoski: "Thank you. Of course the purpose of these hearings is to get comment on what is being proposed so that in the final analysis it can be as good as it possibly can be. Mr. LoGrande I will recognize you for an overview of the proposal."

Michael LoGrande, President of Municipal and Planning Services, Inc.: "Thank you Mr. Supervisor and Members of the Board. We were contracted to the Town on September 4th, 1990 in Resolution #660 which asked us to prepare a report, plan and map as to the feasibility of creating the solid waste collection districts in the Town of Riverhead. And I may say, Mr. Supervisor right off the bat, that in the report that has been presented and is before you now including the map of the Town of Riverhead, the first portion of that report indicated that had the State of New York not impose the landfill closure on the Town of Riverhead we would not recommend the solid waste collection districts. In fact, the systems that are already in place and the landfill which we have had the opportunity to observe is very well managed, very well run, and we saw no reason why the system should change nor should there be collection districts for those

people who self haul their garbage. And as you know we delayed the study in the middle of it because we were awaiting the outcome of litigation which the Town has brought along with the East End Towns with respect to the closure mandates by the State of New York. We have picked this up now because time is of the essence. In fact if the State does force the closure of the Riverhead Landfill then we would recommend that the collection districts be put in place before January 1st. and that beginning on January 1st. all solid waste collected in the Town of Riverhead for 7,700 and some odd homes will be under contract with the Town and collected as a use benefit tax from the Town.

To state briefly what the districts are and what they do they are already in place in the towns of Riverhead, rather Brookhaven, Huntington and the Town of Islip as well as the Town of Babylon. Smithtown is very shortly completing their study and that they will also have those districts as well. And other towns are considering them including the Town of Southampton, at some point is considering collection districts as well. The only benefit to a collection district from the Town's standpoint is that there is better control of the solid waste when you don't have a fixed landfill and you don't have the same system of disposal that you had in the past. That if in fact the Town has to truck for a period of time or has remote locations where the solid waste will be destined I think it is going to be very difficult to maintain the current system of solid waste collection through carters and the private method as well as having self-haulers come in when the conditions are going to be changing and changing very rapidly.

I just want to add one thing parenthetically. The Town of Islip was one of the first Towns to be forced to not only close their landfill, but to take extraordinary measures with respect to two landfills which the town operated for over forty years. That left a tremendous amount of chaos in terms of where does garbage go? How do transfer operations work? What do the receivers of the solid waste in its final disposition will require? And we don't believe that you could do that under the current system of having people self-haul their garbage to a destination which no one really knows at this stage of the game where it's going to be. For that reason we are recommending that these districts be created and be in place on January 1st. when in fact if the litigation currently is not successful, we believe that there will be a mandated closing of the landfill.

The districts have a great deal of benefit from the side of residents and in all due deference to the woman whose letter was read by the Town Clerk there are considerable benefits. For one thing it is probably very difficult to fire a carter who is picking up the entire block and asking another carter to just pick up that single family home. One there are defacto agreements where no one would go into someone else's area that they are collecting in. That is also for economic reasons. It is very difficult to pick up one house here and go five blocks and pick up another one when someone is already covering the area. So with all deference to the fact that what may appear to be a free system of choosing carters is not really the situation at all.

On the other hand the districts will mandate that the carters are responsible carters and that in fact if the carters do not perform to the satisfaction of the towns and set by the towns standards the carters do not get paid for all the service. That one is far stronger than the threat of one individual saying that they are going to get a different carter. So I might add that the system of districts provides for far greater efficiency and far greater effectiveness and that has been proven, by the way, in the towns that have these systems in operation.

The other one is that in the competitive bidding system that is set up the town is declared as one solid waste district within which there will be six collection districts or six contracted bid areas as they were referred to in the report. In those six areas they contain from anywhere from 1100 to 1400 homes. Those districts will be bided out on the competitive bidding basis and when the awards are made to the carter the carter will be given a five year contract with which to collect garbage and an extended period, if the Town so chooses on the basis of satisfactory performance may choose to extend that.

What this means from the carters standpoint is that they will be at least assured that they have a five year contract. They can invest in better equipment and newer equipment. They also know that their service has to meet the Town standards in terms of service and from a competitive bidding standpoint they should be able to reduce the cost down considerably over what the people are paying now in the collection districts. I will tell you that in every town where collection districts were put into place and most carters will admit it, that in fact when it becomes a competitive bidding, every house within the district is mandated to be collected you're going to see that the costs are going to drop considerably. Anywhere from twenty to forty percent less than what people are used to paying. The other one is that sales tax is no longer paid, because if this is to be a use benefit tax and it is going to be equal for a single family home regardless of where you are in the Town of Riverhead you all will pay the same amount for solid waste collection service. A two family home will pay the same amount and three family and so on. But there is no sales tax involved. So automatically and I guess now we'll have an eight percent sales tax so automatically there is an eight percent reduction in what the current bills have been, because sales taxes are included since the carters have to pay those taxes to the State of New York and to the County of Suffolk for their services that they render now. So right off the bat there's an eight percent savings.

In addition to that and awhile it is not mandated, it is a tax and awhile it is a special district tax which should be declared on Federal and State Income Tax Returns even the federal government admits that they never police the collection of special district taxes because it is much to difficult. As a result the people save an additional 30 to 40 percent depending on their tax bracket when they declare that portion of their tax bill for paying for the collection of garbage as another deduction. So that in the end, why they don't see that immediately, there is even a hidden reduction that takes place

when people file their Income Tax Returns in April. So that all of these tax benefits and the fact that the competitive bidding will drive the prices down to a fair and reasonable level.

The carters obviously have to make a reasonable return and get compensated for the work that they do and for their performance. Obviously the figure is not going to go completely out of sight, but the numbers should be substantially reduced under competitive bidding and the systems are far better policed and far better managed when they are under a collection district system.

We would envision that if the Town would approve the district tonight there is a permissive referendum period with which there is a possibility of a referendum the end of which the Town may then begin the awarding of contracts or bidding and then subsequent awarding contracts to the lowest responsible bidders in each of the districts. If that all takes place within a reasonable period of time, we can envision where as on January 1st. all people should be notified that there is no need to pay carters anymore, because it is going to be part of their two payment system as a local tax collection.

One final comment. The units that are included in this do not include, and I think there is a misconception by some of the people; some might be present, that they include mobile home parks for example. They do not, because that is a special collection type which is so different form single family home collection that it was not possible to include them. They do not include farms and farm categories of land use. Nor do they include condominiums and townhouses and large apartment complexes, because they also have special collections systems. Some have big containers where all the people deposit their garbage and they are different from a single family home kind of use. They only include single family homes, two family homes, three family homes, four family homes, estates as they are designated in the category of I guess it's 240 in the land use category, seasonal homes. The summer homes which are now being occupied more and more and it has been our practice and our understanding that seasonal homes are generating almost as much garbage as a single family home. It does if you take the aggregate. And addition to that, as I said earlier, mobile homes, but on scattered single lots not mobile homes that are in mobile home parks. But those are the freestanding like the single family home and there are a few of them in the Town of Riverhead as well.

The total of the number of units that will be served is 7000 units. Each one of those categories that we just described will have a different weighted category. A two family home, for example, will pay 1.5 times the basic rate. A single family home will pay one time the basic rate. The 1.5 is because awhile you are picking up two families in one stop you are also generally picking up less garbage in the second unit in one stop. So that there is a savings as far as the stop is concerned there is also a savings in terms of the amount of garbage that is collected.

In total and I can just describe this very briefly, there will be 7,582 parcels picked up. Seven thousand, seven hundred

and fifty two units because that includes the two family, the three family homes and so on where there is a change in category. As a result the contracted bid areas will be approximately a little over a thousand units and the service that we are recommending which will be unique to Riverhead and it was an after thought for most of the municipalities in Suffolk County is that the first two days Monday and Tuesday will be used for leaf pick up, compostable materials which goes along by the way very finely with your new proposed legislation. The compostable materials, yard waste and leaf pickup on Monday and Tuesdays. On Wednesdays we are recommending that that be the recycling day. And on Thursday and Friday retressible garbage. You have effectively one day pickup of retressible garbage. One day pickup of recyclable materials and the recycling is going up very nicely in the Town of Riverhead. And one day pickup of compostable materials which is leaves as well as yard waste, grass clippings and so forth. This would maximize the effort to try to resolve the fact that the landfill is closing at a great cost to the Town of Riverhead.

And with that Mr. Supervisor, I don't know if there are any questions, but I will stand by if there are any questions I would be happy to answer them."

Supervisor Janoski: "Thank you Mike. Is there anyone present wishing to address the Town Board in the matter of the establishment of garbage collection districts. Mr. Stark."

Bruce Stark, owner of Glenwood Mobile Home Park, Riverhead: "Mr. Supervisor. Gentlemen of the Board. I'm here to find out why our garbage doesn't stink? What makes us different? We generate the same garbage as any household resident. Why are we treated differently?"

Supervisor Janoski: "Is that your question?"

Bruce Stark: "That's my question. First one."

Supervisor Janoski: "Do you have another one? Do you have a series of questions Bruce?"

Bruce Stark: "I would like that one answered first because my next question would depend on the answer."

Supervisor Janoski: "Okay. Why don't you have a seat and we will have Michael answer."

Michael LoGrande: "Don't go too far. My answer is going to be rather short. When we looked at the mobile home parks throughout the Town of Riverhead. We noticed that the collection in those areas, because of the density and the closeness and proximity of where the units are located, that the collection is very, very different from what the characteristic density is for the rest of the town. So that we couldn't, no matter how we tried, without making a special exception to mobile home parks

and bidding them separately, which by the way we can do if there is enough interest in the part of the mobile home parks themselves to have a separate district and a separate bidding process we can do that. But they were sufficiently different from the rest of the Town in terms of the characteristics of picking up the solid waste that it would be, it would not make it a distribution as far as the bidding process was concerned. Meaning that if you are picking up homes that are spaced 100 or 150 feet apart and in some areas even more than that, two and three hundred feet apart it is very different from when you're picking up every 40 or 50 feet and in some mobile home parks every 30 and 35 feet. There is a different characteristic in terms of the collection process. And that is one of the reasons why we left them out."

Councilman James Stark: "Michael, what is the different characteristics that you are talking about in that particular instance?"

Michael LoGrande: "The spacing for the carting service. The spacing that you have to travel from unit to unit. I mean you could pick up probably five units in one area in a mobile home park. But you can't do that in one stop in a single family home."

Councilman Stark: "That would seem advantageous to me."

Michael LoGrande: "Oh sure. You mean for the carter. But certainly not for the people who are going to end up paying; the people in the mobile home park are going to wind up paying the same amount that it would be for the characteristic pickup of people in a single family home district. Jim don't get me wrong, you could"------(interrupted)

Councilman Stark: "I may be Irish and I may be related to the young gentleman sitting out there and I say 'young' that that kind of seems a little contrary to me. And I'm not defending my brothers mobile home park. But I have had considerable conversation with other park owners who are saying "why are we being treated differently?"

Michael LoGrande: "Mr. Stark, I thought that in the earlier part of the year you suggested that we drop the mobile home parks."

Councilman Stark: "No, no you never heard that from me."

Michael LoGrande: "Was that the session we had on the steering?"

Councilman Stark: "You never heard that from me whatsoever."

Michael LoGrande: "Well we discussed it in the Steering Committee and I know"------(interrupted)

Councilman Stark: "It might have come from the Town Board Steering Committee, but it never came from me!"

Michael LoGrande: "Okay, I misunderstood. I thought perhaps you were at some of those meetings because there seemed to be a general"-----(interrupted)

Councilman Stark: "No! I'm not on those committees!"

Michael LoGrande: "Okay. You see the general consensus that the mobile home parks were separate in there for the purposes of this---setting up of this established district for unified purposes throughout the Town. That it would not include those that were atypical. Those that were different from the normal pickup. And what you are saying to me that the difference is"-----(interrupted)

Councilman Stark: "Michael they are residents of the Town of Riverhead."

Michael LoGrande: "Sure. But they would be paying more per unit for their garbage pickup than what a single family homeowner on the basis of what that collection service would really cost."

Councilman Stark: "Not necessarily if it's under the bid process."

Michael LoGrande: "No."

Councilman Stark: "I don't agree with you."

Michael LoGrande: "Well."

Councilman Stark: "But that's what makes the world go round."

Michael LoGrande: "Absolutely. We have done a number of these by the way in all of Suffolk County where the densities were very high we excluded them from the district."

Audience Member: "How did they get their garbage picked up.?"

Michael LoGrande: (Apparently away from microphone facing audience (inaudible) Mr. Supervisor can I add just one comment. If there seems to be a general consensus, not among the park owners, but the residents of course should be the ones to speak up; if there is a general consensus for solid waste collection within the mobile home park you can separate and bid out those districts. We can separate them out, define them and bid them out as well if you wanted to do that."

Supervisor Janoski: "Somewhere in this discussion the issue of commercial accounts came up."

Michael LoGrande: "Right."

Supervisor Janoski: "And that was part of the discussion regarding mobile parks."

Michael LoGrande: "Yes. And some of them are handled differently. Some have individual garbage pails that they put out. Smaller ones put out a larger container. So that they are not all the same. It's the same way with condominiums and apartments. I'm sorry."

Councilwoman Denise Civiletti: "Mr. Janoski may I ask a question?"

Supervisor Janoski: "Yes."

Councilwoman Civiletti: "Mr. LoGrande could you explain, because you just attempted to explain to Mr. Stark, Mr. Bruce Stark, how mobile home parks would have their trash picked up and you were not facing the microphone and I think that should be made part of the record. What would happen to the park owners and tenants?"

Michael LoGrande: "The question with the mobile parks are they continue the current service. That whatever system they have now which is handled almost like a commercial account. They do that in condominiums. They handle that as well as in apartment houses. So they would continue that same way. But you can, if we can categorize the mobile home parks and you want to separate them out, we can bid them out. There is a way of doing that as well. I hope that everyone understands that this only deals with residential. I read what the categories are. This only deals with single family residential. Generally on free standing lots. And not commercial accounts. No commercial areas, downtown areas or anything like that are not included. This is a residential collection district and it's for the lower density residential areas. Not the high density ones."

Bruce Stark: "Okay I've got two problems with that. If we go into the residential procedure or stay as we are, I pay as it is standing now; I pay for yard waste bulk and other debris when I bring it to the Town Dump. If I go in as residential then it's all included."

(Someone from audience): "You mean you go as a garbage district?" (Barely audible - not positive with regard to question)

Bruce Stark: "Yes. Under the present contract I have with my carter I don't get the yard waste bulk and other debris. I have to pay for that. Actually residential is a saving to me."

Supervisor Janoski: "Bruce if you could talk to us please. I sure that Mr. LoGrande can hear you."

Bruce Stark: "Under residential. I get total garbage disposal. Under the present system I don't. And if you stay in the present system after December 31st. I can't get rid of yard waste, bulk or other debris. So I'm being short changed by this act. Right? Thank you."

Councilwoman Civiletti: "Mr. Stark does that mean that you are advocating that mobile home parks be included within a collection district?"

Bruce Stark: "I would like to see us be treated as residents not second class citizens. For one of the highest paying tax paying industries in this Town, I think we deserve better consideration."

Councilwoman Civiletti: "So you would like to have the districts included in a collection district?"

Bruce Stark: "I would like to have an option. I would like to be treated like every other citizen in this Town. My residents treated like them. To have the same benefit as you do in your house with the same tax savings."

Councilman Prusinowski: "But Bruce you have to understand once we include the mobile home parks in the garbage collection districts there is no more option."

Bruce Stark: "I don't care if I get total garbage collection. Under this system I don't get total garbage collection."

Councilman Prusinowski: "You just said you want the option. In other words once we establish the district and we include the mobile home parks" -----(interrupted)

Bruce Stark: "Well I suggest you people do a lot more research! Thank you."

Supervisor Janoski: "Bruce that last comment was certainly uncalled for. After the great deal of work that has been undertaken by the Town Board and experts that it has engaged for this purpose we're certainly here to listen to any comments and observations that you might have. The attempt here is to make it better if possible. But please"-----(interrupted)

Bruce Stark from audience: "Well I appreciate it."

Supervisor Janoski: "Okay. I saw a hand. George."

George Mathys, George's Sanitation Service: "I have a few comments and a few questions. I was in the garbage business. I'm not anymore. First of all I think the East End has always been unique and different from the West End. We are not copycats of the West End. And we've always had a different way of life here."

When they formed the Suffolk County Police Force we chose our own police districts and our own police force. We didn't copy what the West End did and it looks like that's what we are attempting to do here. Garbage districts are a good idea in the West End because of population density. In the East End we don't have the density that they do there. There is a lot more distance between stops. You're talking about farmland where one of the things that makes districts work in the West End is a garbage truck can do twelve hundred homes in the course of a day because the houses are so close together. I would like to see a garbage truck do twelve hundred homes on Sound Avenue in the Riverhead area. It's impossible. The houses are just too far apart, the farms are too big. So it's a whole different life style out here and there is a lot of problems with districts as I see it. This whole thing is predicated on the landfill closing. Is the landfill going to close? Do we know that today? We're talking tonight like the landfill is closing and we have to go to districts. What happens if the landfill doesn't close? If the DEC bends a little bit and if you are allowed to keep the landfill open then will we scrap the idea of districts. What happens to, I'll take Mattituck Sanitation for example okay, you can use any company you want but let's talk about John. John's a friend. What happens to a guy like that who spent his whole life building up a business in this Town and after so many years of being here and so many years of building a business, just like the Mom and Pop business down the street, the Town steps in and says well we're going to take your business away from you. Will he have the opportunity to bid. Yes he will. Certainly. But the Town, I'm sure as much as you might like to see the local carters get the district bids, that can't happen. It's got to go out to bid and it has to be bid by anyone who wants to bid."

Supervisor Janoski: "That's not true."

George Mathys: "No it is true. You can't discriminate. You can't say a hauler from Brookhaven Town cannot bid in Riverhead. I don't think we can do that Joe."

Supervisor Janoski: "I bet you we can."

George Mathys: "If you can I think that would be great."

Supervisor Janoski: "Because that's what we are doing."

George Mathys: "But what happens is you have a big company come in, they'll bid the districts, they'll bid low to start with, they'll take the bid and an outfit like Mattituck or any other small garbage company in this Town would be sitting with five or six trucks in the yard that they have no use for now because they didn't get the bid. They are not going to sit there with those trucks and make payments on them for five years waiting for the bid to come up again. So they are going to be forced to go out of the business. They are going to be forced to sell their equipment. Five years from now the bid will come up

again and instead of having ten guys bid on it you're going to have one or two. Everybody else is gone. In order for them to bid five years from now, if they are not successful now, they've got to go out and buy all new equipment and start all over again. So I hope that you take that into consideration.

Some of the questions I have are. It is going to be a user tax. Will this tax be on just parcels of land in Riverhead that homes on them that are occupied? What about empty lots? Will they be assessed or not? No. Okay. What about you run into a problem where a landlord has a house on a piece of property and the house is empty? It doesn't have a tenant in it. Is he going to be assessed or is he going to come to you and say the house is empty, we have not garbage and I'm not going to pay garbage tax. Just some of the problems that are going to arise that I see.

Commercial accounts. If the landfill were to close and you went to districts, of course the Town would have to worry about where they were going to haul the stuff to. What about the commercial haulers where are they going to dump their garbage? Is the Town going to provide for them with a place to dump? Will you have a transfer station for commercial haulers?

As far as the cost being down, like Mike LoGrande had pointed out, yes the cost would probably come down 20 or 30%. But I don't want the people in the room to get the impression that the local hauler is a bad guy because he is now charging 20 or 30% more than he would if it's districts. The point that the public should know is the fact that you no longer have to bill all your customers and the Town guarantees the money. So that's going to automatically make the cost come down.

How are you going to deal with summer people who have a summer home here. They are here just from Memorial Day to Labor Day and they are not here in the winter and they don't want to pay garbage tax in the winter because the house is unoccupied.

So I see a lot of questions that really need to be answered and just like the thing with the mobile home park. I think the Town should look into it a little further before they jump. Did you plan on voting on this tonight and just putting it through and it's done?"

Supervisor Janoski: "There is a rationale for our enacting the districts this evening because of the time frame requirements. As a matter of fact there is a question that I would like to ask of Mr. LoGrande so it's in the record. The potential for a permissive referendum that time frame, if there was a permissive referendum, it would require that we start the process so that if it went to that referendum and the time that that would take putting this in place by January 1st. would be difficult. We wouldn't be able to, as a matter of fact, if there were to be a permissive referendum."

George Mathys: "I see. That's about all I have to say."

Supervisor Janoski: "Thank you George. Bill."

Bill Nohejl, Peconic Bay Boulevard, Aqueboque: "Mr. LoGrande said no farms. How about vacant lots? Will that be under this jurisdiction? He says no. I agree with Mr. Stark about the mobile homes should be taxed because they are the same as I am or anyone else in this Town. They have property. They have garbage. They should be assessed or taxed the same as everyone else."

Supervisor Janoski: "Bill the issue is not the taxation or assessment. The issue was those points that Mr. LoGrande enumerated plus the fact that mobile home parks tend to be a commercial account. Very much like a shopping center. And that is the reason why they were distinguished. But certainly if there is a feeling that we should create that in parks there is no reason why shouldn't."

Bill Nohejl: "How is this garbage tax going to be? According to assessed valuation or ---- Assessed valuation? You're shaking your head yes. So much per home? So much per home. Equal. That's good."

Now Mr. LoGrande said that the leaves and debris will be picked up on a Monday or Tuesday. But Peconic Bay Boulevard as it stands now is a shamble. Junk is pulled out there. Charlie Bloss, the Town Sanitation, picks it up Friday. Saturday it's out there, Sunday all during the week until next Thursday or Friday that Charlie can get to it. And this is what's going to happen if these leaves and debris are pulled out again over the weekend along Peconic Bay Boulevard and other parts of Town. Now right now we have the Town Sanitation, I call it the Town Sanitation. Laugh. I've been on it eight or ten years. It has never been resolved. It's against the law to throw stuff into the gutter. But you guys let it go on. Don't laugh Joe, it's not funny."

Supervisor Janoski: "Bill I'll do whatever I want to do. If I want to smile"-----interrupted

Bill Nohejl: "I know you do what you want to do."

Supervisor Janoski: "Okay. I feel like smiling because I've been here and if you really want to tell Charlie Bloss because he's an elected official and he doesn't take orders from this Town Board and that's all I'm going to say on this subject. We have no authority or jurisdiction over the Highway Department."

Councilman Prusinowski: "Bill I spoke to Charlie about this matter and I know, in fact your name came up, because you're correct. We are providing a service. For years that really has gotten out of hand and with the garbage district tax, creating this garbage district, we're going to turn over that function completely to private enterprise through the tax. The Highway Department will no longer be doing that service which frees up his personnel to do other things."

Bill Nohejl: "What are we going to do with the three garbage trucks that we have?"

Councilman Prusinowski: "We'll either sell them off or maybe somebody wants to buy them."

Bill Nohejl: "One is relatively new, you know."

Councilman Prusinowski: "I understand that. Remember we still pick up garbage at the beaches and at all municipal things that we own which have municipal garbage containers. So we have garbage pails and stuff so that truck will always be used especially in the parks and in the summertime at the beaches. They will always be used."

What you are referring to is what is happening on Peconic Bay Boulevard."

Bill Nohejl: "No. All over town."

Councilman Prusinowski: "Well you mentioned it. Of course it's all over Town and we hope to be out of that business completely and let private enterprise do it better, more efficiently and cheaper."

Bill Nohejl: "How about the leaves when it comes"-----
(interrupted)

Councilman Prusinowski: "That's the same thing it will all be bided out."

Bill Nohejl: "You mean to say this here will pick up all the leaves?"

Councilman Prusinowski: "They do in other towns. Is that correct Mike? Right. Private enterprise comes in they put a bid on---and one thing Mike didn't mention you also have once a month by appointment, I believe he said, you call up for your appliances and things like that."

Bill Nohejl: "Alright getting back to Mr. Janoski. You say you have no jurisdiction over Charlie Bloss. Do you have jurisdiction over the Town Roads where you allow people to throw this into the gutter?"

Supervisor Janoski: "Sorry Bill, but that is the jurisdiction of the Highway Department."

Bill Nohejl: "You have an ordinance that says that no debris is to be put into the streets on the Town ordinance which is not the Highway Department."

Patricia Moore, Town Attorney: "We have the Code Enforcement officer in my department has requested plastic gloves because we've actually gone where ever we've found garbage. It is very difficult. Obviously we've got to find the person throwing it over before we can get them."

Bill Nohejl: "I'm not talking about that. I'm talking about grass clippings."

Patricia Moore: "Whatever we caught somebody throwing grass clippings as well and I had them in Justice Court and fined them substantially. We have caught them and when we find some identifiable piece of paper among the grass clippings or whatever it is that is dumped over we go after them. We do go after them when we can."

Bill Nohejl: "People must be blind if they can't see it down Howell Avenue every morning."

Supervisor Janoski: "Well we are getting away from the subject of this hearing. What's your feeling on the creation of garbage districts?"

Bill Nohejl: "Has its good and has its bad."

Supervisor Janoski: "That's true of most things."

Bill Nohejl: "Now a person that is taking garbage to the dump. They go maybe biweekly and it costs them maybe \$48.00. Now it's going to cost maybe \$200.00 or \$250.00. That's unfair."

Supervisor Janoski: "Well you're probably right."

Bill Nohejl: "Probably? From fifty to two hundred fifty?"

Councilman Prusinowski: "Bill I agree with you Bill except that unfortunately we're facing a reality which is here. There is a landfill law. We were very successful in delaying the implementation of closing our landfill down completely. We're operating under a fee structure which will increase. It's going to go up at least \$20.00 a ton if not more. Eventually not matter what system we decide upon. Whatever happens unless the DEC, as somebody said earlier, changes their mind. They just made Smithtown, the one who spent the 26 million dollars has now signed an order their going to close their landfill down. Shelter Island just signed up. We've done the best we could in this Town to keep the cost of disposal, a very important cost in the family, down to reasonable level. We don't want to increase the fees. We're not the criminals up here. We're trying to do the best we can to promote good environmental conditions in the Town and save us economically from an economic disaster."

The biggest problem you will have once the fee is raised which is happening now all over Town is that people who do not want to pay the fees at the landfill are taking their garbage and throwing it in the woods or commercial containers or Town containers. The biggest problem that Charlie has now and he can't wait until this thing goes into effect, because not only are we picking up the grass clippings, we're going back to the beaches and public receptacles every single day because they are loaded with household residential garbage. That costs the taxpayers ten

times much as the private guys can do it. Hey this system is flawed, you know I got the lecture a couple of minutes ago at the Rendezvous about certain people run the garbage business. When Ken LaValle and Joe Sawicki and all these guys voted for this law, they passed a recycling law. They don't even pass a law which I saw on WORLD NEWS TONIGHT where now we are piling up tons and tons of recyclables around the country, but nobody requires industry to use recyclable products in producing new products. They won't do that because there's too many lobby's. We are trying to do the best we can and you're right. Unfortunately right now the people, I have a carter, sir, Mattituck Sanitation. I pay a higher rate to dispose of my garbage than a self hauler does - that's the way its set up. And we try to maintain that so that we don't hit the senior citizens and the homeowners. Unfortunately those days are gone. I mean there is going to be a new way of disposing of the solid waste. There's a cost involved to it. Somebody's got to pay and I'll tell you the taxpayers are broke as a group. We don't have it. There's no more magical funds coming from Albany. Nothing coming from Washington. They're in the Supreme Court now, the DEC. We are trying to work out a system that works. Thanks Bill."

Bill Nohejl: "Thank you."

Supervisor Janoski: "Is there any question that needs to be answered? Mike let me ask you the subject of permissive referendum has come up a couple of times. Could you describe for the record that process in State Law - how it works?"

Michael LoGrande: "In accordance with 209 if the petition is submitted that would force this to a permissive referendum then you would have to put it on a ballot. I think at that stage you are probably not going to make the landfill closure if it is going to be so court ordered and you certainly won't make the January 1st. date. Because in order to set up the permissive referendum you have to set up a special election for it and I think it's going to drag well into 1992. What you are going to do is miss the taxing period. You are going to miss the bidding period and it's going to push everything back. I would say at least six months so that you are going to be into a little bit of chaos in 1992 if the landfill should close."

Supervisor Janoski: "Mike, also Bill Nohejl raised a question of cost differences. Whereas an individual who goes to the landfill every couple of weeks pays \$40.00 a year, I think that was his number. Who is really subsidizing who around here?"

Michael LoGrande: "The people who as we did in our study and you can see that the people who pay for garbage collection are subsidizing the people who self-haul. The self-haulers are paying in fact somewhere in the \$40.00/\$48.00 range. But the people who are paying for garbage collection are paying roughly \$28.00 per month. Out of which each family should be paying as a basic minimum is the \$40.00 per ton tipping fee which is what it

is costing the Town now to dispose of garbage. Even with the landfill. Each family and this is from the Dvirka & Bartilucci that was done for the Town last year, each family generates about two and a quarter tons of garbage, even if they self-haul it. That means that it's costing roughly \$90.00 per family to dispose of their solid waste and we are only charging them \$48.00. In a family that gets garbage collection they are paying for the \$90.00 as part of their garbage collection at \$28.00 per month or somewhere in the neighborhood of \$315.00/\$320.00 per year. They are paying that \$90.00 in a tipping fee, because it is passed along to them and in fact also paying for the collection system so that they are subsidizing the self-haulers in a sense.

And I think that Mr. Prusinowski was right that the attempt is always to try to keep it down for the senior citizens and people of modest means. But I don't know how you can continue the system once there is a State mandate on you. I think probably the simple system would end up being a district of some kind."

Councilman Stark: "How would yard debris and yard waste be presented to the private hauler when he comes around to pick it up?"

Michael LoGrande: "There is a specification for it. Leaves have to be bagged. We haven't set up the bid spec although it is in preparation right now if the Board approves it we will present the bid specification packet to you as well. It has to be in manageable pieces. They can't be large pieces. If there are branches and limbs, they would have to be sufficient enough for one person to be able to pick it up and throw them on a truck. If they are larger than that as Mr. Prusinowski correctly pointed out and it is in the report, they call for a special appointment and the carters in their contract will come out and look at whatever the object is and send out one or two people to haul the larger objects."

Councilman Stark: "What I'm really basically talking about is the common household owner who cuts his grass and takes his grass cutter and he dumps it at the side of the street and makes a nice little pile. In other words now what you are saying is when that private carter takes it to a transfer station or to our landfill for a composting operation it would be our responsibility to break these bags open and dump this composting."

Michael LoGrande: "Unless we can work out a system of biodegradable bags or some other thing. But probably if it's in plastic bags it's alright and when they brought it to the landfill you can break them open as most towns do. They break open the leaf bags. You have to bag the leaves. You can't expect that the carter will have special equipment to vacuum up the leaves or compost waste. You have to have them bagged and when you do that, it is easy enough to do at a landfill you can break them up open once a week in fact, two days but one is for each household."

Councilman Stark: "Where they dump the leaves into the truck and leave the bags back."

Michael LoGrande: "They could do that too. I doubt if that would be an effective operation. I think it probably would be easier just picking up bags and tossing them in."

Supervisor Janoski: "Thank you Mike. Yes sir in the back there."

Garrett Moore, Jamesport: "I work with my Father down Kirby Lane and Smith Lane. We have about twelve seasonal places. And I would like to discuss a little bit more about this leaf business."

Supervisor Janoski: "Mr. Garrett. If you could just stand---(interrupted)"

Garrett Moore: "Mr. Moore."

Supervisor Janoski: "Oh. Your first name is Garrett. I'm sorry. If you could just stand---" (interrupted)

Garrett Moore: "We try to keep a pretty nice place. We keep up twelve seasonal places. Seasonal places do not create as much garbage as---(interrupted)"

Supervisor Janoski: "Mr. Moore. Please talk to us so that the record----okay." (interrupted)

Garrett Moore: "As year round places. This year they are creating very little garbage. Now every fall I have my little trailer and I fill it up. I take about twenty to twenty five loads of leaves to the dump and I dump them in a leaf area that the dump has. What am I going to do with the leaves? I have two or three acres of place. I try to keep it nice. I take care of the leaves. Put it in my trailer and take it and dump it. I'm not going to put load after load in bags. It'll kill me. I just can't do it and I don't like dumping them on the highway because they blow over everybody else and that's not the way to operate. So I would like to go on record to say if there was some way that I could take care of my own business. My trailer and truck and dump them in an approved area. But I just can't run a business and put load after load in bags and put them on the highway."

Supervisor Janoski: "Mr. LoGrande."

Michael LoGrande: (from audience) Are you commercially zoned? Do you have cabins or----?

Garrett Moore: "Its cottages. Yes."

Michael LoGrande: "It's commercially zoned property. He is not included in the system anyway."

Councilman Stark: "No. He is not commercially zoned Michael."

Michael LoGrande: "You mean each individual cottage is on a separate

Supervisor Janoski: "Mike we are losing this who conversation from the record. If you could just come up."

Garrett Moore: "Okay. Where do I fit in?"

Michael LoGrande: "If the parcel is a commercially zoned piece or zoning that is a collective zoning for cottages and not a single family residential zone he would not be included."

Councilman Stark: "He's a single family residential zone."

Michael LoGrande: "So he has a 210 category for each one of the cottages. That's how his tax bill reads? Do you have to get a tax bill for each cottage?"

Garrett Moore: "As far as I know I have to further check into it, but I just can't clean up and put everything into bags. It would kill me. I'm just not going to do it. I try to keep it nice to keep the area nice, but this year the renting is terrible and it's two hundred dollars a house for ten months of the year being empty.

I like to go on record as saying that I can take care of my own and take them to the dump or where ever the recycling place is and dump the leaves and be done and do it right. I can't bag them."

Councilman Prusinowski: "There is a little bit lower rate though for the seasonal---right Mike."

Michael LoGrande: "As it stands now there isn't. As it stands now the seasonal is handled as a single family home because they are used more and more as single family homes. But we can maybe look into the special case and if there is a few others like that as a category the Town Board can make a special exclusion. The difference is if he is on a two ten basis it's harder for data processing to start weeding out and saying well this is a two ten that's going to get an exception and this one is not. It is not an easy one to handle, but we certainly would like to meet with him and look into it and see if we could resolve that."

Supervisor Janoski: "Thank you Mike."

Garrett Moore: "Fair enough. Thank you."

Supervisor Janoski: "Yes sir."

Colin Cambell, Riverhead: "I would like to go a little bit further with what Mr. Moore said. Mr. LoGrande did not really go too deeply into individual costs so what I'm taking came out of the story in THE NEWS REVIEW a couple of weeks ago. I'm not too sure how accurate that is. And I recognize that until this is put up for bid that you would not really have an accurate figure, but I have been self hauling for all of the years that I've lived in Riverhead and I've been recycling and composting my own leaves and doing what I can for the environment. The estimate of my costs in THE NEWS REVIEW is kind of amusing. It was about \$190.00, \$180.00, \$190.00. My actual cost per year is about \$150.00 which is close to what Mr. LoGrande put it and awhile I may be getting subsidized somewhat by those who chose to hire a carting service I feel that if my costs were to go up to in a district as a family home, go up to \$200.00 or roughly that area. It's about four times of what I'm paying now. It's a pretty hefty increase. A real hefty increase. I would like to see it, if it is at all possible, and again I recognize that dealing with the DEC all things are impossible and nobody ever knows what's happening, but if it is at all possible, to leave open an option for self-haulers. Even if my costs double I would much prefer to be paying \$100.00 per year and allowed to self-haul and continue recycling in that way. If you did have a transfer station and facilities for that kind of option, then Mr. Moore's problem would be taken care of and probably a number of other people who might subscribe to the district and have their garbage picked up, but occasionally have a special load that isn't going to be covered. That may be actually in some ways a cheaper way out for all of us. Then I wouldn't be subsidizing the person who has to dump four or five refrigerators or a couple of cars or something like that that has to go. They could be told here is where it goes, you take care of it.

So I just want you to consider the possibility of building in a self-haul option. Even if the costs go up somewhat. At least hopefully it wouldn't go up four times."

Supervisor Janoski: "Dick."

Dick Benedict, Riverhead: "I'm not sure. I'm a little bit confused. Is this a hearing on just the districts or is it on all Chapter 103?"

Supervisor Janoski: "Both have been called at the same time. We seem to be focusing on the districts. They are both going on concurrently."

Dick Benedict: "What I have to say is that I'm not too keen on districting, but I guess that it is something that we may have to come to be fair and equitable. I think \$50.00 is a fair estimate because I've been carting to the Town Dump for about thirty years also. And I'm not too keen on dragging garbage cans 150 to 200 feet out to the curb everyday, but I guess that has to be done.

One of my problems and probably the biggest problem since

I've lived where I have is noise. As long as there are a lot of carters in the audience, will the Town Ordinance as far as what time these guys are going to be picking up four or five days a week stay the same or is there an ordinance at 6 a.m.? The police tell me that there is, but when we rescind this Article 15 will that go with it or is that a different ordinance?"

Supervisor Janoski: "Could be built into the specifications."

Councilman Prusinowski: "But there is an ordinance now."

Dick Benedict: "Yes, but they don't adhere to it. There close after they've been sited and some of them come in at 5:25 a.m. But one of the things is that when they get their license it ought to be impressed upon them that we are residents and I don't know if they are going to try to beat the line at Omni and maybe try to get in earlier. But they are awful noisy machines. Especially the big ones with their hydraulic rigs picking up the big dumpsters, backup buzzers. They are very noisy and when they drop them your house shakes. I can tell you. My neighbors thought it was LILCO, but it wasn't. It was the new Cablevision. Make them stick to the Ordinance if it is 6 a.m. and I believe it is."

Supervisor Janoski: "Yes sir. In the tan shirt there."

Don Miller, Trustee of the Northville Beach Assoc.: "Most of our people are seasonal. They are there two, three, four, five months a year. Is the price of this going to be based on a seasonal operation or are we going to pay this exorbitant fee all year round."

Supervisor Janoski: "Do you think it should be?"

Don Miller: "I think it should be."

Supervisor Janoski: "So that's your testimony and your suggestion."

Don Miller: "Yes definitely. Very definitely. Thank you."

Supervisor Janoski: "I don't know ---is that Mike. Yes, Michael."

Mike Velys, Aqueboque: "As I listen to some of the questions that are raised here, I realize that I've got some problems myself and I'm curious to know how they are going to be addressed."

Mr. Smith talks about that he has got a lot of leaves and there is not way that he is going to gather them. I've got about two hundred Maple trees on my property and I invested in a big Pekoe Vacuum with a 7 1/2 horsepower blower and I gather my leaves in this blower which is a box about five foot long and about 3 foot wide and 4 foot high and comes out in a nice neat

compact pile. And I've been recycling for the most part an area on my property. Occasionally I'll put a load of this down by the road. There is no way that I'm going to be able to bag that. It is just out of the question. It is impossible for me to gather those leaves on a four acre parcel. You might say that that is my problem, but because it is a four acre parcel I'm paying substantial tax too. So that's one problem that I have. What's going to happen to my leaves. There is not way that I'm going to be able to bag them.

Number two for the past year and a half I have been carting my garbage to the dump. I've been recycling everything. Separating everything and carting it off to the dump. I do it about once a month. When I had to take garbage down to the road for my collector to pick it up, the house is about 400 feet from the road, I have plastic garbage cans. I'd take them down and I'd have squirrels and other animals chew the tops off of them. So I went to metal garbage cans. I put a metal garbage can and there were stray dogs in the area that knocked the cans over and get into my garbage and spill it all over the place. I can't put it out the night before because the dogs get at it. I had to go down that morning and wait for the garbageman to come and pick it up. If I missed him I had to wait another week. So I says if I'm going to have to go down there and wait for the guy, I might as well cart it to the dump myself. So I've been doing that for the past year and a half.

Am I going to be confronted with the same problem now? Am I going to have to be dealing with dogs knocking over my garbage cans? I suppose it is a problem that everybody has. It is a real problem for me and that's why I've decided to go to the dumps. I don't know how you might answer those questions."

Supervisor Janoski: "Well Mike I have a really nice plastic one that the handles come up and lock the top on. You might look into it."

Mike Velys: "I have plastic ones that do that, but the animals chew holes in the top. The raccoons chew holes in the tops. So I've gone to metal ones and the dogs knock over the metal ones. Then I've got to go collecting garbage all over the Boulevard. Thank you."

Supervisor Janoski: "Thank you. George I would like very much to hear what you have to say."

George Schmelzer: "Mike spoke of the dogs. Well I had that problem too. My own dog and other dogs too. So I got an idea one day. I put the metal garbage can on a tire and I hooked not the ground wire, but the hot wire to the handle of the garbage can so the dogs came over, crawled up on the garbage can and they went arrrrrrah and left there all night. The dogs never bothered the garbage can again. I suggest you try that. Don't put the garbage can by the road. Put it by your house for a trial. You'll teach them damn dogs fast in one night. That is all it takes. How you're going to teach the rats and squirrels, I don't know,

that's another problem. You had better get a metal garbage can.

Do I understand you correctly that there is going to be one day a week to pick up the real garbage, household garbage?"

Councilwoman Civiletti: "The non-recyclables."

George Schmelzer: "Yeh, well the flies will recycle it themselves. So in the summertime it might lay there six days. It gets pretty ripe won't it. Kitchen garbage I mean."

Councilwoman Civiletti: "Do you want it more than one day a week for retressable, not recyclable garbage?"

George Schmelzer: "No. I'm used to duck manure for years. That won't bother me. It might bother somebody else."

Councilwoman Civiletti: "Okay."

George Schmelzer: Mr. LoGrande said you won't pick up the residents, houses on industrial land. Is that right? Did I misunderstand you? You said land zoned business or industrial that's excluded from this zone system? Mobile home parks are on industrial land so we have to make an exception. Way back in the Town, not these here, but the ones previous they declared that mobile homes are not residential. It's an industry. So I don't know if they still agree with that now so all mobile home parks are on industrial land. Is that correct? Sounds a little goofy, but that's the way"-----

Supervisor Janoski: "George I've got to ask you a very far out question. How do you feel about the proposed garbage districts?"

George Schmelzer: "Well, we had a hell of a mess and if you bring this instead of having a full mess you'll have a quarter of a mess maybe. You'll solve not all of it as trial and error I think it will take you a year or two to straighten it out because it is something new and it can't be helped. Now people will bring more of their junk to the side of the road to get rid of it now. If somebody has an old car, all you do is put it on the side of the road and then they come by and pick it up once a week."

Councilwoman Civiletti: "Old cars would not be included in the bulk waste pickup in the contract."

George Schmelzer: "Well they take the car apart. A fender a week, next week a wheel, next week the radiator. You can get rid of it that way can't you?"

Councilwoman Civiletti: "If you're very patient, yes."

George Schmelzer: "I never used the dump. We have two tenant houses and one tenant trailer who take care of their own. What will I be assessed? How will it work?"

Supervisor Janoski: "Is that a question?"

George Schmelzer: "Yes."

Supervisor Janoski: "Thank you George. Have a seat and we will see if we can get an answer for you."

Michael LoGrande: "Apparently he as a two tenant house. They would pay 1.5 times the basic rate that the single family home pays. Two single family homes? You're going to pay a single family rate for each house then. And a trailer, if it is a free standing trailer on a separate lot, that's also going to pay the basic single family rate on whatever that bid comes out to be.

I should point out to you that someone asked a question earlier about how do you average the rates. What we have done and it is acceptable to State Comptrollers is that you bid out all the contract bid areas and then you total up all the bids, divide through the single family home unit. You total up all the awarded bids, divide through by the total number of units per and that becomes what every single family home pays in the Town of Riverhead regardless of where you come from. They will all pay the same amount of money. A two family home will pay 1.5 and so on. A three family home will pay two times the basic rate."

George Schmelzer: "Suppose I ask the two tenant houses and the tenant trailer to put their can in front of our house, then it would be from one house then and the pickup wouldn't know the difference would he?"

Supervisor Janoski: "George you have done a very nice job here tonight and I thank you very much. Yes sir."

Charles Cetas, Riverhead: "I would just like to say that basically I'm in favor of the garbage districts. I'm in favor of any program that's going to eliminate or at least curb the illegal dumping that is going on in Riverhead. But I do have one question. I'm a gardener and whatnot. I try to compost as much of my yard waste and garden waste as is possible. But there are somethings that just don't compost that well. I do throw them out. I'm also against in principle the use of plastic bags. They don't compost, they don't degrade and we need to get rid of as much plastic in the garbage stream as possible. Would there be an option other than the use of plastic bags to contain yard and garden waste?"

Supervisor Janoski: "Well the obvious answer that comes up is paper bags and of course you know what their made out of."

Charles Cetas: "Or how about plastic garbage pails that can be emptied?"

Supervisor Janoski: "That would be very difficult, but once again I will ask. Do you have an answer to this?"

Councilwoman Civiletti: "The plan that we are having the hearing on tonight The Solid Waste Collection Plan that Municipal and Planning Services put together doesn't dictate plastic bags. That is something that Mr. LoGrande suggested that was an option. The proposed legislation that we are having a hearing on leaves it up to the Town Board to designate such containers as it determines appropriate for placement of yard waste at curb side in a way that it doesn't obstruct of flow of vehicular or pedestrian traffic. I don't think that the Town Board is going to say that you have to use plastic bags, because as a matter of principle we don't want to encourage something that in essence is going to create more waste. If it is possible to enter into contracts with the provider of collection services, the carters, and that would depend to some extent on their equipment, to a large extent, on their equipment that would allow them to pick up the leaves and yard waste without being in a container that is going to stay in like a plastic or paper bag then certainly we want to do that because it's less waste. We don't want to continue to encourage the generation of solid waste. But that may require special equipment. It may require equipment that they don't have and we can't expect them to purchase."

Charles Cetas: "I think that the Town could also encourage and educate the people of Riverhead to compost their own yard and garden waste. That reduces the volume and also reduces the water and the weight that goes with that."

Councilwoman Civiletti: "We've been trying. We've sent out a booklet that among other things showed people how to do a home compost."

Charles Cetas: "Public announcement over WRIV once a week wouldn't hurt. That's all I have to say."

Supervisor Janoski: "Thank you. Mr. Roberts did you address the Board on this matter already? No? Then come on up."

Bill Roberts, Baiting Hollow: "The Town of Riverhead originally was part of the Town of Southold. Was it not? I read with interest in the NEWS REVIEW, July 4th that the Town of Southold has retained a patent expert to investigate the Andros Patent to see if it provides an exemption whereby the Town of Southold be eliminated from the Long Island Landfill Law. I wonder if the Town of Riverhead has thought about joining the Town of Southold in its effort to and because if it is applicable to the Town of Southold it's also applicable to the Town of Riverhead."

Supervisor Janoski: "I think Southold is doing an admirable job and as you point out Riverhead at that particular time was part of the Town of Southold. So if they are successful we would be successful."

Bill Roberts: "We haven't heard anything about any progress that they have made have we?"

Supervisor Janoski: "I talked with Scott just yesterday, as a matter of fact, and no progress report, but they feel that they have a good, good solid case."

Bill Roberts: "What are we talking about garbage collection for then?"

Supervisor Janoski: "Because I think it would be irresponsible for this Town Board to ignore the law and not to prepare for its implementation."

Bill Roberts: "That was a statement on my part that was not necessary. I've a problem to present, however. I live on what I call a private road. It's not a private road. It's an undeeded private right of way. There are sixteen families, sixteen households on that undeeded private right of way. It's thirty feet wide, but only about twelve feet is utilized. It starts off at the crest of Edwards Avenue before it starts dropping down the beach, Cliff Way does. It goes to the cliff and parallels the cliff. All of a sudden the road which is loam with some stones on top becomes total sand. It's impossible for any garbage truck to get in on that road to make the collections at those sixteen houses. He'll get bogged down everytime. What would we do in a case like that where we don't front on a main road?"

Councilman Prusinowski: "I believe you'll probably do the same thing that the residents in that neighborhood do now which is put their garbage. I happen to have been up there several times this summer and I know exactly what you are talking about. They would put the garbage down at a central collection point, I believe on Edwards Avenue. The carters pick up the garbage for all the---" (interrupted)

Bill Roberts: "That dumpster there is for the benefit of renters who are renting five bungalows. The other people all self-haul as I do to the dump.":

Councilman Prusinowski: "I think there are a few residents though that put---I saw garbage pails down on Edwards Avenue off the road. We have to investigate that Bill."

Bill Roberts: "As I said it is a private right of way."

Councilman Prusinowski: "And I agree. I don't think a garbage truck could get in there."

Bill Roberts: "No way. He can get in, but he will never get out. Sixteen families self-haul."

Supervisor Janoski: "Is there anyone who has not spoken and wishes to address the Board. Yes sir."

Rolf Kessler, Wading River: "I am not against a collection district. Most of the opposition is the cost. Now in my case, and I don't know where Mr. LoGrande gets his figures, but I'm sure it is. I haul for myself. I haul for my Mother. I haul for a neighbor. Three people. Once a week. It costs me \$1.00 or \$52.00 a year. Everything fits in the trunk of my Volkswagon. Now you are going to charge these three houses \$600.00. That's what everybody is objecting to. The district, fine, perfect. I think it's a great idea. But the cost no way. That's not Jamaica garbage district. Let's take it out of the Town's General Fund instead. Maybe we wouldn't have so many objections. We wouldn't pay anything extra so we will cut other things down in the Town. Okay. Thank you."

Supervisor Janoski: "I'll be happy to meet with you at your discretion so that we can discuss that proposal. Way in the back there."

Alan Wicklund, President of Northville Beach Civic Association: "As the gentlemen proceeding me has stated cost is always a problem. He refers once again to more government, more affecting our lives and more out of our pockets. I think the part that I personally find most objectionable to this local law that is proposed is that it is a mandatory program. Now if it were on a voluntary basis as it is now, I know my own family we have three children, my wife and I. We go to the dump once a week. I would imagine our disposable wastes have decreased by about fifty to sixty per cent because we practice recycling at home and it does work. I feel that if people know that the truck is going to come every week why should we really be sincere about recycling. We can put it in a plastic bag and they will never know its in there. So we may defeat what we are trying to accomplish. I don't want to speak to lengthily."

I have one question for Mr. LoGrande. My community is largely a summer type of community and many people use their properties proportionately through the year. Let's say one third of the year. Is there a mechanism in the proposed law for a proportionate rate for these persons?"

Supervisor Janoski: "Is that your statement Alan?"

Alan Wicklund: "No, I have one follow-up thing, but I would like to hear the answer if we can do that."

Supervisor Janoski: "Okay. I think Alan, awhile Mr. LoGrande is getting up. I don't know how you came to the conclusion that you just annunciated about plastic bags and recycling. People are going to recycle if they want to. You can do that right now. Throw all your recyclables out with your regular waste. It's a fact that we are not recycling to the extent that we can. So I don't know what bearing that has, but it is an interesting observation. Mr. LoGrande."

Michael LoGrande: "The question that was raised with respect to recycling. First I want to say that that is being paid for when the families come under the district; that the district is created. And so there is no reason why they shouldn't be complying with the law and they are going to have to because the other part of this public hearing is mandatory recycling that is going to be required of all families and that recycling is going to be on Wednesdays.

The second part is someone also raised the question with respect to seasonal. It would be the option of the Board if they wanted to consider a differential charge for seasonal. It would be easy enough to do it by just lowering the factor rate. One of the problems that we are having right now is that to a very great extent many of the people who use the seasonal homes are using those municipal receptacles on the streets and using commercial dumpsters or they are going down to parks and this is no different by the way than what happens in almost every town. That the seasonal people generate, for a sizable part of the year, they are generating a sufficient amount of garbage to warrant I think a reasonable charge. The Town can in their option if they want to, and it's easy enough to do there are nine hundred and some odd seasonal units that are included in the district. You can change the proportional rate to something less than what a full unit would be. The other problem is that you never know when the category seasonal is being used for longer than the usual four or five months out of the year."

Alan Wicklund: "I can understand what Mr. LoGrande is saying, but is also one of the complexities of this law and it's a problem that it does present. But it is not fair for people who do not live here in the colder season to underwrite the cost of this total package."

Supervisor Janoski: "You know what also isn't fair Alan?"

Alan Wicklund: "What?"

Supervisor Janoski: "It's for us people who pay for this all year long to have to pay for those seasonal people to dump it into the beach receptacles and other receptacles in the Town. That's not fair either. So it will balance out hopefully."

Alan Wicklund: "Well if you feel that's a valid claim I would agree with you somewhat, but I know in the community of Northville"----- (interrupted)

Supervisor Janoski: "I don't feel it Alan, I know it because we"---- (interrupted)

Alan Wicklund: "I know it goes on. There are people that come from out of town that also dump their garbage. You know it goes on. But it is something that if people are sincere and legitimate in their efforts, such as myself I happen to own

summer that I rent out and I own a year round. We are permanent residents. I own both types of dwellings or properties."

Supervisor Janoski: "What's the system at your permanent residence?"

Alan Wicklund: "I live in Riverhead so I take it to the dump."

Supervisor Janoski: "No. What's your permanent residence?"

Alan Wicklund: "I live on Sound Shore Road. I'm a permanent resident of Riverhead."

Supervisor Janoski: "Oh you are."

Alan Wicklund: "So I mean I was at one time one of the summer people and now I am a real Riverheader. So I understand both sides of the problem and I'm concerned about it. Just fairness and that will lead me to my next of the final thing that I have to say on this. Some of you folks have dealt with me in the past and what I like to do is have time to review a problem, a situation. I know the proposal of the publishing took place about the thirteenth or sixteenth of July was it? A week or two ago?"

Supervisor Janoski: "At least ten days ago."

Alan Wicklund: "Yeh, alright, fine. This is the only hearing on this topic I understand? When do you expect to take a final vote on this proposal?"

Supervisor Janoski: "Well the decision to implement would actually take place when we accept, went out to bid and accepted bids."

Alan Wicklund: "I mean it will be approved by the Board by vote at some time and I'm just wondering when will this take place because I have to read it, I have to review it and get it to my people so they can have their say."

Supervisor Janoski: "Alan, I don't know if we are going to discuss the enacting of the enabling legislation this evening, but that would be followed up by preparing bid specifications based upon some of the testimony that we have heard here tonight concerning certain specific problems. But it does not go into effect until such time as the Board awards bids for the collection which would be some time. And quite frankly we don't have the luxury of too much time. This has been discussed for --- when did we engage you Michael?"

Michael LoGrande: "September 4th, 1990."

Supervisor Janoski: "September 4th and certainly it was no secret that the Town Board was considering garbage districts and formulating plans and of course the landfill law that's pretty much common knowledge what's going on. We don't know what the State is going to do. We are trying to keep them at bay. We are working at a number of options. We've gone out to bid for proposals to handle the solid waste in the Town of Riverhead which will be coming in, I think, in about two weeks. Then we will have those things in. But we've got to move forward with these kinds of plans, not of our own choosing, if it were up to any member of this Board we would be operating our landfill and everybody would be doing business as they used to do it."

Alan Wicklund: "Well I understand that position. Just one last comment. Whether I take my garbage responsibly as a citizen to the landfill or to a corporation such as Omni. If I do it in a responsible manner, I accomplish something for the community. Here is another case where government is telling the citizens of the community this is the way you will do it and this is what you will pay. And many of the little people get stepped on along the way."

Supervisor Janoski: "How would you do it Alan? Would you have a thousand people show up at the Omni Recycling Plant with their plastic bags. Do you think that's a workable solution?"

Alan Wicklund: "Well I've never waited on line at the dump Joe. We have the opportunity to say to Omni listen; we stick up for our people in this Town. If you want to do business in our Town you will serve them on an individual basis, if this is what they want. If they don't want to come here, they don't come. Unfortunately it seems like we are being railroaded a bit to use a tough term. I don't mean to use a tough term. And with that I'll give the mike up."

Councilwoman Civiletti: "May I address this."

Supervisor Janoski: "I wish that somebody would."

Councilwoman Civiletti: "I would like to address this because all of us are aware that there are a lot of people that don't like the idea of a collection service being imposed on them for a variety of reasons. But the fact of the matter is, if we drew up bid specifications and asked for a vendor to take our garbage from an unpredictable number of individual number of residents at their facility having a lot of traffic coming in and out. We're either not going to get any bids or the bid price will be inflated. Very much inflated. The alternative would be to construct at great cost a transfer station that what is currently the landfill operation which would mean at a minimum a couple hundred thousand dollars to have a transfer station so that a percentage of our population could self-haul their garbage to our own facility so that we could then pay Town employees or contract out for a company to then bring the garbage to a facility that is

sited in Town somewhere where we could have packer trucks under this collection system bring the garbage direct.

The other thing is that there is a very real and urgent need to deal with illegal dumping in the Town. There is a lot of vacant land in this Town and we have a lot of seasonal residents. As a result there is a lot of illegal dumping. As the price for legal disposal goes up illegal dumping is going to increase. This is the only known way to handle that.

I'd also like to address your point about it being a disincentive to recycle. We tried to in the legislation come up with something of a hybrid; something that would address the problem of illegal dumping by providing a collection service to our residents and taxpayers in the Town, at least residents in single family homes, two family homes and such. But we also tried to come up with a scheme that would provide a built in incentive not by way of a penalty, but by way of a reward essentially, built an incentive to recycle and reduce waste so that one year after the effective date of this local law whether or not we do the districts, and that is a separate local law, we have a limit imposed on what your annual tax bill entitles you to put out. I think Mr. Kessler pointed this out a long time ago at another public hearing there is some relation between what you generate in the way of garbage and what you pay. Because whether you go into the dump once a week with one container or one bag and pay a dollar or you go in with any kind of a car, whether its a trunk of a Volkswagon or a larger stationwagon, if it's not a truck you still pay that same buck and it's disproportionate and there is no incentive for people to reduce their waste or recycle. We are trying to, as best we could with a municipal collection system to build that kind of incentive into this law so that after January 1, 1993 you would be entitled to put out, I originally wanted two but my arm was twisted (that might be a bad phrase to use) I was convinced that three thirty-two gallon cans was the way to go so that you'd have the opportunity to put out debris. Beyond that you would have to have a special sticker or permit so that you could have more garbage picked up that week. So we tried to accommodate that to provide an incentive for people who reduce and recycle their waste."

Councilman Vic Prusinowski: "And Alan another thing too is that with an organized collection system you really increase the participation by recycling. It would be doubled what it is now. Although we are very, very happy and pleased that the Town of Riverhead is doing a wonderful job of recycling. There is a whole bunch of people out there that are just not recycling. This gives us the control mechanism to make sure that, what Denise said. By encouraging through an award system, but also on the other side is the stick too, because if you are not properly recycling there will come a time when we will not pick up your garbage. And the bottom line is that when the tipping fees go up and up and up not because we want them to, but because of the economic realities we have to have a system that is economically affordable for the Town. The way to do that is to reduce the waste stream through recycling one hundred percent."

Alan Wicklund: "You know the points that you bring back at me are valid. They can be modified. We can spin them around or whatever we wish. The biggest fear that I think many of the residents do have is that the \$200.00 a year fee that is proposed at this time will go up probably proportionately in the area of 20, 25, 30% a year for the next ten years and that's unfortunate."

Councilman Prusinowski: "That depends on" (interrupted)

Supervisor Janoski: "Victor, Mr. LoGrande would like to--"

Michael LoGrande: "The proposal is for a five year bid. If the Town selects to create or chooses to create the district and you bid out the district, you're going to be bidding out the district for a five year period. Every resident in the Town will know precisely what their garbage collection bill is going to be for the next five years. The pass through on the tipping fee that's the one that is of great concern and Mr. Prusinowski is right in that sense there will be a pass through formula with respect to the tipping fee and in the event that the State does some other strange things as they have done in the past requiring even greater costs for the handling of garbage then there is going to be a pass through on the tipping fee. But the families will also know precisely what that is and where that cost is coming from. The carter himself will make no money other than what he bids specifically now for the next five years."

Councilman Prusinowski: "What he bids for the service."

Michael LoGrande: "For the service."

Supervisor Janoski: "Thank you Mike."

Alan Wicklund: "I would just like to respond to that comment and then I will sit down I promise. When they closed down the Shoreham Nuclear facility and they came up with the rates we would be charged, the only amount our rates would go up annually to LILCO we were promised one figure. I don't think there is a person in this room who cannot say that their rates have not gone up higher than what was promised to us at that time. And this is what makes people skeptical of government and believe me I realize how hard it is to sit in those chairs there and pass proposals like this to people. But it makes us skeptical, it makes us afraid. We see our children leaving Long Island. We don't know if our future retirement is here. We see our senior citizens struggling to get by. I haven't heard a word of mention of a reduced rate for a senior citizen. When you consider what older people generate in waste compared to what my family generates it's minuscule. There is no mechanism to protect them either. These are a lot of concerns and I don't envy you having to wrestle with them, but they must be wrestled with and dealt with fairly and that's the only concern I have to say. Thank you."

Supervisor Janoski: "Yes sir."

David Goldman, Riverhead: "I think that you have done an admirable job so far in wrestling in what is a very difficult problem. I imagine that this seems to be the best solution. I have two questions. One is on the fourth garbage can I believe you mentioned. Is there a disincentive on producing more garbage that you have to pay a fee for that fourth garbage can for the sticker?"

And the second question I have is on who will oversee the service that the carters who are awarded the bids gives? In other words if a carter for a certain district wins that bid and then doesn't give satisfactory service who will oversee that and who can residents complain to and can that bid be revoked?"

Supervisor Janoski: "I thought for a minute you were saying how can we find out? And gee whiz we would know very quickly. Because it is a bid specification in Town government, the Town Board would have the ability to deal with any complaints and of course, because we make the payments to the carting companies for the services that is stick that we have and the check isn't cut. Yes sir."

Alan Daters, Riverhead: "I certainly see that this is a difficult problem to deal with and if the D.E.C. really goes through with closing the landfill I presume that this is probably the best choice maybe that we have. There are a couple of concerns that I have of course. Maybe I should say a suggestion. If the D.E.C. should somehow miraculously decide to let us keep doing what we are doing if there would be some way or something that could be written into it that would undo this so that those of us who are self-haulers could go back to what we've been doing. I'd would appreciate that. I know that is probably a long shot that you are not worried about."

The second thing is I think we know that down the Island there are problems with hauling and there have been problems with criminal elements etc. I know I've read articles and there have been convictions, etc., etc. and etc. I feel sort of---I think Mr. Mathis was getting at my thoughts, that come five years after the first bid the number of possible bidders may have been narrowed down considerably. I would wonder if the Board would think about some way of perhaps talking to the Attorney General or the County D.A.'s and trying to figure out a way to make sure you have a real grip on who you are dealing with in the future. Maybe not the first time around, but down the road."

And the other thought I had along that line, it may be a little off the wall, if you had six districts. If the Town ran one of those segments, because the Town picks up garbage now, they have a truck now, if they ran one of those six you would have a very good idea of what the cost of picking up was. In other words if a hauler can make money at it, then the Town should be able to make money at it and then you would know at the end of five years if someone comes in with bids that are extravagantly high and you would know what the Town's costs are

then you would know whether something funny was happening or not. Maybe it's a bazaar idea, but-----"

Michael LoGrande: "Those were good comments and I'd say that they've all been good comments. The idea of creating a pilot district was done in the Town of Islip when 61 districts were created. They had one pilot district that was run by the Town of Islip. They expanded that to ten districts run by the Town of Islip out of the sixty-one. And the answer is and with all due deference to the Town Board and I think you would agree with me I spent twenty-four years in government. When government can do things cheaper than the private sector. I want to see that day and I want to see that government. We're far better off, I think, and this is perhaps the closest and the best system where you take the best of both worlds. The private sector doing the collection and managing their own employees and handling their own equipment and the Town seeing that the service meets a particular level and that everyone is paying their fair share. I think that's why the district idea has been the most effective way of doing it.

I don't know if there are other speakers, but there is another comment I want to make in respect to the policing of these districts and who will come in. We have done, as I said the Town of Brookhaven with 99,000 homes by the way. The Town of Huntington, the Town of Islip and now Riverhead. In all cases we touch base with the crime task force of the F.B.I. which is set up for investigating the carting industry out here. We advise them of the carters presently here. We give them a copy of this report and this report will be going to Mr. McCormick who is located in Melville of the crime task force of the F.B.I. They review the report, they review the bids when they come in, they review the names and they advise as we will turn over that information to the Town Attorney and we are planning to meet with them very shortly and that information is turned over to the Town Board. Also, in answer to Mr. Mathys and we didn't answer them before and you alluded to the fact that can it be kept locally and the answer is; yes it can be because you can allow these bids to go only licensed carters that have an established route in the Town of Riverhead. That means that the carters who are in Riverhead now are the ones who will get a crack at this thing. It may be commercial carters as well as the residential ones. You can not exclude the commercial ones who may want to get into the business but it is going to be carters that you have had the experience with, and who have been licensed and who know the Town of Riverhead and that's how I think you can confine it. And we believe that the State Controllers agree with us that that restriction is not an unreasonable one."

Supervisor Janoski, "Is there anyone else present wishing to address the Town Board on this matter? Let me see now. We've got George and George. Well Mr. Mathys, I'd like to hear from you first."

George Mathys, "I have three questions that came out of what I heard so far. I'll give you all three of them and then Mr. LoGrande can respond to them. First of all, if you are going to set a different rate for summer homes, some summer homes are occupied for three months, some summer homes are occupied for six months. How do you handle that? Do you cut it off after Labor Day. And if a person comes out weekends and leaves their garbage out by the road, and they've only paid for summer service, will somebody police it and will you be responsible or the Town Board to tell the carter who services that area, don't pick up Mr. Jones' house because he only paid for three months. So that's a problem that could arise. I'd like to know how you're going to handle that? Second, if everyone is going to be assessed, we're using a number of \$200, so I guess if I bid \$199, I've got it. Everyone seems to think it's going to be \$200. If everyone's assessed at \$200, is it going to be \$200.00 for a one family dwelling on a half acre lot with one tree and \$200.00 for a one family dwelling on a twenty acre lot with 500 trees? Isn't that going to be a lot more leaves out there. How do you handle that? You did say you are going to have a limit on the cans to three. But how are you going to handle the additional service the larger property owner has which you don't deal with too much up west, but out here especially with all the farms and all you have some big tracts of land with a lot of leaves so that point has been brought up several times tonight. It's something that you're going to have to deal with. Question #2. Will they be assessed the same? My third question is if we go with the series use a hypothetical number of the garbage districts up west a truck services somewhere between 800 and 1200 homes per day per truck with three men. I think Mr. LoGrande has based his \$200. figures on we all seem to think it will come in somewhere around there, hopefully it will that basis. If because of the population density on the East End a garbage truck can only service 300 homes in the course of a day, with that same truck and the same three men and he is going to cover a lot more miles. So the bids come in at \$300.00 instead of \$200.00 like you anticipate or even higher. Is the Town still willing to go ahead with this? You can't be guaranteed that you are going to get it done for \$200.00. You have to take into consideration and I would like to know if Mr. LoGrande has done that. The difference in the population density is going to affect the bid process."

Michael LoGrande: "The comments with respect to the seasonal homes is correct. That's why it's a difficult one to put a variable rate. However, the way it works is that if you do put a variable rate, they do pay less money and the carter goes by the house and doesn't see a pail out because they're not there in January and February, the system works automatically anyway. So I mean it is possible to lower the rate for the seasonal home. They pay less money and if they're not around there during the months of December, January, February, March, perhaps that garbage isn't put out and the carter isn't picking it up. He would have to know that difference. The basic difference has to be that the carter has to know at the time of the bid, he has 'X'

number of seasonal units within his contract bid area and he should bid accordingly. With respect to the question of the variation and the number of lots and the number leaves, at some point you have to say look; you have to understand that there are going to be atypical ones. But as we look over the Town of Riverhead, characteristic densities are all fairly close. So that at least 80% on a bell shape curve, 80% of them are going to fall into the right category and there may be some extreme ones that have large lots with more leaves. They will be picked up too."

Councilwoman Civiletti, "Can I just interject something? I'd like to respond to that. When we did our waste analysis, we analyzed what was in the waste and how much waste there was. Even though we have larger lots with more trees than a lot of instances than a typical half acre lot in Brookhaven or Islip, we actually generate on a per capita basis a lot less in the way of yard waste because people with the large lots don't feel as compelled to rake up the leaves and put them out. When they have larger lots, they tend to not be cleared and all lawn and they tend to have areas that are wooded and they generally leave their leaves where they fall or pile them up or compost them in their lots in a way that people in a more densely populated area can not. So we produce less yard waste and less leave waste than western more densely developed towns. And I just wanted to point that out."

Michael LoGrande, "That's a good point. And I also think that that's pretty much even handled in the system of averaging. I might add that the number 200 that everybody seems to be throwing around is a number that was taken way out of context of the report. The report showed that that was approximately what the initial bids were in other towns. It's not the case here. We're hoping that it's going to be less. It may come out to be less. It may come out to be more. The Town Board will have the prerogative to obviously if the bids are much too costly, to throw out the whole thing. I don't know if I'm the last speaker Mr. Supervisor but maybe I should just give a summary comment. And at that point if there's other speakers, if this doesn't cover it all. I know that the hour is getting late. If this doesn't cover it all, hopefully maybe we can get answers to the others. All the comments that were made with respect to government getting into another service; costing us more money. Although I have to tell you those people were self hauled, never charged for their time, their vehicle, their license, their insurance or anything. If they did an actual analysis of what that share of the weekly trip to the dump and 45 times a year, you'll find that it's costing them \$120 or \$130 in reality. Those are trips that would not have to take place. But all the comments with respect to cost and the comment with respect to government getting into these things is something we addressed in the report and we said we wished that the landfill would not have to close. We wish that the system of solid waste disposal did not change as it has been over the last 50 years and you wouldn't have to do these

things. And we recommend and rightfully so as the gentleman before the last speaker said, that if the landfill is allowed to remain open, we would recommend that you not bid out these districts, that you don't have these districts at all and to continue the same system. Because for one thing, you run a very fine landfill and I've seen them all. Everyone of them, I've crawled through all of them. You run a very fine landfill. There's no evidence of contamination of any kind coming out of your landfill. It is very well managed. There is, I think personally that this is a great injustice that was done on the Town of Riverhead. But I can also see that in the event that you're forced to do that so that you don't end up with (if you'll pardon the expression) a Chinese fire drill with respect to who is bringing what garbage where and who is going to collect it, that probably the simplest, the safest and the most effective and the most efficient way of doing it is through a garbage collection district that is going to be under control. I can tell you right now that Omni or who ever may run a major center, will not allow a thousand vehicles which you had on April 30, 1989 enter your landfill. There was 957 vehicles that came in that day. They will not allow those kind of vehicles entering your system. They can't run a system like that. They have to have people who are covered for liability purposes in proper vehicles with proper machinery and equipment to handle that kind of garbage. So that any system that's going to result as a result of the landfill closing, is going to end up probably with a controlled mechanism either through the districts or by some other system if you can think of a better one. We frankly can not. And with that, we would recommend that this be approved. We do have a very tight schedule if the town is to accomplish what it has to accomplish by January 1st. If the bids come in too high, we would also recommend that you throw out the whole thing and perhaps muddle through it in 1992. The districts and the study will still be valid next year. If there is no other way of doing it with respect to time. And with that gentlemen, I thank you very much and ladies, thank you."

Supervisor Janoski, "George."

George Schmelzer, Calverton, "Gentleman before mentioned the Andros Patent. In the first state constitution of 1777, the Colonial patents up to a particular date in 1775, were guaranteed the terms and guaranteed in the State Constitution, whatever it said in those patents. The Constitution protected it. We do need administration of our so called great Governor Rockefeller and our so called great leader Perry Duryea. That was taken out of the Constitution very sneakily. They had proposition on top of the voting booth and written in such a way that people thought that it was good to vote just to get it out. Everytime I see a proposition, if it was any good it wouldn't be there, that's the way I figure. But anyway so it's out of the State Constitution now. We no longer have that protection of the patent being guaranteed. I think that was done by the bureaucrats of the State so they can control our local towns more, local landowners and

other reasons too which you fully understand. Maybe that's another matter. Now if the people of Riverhead Town are going to get charged a fixed fee of \$200.00 or whatever it may be they have no incentive to conserve or bringing in less garbage than they have been when bringing it over to the dump themselves. You are going to get an awful lot of more junk, I think, than you figure. And I believe that people should be encouraged to compost their leaves and grass. To hell it should go back into the ground again. If you have, say six districts and there is quite a difference in the bidding the guy that bids the cheapest district are those people going to pay less or will it be all averaged out?"

Someone from distance: (inaudible)

George Schmelzer: "It will be all averaged out? You stay close to the mike because the people in the back can't hear you."

Supervisor Janoski: "The actual cost in several districts may be different to accomplish the actual pickup, but it will as far as the taxpayer is concerned be averaged out."

George Schmelzer: "Yeh, well would you let people if they decide to go down to the dump themselves to bring stuff."

Supervisor Janoski: "I don't believe that we just went through this whole thing."

George Schmelzer: "Huh."

Supervisor Janoski: "No George."

George Schmelzer: "Why not? Suppose someone doesn't use the facility? I don't use the dump. I use it commercial over on Brookhaven side. Bring stuff over there. I don't use the dump at all, never ask the Highway Department to pick up any stuff, any branches."

Supervisor Janoski: "Thank you George."

George Schmelzer: "Well I'm just asking you."

Supervisor Janoski: "George we have just gone through two hours of hearing on this subject and I am very surprised at this point that you asked the question that you just did. Obviously we are talking about not allowing people, residents to the Town to bring their waste"------(Interrupted)

George Schmelzer: "I said suppose they decide not to use the facility at all. You don't have to pick up the garbage."

Supervisor Janoski: "What are you going to do with the garbage?"

George Schmelzer: "I deposit commercially in a commercial dumpster. You've got commercial activity across the river."

Supervisor Janoski: "George that's illegal."

George Schmelzer: "Sure it's legal. There's two big dumpsters there. The asphalt company has two. Everything goes in there. Could I decide not to use the Town facilities and not be taxed?"

Councilman Stark: "No George."

George Schmelzer: "No?"

Supervisor Janoski: "No."

Councilman Stark: "You know that."

George Schmelzer: "Well I'm just asking you. You're going to get more stuff now"-----

Councilman Stark: "I just gave you another answer too."

George Schmelzer: "I found last week Riverhead garbage on Brookhaven side. I know who did it too."

Supervisor Janoski: "George we are in the midst of a public hearing on two proposals. Would you please address your feelings concerning the proposal of the creation of a garbage district and the local law."

George Schmelzer: "I don't like that you have it with no free choice."

Supervisor Janoski: "Okay. Thank you George."

George Schmelzer: "Yeh it's okay. Okay give us some free choice and it will be okay."

Supervisor Janoski: "If the State of New York will give us free choice we will be happy to say that you are absolutely right George. We will see what the State of New York does."

George Schmelzer: "Yeh. The State of New York, huh. New York is no longer the Empire State it's the vampire state."

Supervisor Janoski: "George thank you. Is there anyone else wishing to address the Town Board on these proposals. That being the case and without objection I declare the hearing to be closed. Let the record show that the hour is 9:31 P.M.

We are going to take a recess until twenty minutes of the hour of 10 O'clock.

Let the record show that the hour is now 9:40 p.m. and we will come to order. We call a specially called meeting of the Board to order at this time to consider several resolutions."

S P E C I A L B O A R D

RESOLUTION #461 - AUTHORIZES ISSUANCE OF PERMIT TO VICTOR PAFUNDI
DREAMER'S COVE PURSUANT TO CHAPTER 107 OF THE
RIVERHEAD TOWN CODE

Supervisor Janoski: "Recognize Betty Brown."

Betty Brown, President of North Fork Environmental Council:

"I just wanted to make some remarks before the resolution that you are going to entertain. It's about Case's Creek.

Case's Creek is obviously a very important and fragile creek. People have attended numerous hearings and meetings and shared with most of you the reasons they believe U.S. public officials should do everything within your power to maintain the integrity of the Creek and the associated wetlands for the future years to come. Since the Town has already designated Case's Creek a critical area one would believe that we all understand and share a common concern for this Creek as a valuable resource. The law seem quite clear. Extensions such as the one the applicant is seeking for new boat slips is allowed by the law only after a Full Environmental Impact Statement has been prepared and made available for decision makers to review and make informed decisions. The C.A.C. requires this be done. And certainly this is supported by the North Fork Environmental Council. I fear that many past incidents unfortunately have clouded the issue here. The applicant has suggested to neighbors that if he doesn't get his permit he will bring in welfare recipients. The applicant has suggested that he will block the road and the residents will not be able to access their homes. The applicant has defied the stop work order and continued to build his project without any Town permits at all. The applicant violated the D.E.C. permits by placing pilings in the location he wanted them in rather than where they were mandated to be. Work also took place on an incoming tide rather than on an out going tide which was again another violation.

I've heard from the Board Members that he is definitely going to satisfy fines and make up for his wrongdoings. No doubt we will soon hear that he will be our local Boy Scout leader. But let me assure the Board that whatever he has done or whatever he threatens to do has nothing to do with this issue. The issue is strictly a legal issue, not an issue of Board discretion.

I've also been made aware that some of the Board Members, or the sympathy of some Board Members, have regarding the cost of the Impact Statement that would be a burden to the applicant if the law was followed. Again a sympathy that has no place in Town Hall. I suggest that we stop worrying about the cost developers bear and begin thinking about the cost to Riverhead Town, our economy, our tourism and the cost to each and every resident when pollution devours our water quality and everything in the Bay is

dead.

Members of the Board the residents will be most disappointed if you do not uphold the Conservation Advisory Councils decision in this matter. I urge the Board please everyone is taking environmental initiatives doing what they can do. Each one of us are polluters. We all have to do what we can do and we are asking you to do what you can do to help continue to address the declining water quality in the Peconic Bay. Please don't be asleep at the switch. Thank you."

David Goldman, Riverhead: "I would like to remind the Town Board that under the State Environmental Quality Review Act as per sections 617.12, paragraph 12, quote: 'Any unlisted action which takes place within or substantially contiguous to any critical environmental area designated by a local or a state agency pursuant 617.4 each of this part' end quote is a Type 1 action. You've designated this area. You the Town Board as well as the County have designated Case's Creek as a critical environmental area. If it is a Type 1 Action for all Type 1 Actions again according to the State Environmental Quality Review Act. All Type 1 Actions require that an Environmental Assessment Form must be prepared. The requirement for a full EAF (Environmental Assessment Form) maybe waived if a Draft Environmental Impact Statement is prepared and submitted with the application. That's the law. That's the technical part of the law. The moral implications of the law are really what I'm more concerned about and what I believe any Board including this Town Board should be concerned about. We have a very serious problem in the East End of Long Island. We have a sick ecosystem. It's damaged. It's going to get worse. If we don't do something to try and reverse that damage, every stress on the Bay is going to add to that damage. It's not a question of one piece at a time. It's okay to do this and then it's okay to do that. It's accumulative. A word which I grant you has certain legal implications these days which may not be popular with the Board. However, it is true and I would urge you; think of the future. Think of the future of the people who live in this town. Think of our economic future. It's tied directly to that Bay. If that Bay remains sick or if worse, it goes on to die, we're all going to suffer. Thank you."

Supervisor Janoski: "I think so. In view of what the last witness has testified, I think it would be proper for the Town Attorney to state the town's understanding of SEQRA."

Town Attorney Moore: "We also recognize that an environmental assessment form had to be prepared and one was submitted by the applicant. It was reviewed by the Town Board with an extended part. Correct whatever caption it was D or E. We did a very thorough analysis of the comments that we received throughout the record of this process. We had numerous comments from the C.A.C., from the North Fork Environmental Council and from residents. So we took a very detailed look at all those comments and included in the environmental assessment form. To

clarify the SEQRA law, whether or not it's a Type I Action. We took the conservative approach that it would be a Type I Action because it's in a county designated critical environmental area. We did that. We have gone through the process of putting the notice of nonsignificance in the environmental bulletin. So we have gone through the process that is required of us through the SEQRA regulations. So there is some misunderstanding here. We have complied with the law. And at this point, the Board is ready to make a decision on the application itself."

Supervisor Janoski: "Thank you. This is not a contest. Yes sir. I would like to inquire as to whether North Fork Environmental Council has plans if this were to be successful, this resolution being approved, to engage in litigation against the passage of this."

Charles Cetas, Riverhead: "You're saying a full environmental assessment form has been filed? You can produce it?"

Town Attorney, Moore: "Yes it has. If you want to come into the office tomorrow morning."

Charles Cetas: "No other agencies said that a draft environmental impact study needed to be done?"

Town Attorney, Moore: "No."

Charles Cetas: "What agencies were involved?"

Town Attorney, Moore: "The D.E.C., the C.A.C. obviously had their opinion."

Charles Cetas: "How about the County? Was there a County agency involved?"

Town Attorney, Moore: "I don't believe there is a County Agency. If you could tell me what agency you're asking. Off the top of my head I can't think of a County agency that was involved."

Charles Cetas: "Okay. I would also like to read just for the record the other section of the law that was referred to and that was Section 617.4H and this is one sentence out of it. Any unlisted action located in a CEA must be treated as a Type I Action by an involved agency."

Town Attorney, Moore: "And we did do that. I don't think you've seen the resolution but it does in fact declare that it is a Type I Action. And that even though it is a Type I Action, after thorough review of the environmental issue, it would still be a negative dec."

Charles Cetas: "And you have the negative declaration on file?"

Town Attorney, Moore: "I believe so."

Charles Cetas: "I would just like to read the bit about the negative declaration. This is out of what's called the cookbook. It's dated June 7, 1988. Step 7, documentation 4 negative declarations. A: every negative declaration must identify the relative areas of environmental concern; thoroughly analyze the identified concerns to determine if there will be any significant impact on the environment and documentation, and document determination in writing showing why the environmental concerns that were identified and analyzed will not be significant. Unsupported statements that the action will not have a significant impact or no significant impacts were identified in the E.A.F. are assertions and are not adequate for a legally sufficient negative declaration. Such statements must be supported with adequate detail to explain why there will be no significant impact. Agencies are encouraged to use the model negative declaration form which is found in appendix L of part 617. I'm just trying to...."

Supervisor Janoski: "We have a copy of that that you're reading."

Charles Cetas: "I'm just doing this for the record."

Supervisor Janoski: "You can place the entire handbook in the handbook in the record if you'd like. You don't have to read it."

Charles Cetas: "It was just this one part here. Just to skip down here. However, the agency must maintain a file readily accessible to the public containing the negative declaration. Is this available?"

Town Attorney, Moore: "It's in the Planning Department files, probably in the Town Board's records."

Charles Cetas: "We can get it free readily, easily? Do we have to pay for this?"

Town Attorney, Moore: "Sure. No. I don't think anybody's paid for anything from the files."

Supervisor Janoski: "Would you like to submit into the record that entire handbook. Sir, this is a courtesy that the Board is extending to you. If you would like to place the entire handbook into the record."

Charles Cetas: "No not the entire handbook. I'm just finishing this one little piece here."

Supervisor Janoski: "We do have copies of it and we do follow it."

Charles Cetas: "That's all I have to say really. But I would like to make a comment. This is a state law. Riverhead is to my understanding, still part of the State of New York. You are public officials."

Supervisor Janoski: "Let me just say because there is something being very subtly said here. That we and the people of the Planning Department follow very carefully the process here because we want to do it correctly. Now when you stand there and you make subtle suggestions you're really not making suggestions concerning the Board. You're talking about the Town Attorney, you're talking about every member of the Planning Department who goes through this and makes sure that everything is done as it should be. And that is why we have taken our time with this one to make sure that it is correct. And I asked a question before."

Charles Cetas: "I'm not making an accusation, I'm just making a reminder."

Supervisor Janoski: "Very subtly you are."

Charles Cetas: "That's just a reminder from a citizen. That's all. I'm not making any accusations against anyone personally. I haven't mentioned no names."

Supervisor Janoski: "I understand."

Charles Cetas: "Alright."

Supervisor Janoski: "But I listened to what has been said here thus far and what is being said is we have not acted properly. Now that is saying it very directly. You have said it more subtly. And what I am saying is that we are professional people engaged here. I believe the Town Board are professional individuals and that we conduct ourselves in accordance with the procedure prescribed by law and that has been done in this case."

Supervisor Janoski: "That's all we want. We just want the law to be abided by that's all."

Supervisor Janoski: "I can say to you that we have. Let me just say that the D.E.C. issued it's permits long before the Town Board got to this point of issuing a permit."

"

Charles Cetas: "My understanding is though that for a coordinated review a lead agency has to be declared first before any permits are given out. Was that done?"

Patricia Moore: (acknowledged)

Charles Cetas: "Okay. I'll take your word for it. Alright thank you."

Supervisor Janoski: "Thank you."

George Schmelzer: "I hope that you don't listen to these obstructionists. They don't want anybody to make a living but themselves. Leave the poor guy alone and let him continue his business, the applicant. That's my idea. And the hell with these obstructionists. They must be a pain in the butt to you most of the time. They are to me. Thank you."

Supervisor Janoski: "Thank you George. Michael."

Michael Velys: "I don't consider myself an obstructionist. But I do have some thoughts here. I've scratched out about half of what I have to say because it has already been said and the hour is getting late and there is no point in my repeating. However I do want to point a few things out.

The application initially was submitted for a commercial marina. And now he claims that he doesn't want to run a commercial marina, he just wants to keep 20 boats in there. Twenty boats in there whether it's a commercial marina or any other kind of a marina is going to produce the same amount of pollution. As we speak tonight there are bilge pumps pumping bilges. When it rains water gets under the bilge and those bilge pumps don't know from beans. Water gets to a certain level and they pump. Wherever they are they are pumping oil. I just hate to see twenty boats in that marina pumping oil."

Patricia Moore, Town Attorney: "Mr. Velys if I could just interrupt you for a moment. Because I may be able to address some of the concerns that you scratched out. Because we did take in the C.A.C's recommendations into the permit process.

There are nine conditions.

The first is the spiles should only be installed from the period time from peak high tide to slack low tide in order to avoid siltation into the fresh water wetlands on the northside of Peconic Bay Boulevard. We were aware that he already installed the spiles. However this permit also requires him to relocate the spiles so that when that is done we hope that, we expect, that one will be abided by.

2. A pumpout station shall be constructed in accordance with a the special conditions of the D.E.C. permit.
3. Boats slips are only to be accessory to the motel units and shall not be used by anyone other than registered motel residents.
4. Docks are not to be used for sale of or used as transient dockage.
5. Accessory boatslip use shall terminate upon cessation of primary motel use.
6. The spiles are to be located no more than ten feet from the floats. Fifteen feet offshore of the seaward face of the bulkhead and shall be a maximum of ten feet apart.

That would be consistent with the D.E.C. permit, the original permit.

7. No gasoline or oil sales shall be permitted on the premises.
8. Any amendment to this application will require a new application to the Town Board.
9. This permit shall affirm and include all those conditions imposed by the New York State Department of Environmental Conservation in the relevant Article 25 permit and the order on consent number and its attending Schedule A.

We have seen that consent order and it requires the spiles to be located in accordance with this permit.

Mike Velys: "Fine. Okay. Thank you very much. Let me address some of those things that you just spoke of. It talks about spiles relocating. We initially granted him permission to put spiles in and with the stipulation that it be done on an outgoing tide. Now he didn't do it on an outgoing tide. He did it continuously for two or three days. We're going to stipulate again that he do it on an outgoing tide. We have no control over this fellow. He'll do as he did before.

Number one. Ask for a pumpout station. Pumpout stations are required by the State and there are some pumpout stations. I venture to say-----Vic does a lot of boating, I've done a lot of boating, I venture to say that there aren't 5% of the boaters on the water that use pumpout stations. Either they are not available or just not used. You know there are people that try to check out of that motel when there is nobody there to take their money. They left the money on the counter. Who's going to be there to pump boats out with a pumpout station. If their not interested in collecting the rentals are they going to be interested in taking somebodys stuff off there boats? I doubt that very much. I don't know that a pumpout station is going to be effective there if they put one in.

As for slips rented to only people in a motel, a boat is a boat and pollution is pollution. If there are twenty boats in there and they are owned by people who are renting the motel, or they are transients or whoever they are, they are going to produce the same amount of pollution. There will be bilges pumping whether its a boat with a ten foot beam or a twelve foot beam. They are going to have bilges pumping. These things work automatically. If a guy doesn't have an automatic bilge pump he runs down when it rains and he turns a bilge pump on. So I contend that you are going to have pollution there. You're going to have oil pollution and the rain with come with incoming tides and outgoing tides and those pumps will come on with incoming and outgoing tides and that oil is going to get up and do a very, very critical area and we are going to kill whatever marine life we have up there.

The next item. No transients. I don't know how. We are not in the policing business. So I don't know how you can do this and keep track of whether the guy has a boat or is a transient or

whether he's actually got a---I don't think the Town has the personnel to monitor that sort of thing.

As for the spiles being 10 or 15 feet apart. That is, I suppose, a good stipulation if it were to go through.

As for no gas and oil sales. I'd go along with that too.

Let me point out just a few other things here. I've think you've covered many of them. You may not be aware, but someone drowned right at the mouth of that inlet some year ago. People do swim down there. As a matter of fact my daughter was swimming there just today. She loves to swim in the bay. I think it's a real hazard. People swim along there. Some guests come out visiting and they may not be aware that there are boats coming in and out and they swim across there and be in jeopardy. That's a real problem.

Another thing we have to think about is the fact that there are two other properties down there. One of them is available for sale. I'm in the real estate business and very often people come to me and say 'Hey that would be an ideal place for a marina.' The Grey Goose property has two hundred foot of either floating dock or bulkhead. And if we allow this fellow to put his twenty slips in there how can we deny the next guy who's already got a bulkhead in there who's had more boats in there ever than the motel has ever had? I don't see how you are going to deny him. The other property that Levine owned or still owns can probably accommodate another twenty slips, another twenty boats. We're going to have sixty boats down there, not twenty. I don't see how you can permit one fellow and deny the other two. I don't know how you are going to do that.

There was some contention that there was 170 foot of floating docks in there. There was an aerial photograph produced. And when I first looked at that aerial photograph I said it looks to me like somebody drew a line joining two slips. And I firmly believe and in my opinion and I ask anybody that has lived in there for thirty five years, there's never been more than a couple of floating of docks in there. He asked to replace what was down there. And because he convinced others that he had a 170 foot of dock we granted him that permit to put another 170. Now he wants to go to 200 feet. I contend that there was no more than 20 or 30 feet of floating docks down there at anytime. And there were never more than one, two or three boats in there at anytime.

It's going to change the complexion of the whole---that's a residential area. Residence C area and in a Residence C area a marina is a permitted use. You can bet your bottom dollar that if he's permitted-----you know I have an obligation to the guy that owns that Grey Goose property if he's permitted to put a marina in there you can be sure the next guy wants to come along and put a marina in I've got to deal with him. We're going to put another marina in there. That's what's going to happen.

That's about it. I think I've covered it. I wish you would give strong consideration to what's going on. We have designated this a critical environmental area and for what purpose do we designate something a critical environmental area and let a guy put twenty boat slips in there. It just doesn't make sense to me. Thank you."

Supervisor Janoski: "I'm going to stop the public hearing. This has been turned into a -----We have had a public hearing on this application and there has been much discussion and what is left to be said that has not been made part of the record. If the Board wishes to continue this I will certainly abide by their wishes, but a----George were you the last speaker? Fred you are one of the people that shock and amaze me. I was sitting right here when you wanted 200 feet of dock and people came out and opposed that and I just don't understand, but anyhow -----."

Fred: (from audience) "I'd like to answer that."

Supervisor Janoski: "One of the things that I want you to understand is you all have the right to see what we're doing here. But I'm not going to allow this to be turned into another public hearing. We've had a public hearing. And I really should call up Mr. Pafundi now and his attorneys and tell him that there is comment and testimony being given on his application. He has the right to know that. This is really out of the ordinary.

But George come up and take that microphone and you know exactly that I'm right."

George Bartunek, Chairman of the Conservation Advisory Council: "I am sorry, but did indicate in the NEWS REVIEW that it was a public hearing on a completed application if I'm not mistaken."

Supervisor Janoski: "I'm certainly not responsible for the News Review."

George Bartunek: "Am I mistaken? I believe that's the way I did read the comment in the paper.

If I can just make a few very brief comments. The C.A.C. during the meeting of July 17th we were not even aware and I have to take fall for this. The staff report that was completed on June 3rd. or the preparation of the resolution which was completed on July 15th. Now I come down to Town Hall here every week to take care of the paperwork of the C.A.C. and unfortunately nobody even informed me in the Planning Department that these documents had been prepared. I've never had any dealings with the Town like that ever before. It confuses me."

Supervisor Janoski: "What are you saying George?"

George Bartunek: "I would like to understand what happened to the courtesy that has been afforded by the Town Board in the past and the Town Attorney to the C.A.C. That's what is upsetting me a little bit, yes."

Town Attorney: "To the extent that it didn't get to you I apologize. It should have. However as far as my legal obligations, this document was prepared by the Planning Department, but is not really a document that is accepted by the Town Board until they've had a chance to review it and decide

whether or not it reflects their intent. So I don't usually make public a document that I'm not sure whether the Town Board has adopted it in principle. So these documents again were draft because they were prepared in July, not even July, they were June I believe.

George Bartunek: "June 3rd."

Patricia Moore, Town Attorney: "So it's taken this long for the Board to really consider thoroughly what had been prepared for their behalf for their review. So if you didn't get a copy of it I apologize, but quite honestly I think it's something that was within the purview of the Board to consider."

George Bartunek: "Okay. I can accept that. I should have been notified that a resolution had been prepared and was going to be voted on. I should have had a chance to review; the C.A.C. should have been able to review that."

Patricia Moore, Town Attorney: "Well I think all the conditions came from the C.A.C. previous communication so there was really nothing in there that had not already been proposed by the C.A.C. in fact I think we if not 99% or 100% of your requests except for the request of the preparation of the Environmental Impact Statement, all the conditions were included in that resolution."

George Bartunek: "Okay. I also have one exception to the resolution and I would definitely appreciate it if it was rewritten to include this statement. You make a statement here the C.A.C. recommends issuance of a permit to construct 130 feet of preexisting floating docks, but recommended denial of the additional 70 feet of floating docks and spiles. I don't think you will find that in writing in our files."

Patricia Moore, Town Attorney: "But is it fact?"

George Bartunek: "No it's not a fact. We did not recommend denial of the extension of the docks. What we did recommend is an E.I.S. be prepared for that."

Patricia Moore: "Without an E.I.S. you would have denied it. I guess that's the way I read it that if there was no Environmental Impact Statement prepared then you would vote to deny."

George Bartunek: "I don't believe I, I would like to see that in writing."

Patricia Moore, Town Attorney: "Yeh. You go back to your note and that's the way I read it."

George Bartunek: "Okay. It's been a long time. And also something else in the resolution here I see no mention of any type of a fine. Has any fine been agreed upon?"

Patricia Moore, Town Attorney: "This process doesn't provide the penalties."

George Bartunek: "Even though he constructed docks without a permit?"

Patricia Moore, Town Attorney: "Unfortunately the court threw out the Section 47. The 103 provision was grandfathered and we're talking about it at 70 feet now, that's all. And he hasn't installed that yet, if I'm not mistaken."

George Bartunek: "I'm surprised. Are you sure we haven't been down there today."

Patricia Moore, Town Attorney: "Since last time then."

Councilman Creighton: "Stipulate the fine."

Patricia Moore: "The D.E.C. has already imposed a \$1000.00 fine."

George Bartunek: "They have opposed it?"

Patricia Moore, Town Attorney: "Imposed it."

George Bartunek: "Oh they have imposed a fine. Okay, I wasn't aware of that unfortunately."

Patricia Moore, Town Attorney: "He was asking about our own separate fine."

Board Member: "Yes, but I think it is relevant."

Patricia Moore, Town Attorney: "Yes."

George Bartunek: "The last comment that I have here is that it is difficult for me to believe and maybe you can correct me if I'm mistaken, but we have a total of five potentially large impacts that were addressed by the Planning Department staff that there were some environmental concerns raised by the Planning staff and there were six or seven that were raised by the C.A.C. and it's difficult for me to conceive of a project inside of a critical environmental area occurring like this without the preparation of an Environmental Impact Statement. I mean it's---" (interrupted)

Patricia Moore, Town Attorney: "I have to respond to what a critical environmental area does. George I've discussed it with you numerous times and I think that the public should be aware of it. A critical environmental area is a designation. It doesn't mean that you are from prohibited from building in that area. The only significance is that unlisted actions must be considered Type 1 Actions."

George Bartunek: "That's right."

Patricia Moore, Town Attorney: "However, the Type I consideration should still be made and you can still determine that in action whether it's Type I or not does not result in significant impact. And that's just what we did."

George Bartunek: "That's correct, but the -- we shouldn't be discussing this at this point. It's unfortunate that we were not able to sit down and discuss this before a public presentation like this. I'm not in the habit of trying to embarrass the Town Board and I don't think the Town Board Members --- for the time that I've served the C.A.C. which has been approximately ten or twelve years I feel terrible to get up and have to try to discuss things in this manner. I don't think it is correct. But I do feel the way this is going to be conducted is that you are sending a message out to anybody who wants to come into the Town and they want to do just about anything they want to and they are seemingly going to get away with it. That's the end of the comments that I want to make tonight."

Supervisor Janoski: "I would take objection to characterization of 'getting away with it'. An application was made, a process was followed and the Town Board is going to make a decision. I don't know what's going to happen, George, but we will find out. It's over Betty. We are going" ---(interrupted)

Betty Brown: "You asked me a question I thought."

Supervisor Janoski: "Oh, are you going to sue us?"

Betty Brown: "I wanted to share the answer of that with you, but I also wanted to ask if it would be possible for anybody from the Board to consider tabling this resolution and perhaps talking to Mr. Bartunek further and resolving any kinds of differences or clear up any kinds of issues that might not have been addressed and I would ask and beg that you consider that.

Now for your question. Please state it again."

Supervisor Janoski: "Does the N.F.E.C. intend to sue the Town of Riverhead or the D.E.C. which is really the main permit issuer on this question? Because if you are going to do that all the issues that are raised will be adjudicated in court and whether the SEQRA Law was followed properly would in fact be determined by the courts."

Betty Brown: "I guess the answer to that question is that if you would like to join in the Environmental Council at any point in time then we would share that information with you. But since you have avoided becoming a member of ours I really couldn't tell you at this time. Thank you."

Supervisor Janoski: "Well I will pull out the records of these meetings where I specifically asked you to become a member Betty and I will find the minutes of that meeting and we will demonstrate who's on the level around here.

Is there a mover for this resolution?"

Councilman Prusinowski: "So moved."

Supervisor Janoski: "Is there a second for this resolution?"

Councilman Creighton: "Seconded."

Supervisor Janoski: "It is moved and seconded."

The Vote: (Councilman Creighton offers comment)

Councilman Frank Creighton: "I'd like to comment. I think it is only fair in view of the assertions that we've had to listen to. I have to tell you that I didn't hear anything tonight that I didn't hear during the public hearing or read in the CAC files over the last week or longer that I've concentrated on the files. I have read, in fact, probably a foot and a half of files because I wasn't here two years ago when this permit hit the Town Hall approximately two, maybe three now. So I felt obligated to do my homework and I think I have. I view this as an eighteen room motel that has been there a very long time. I rented a boat there many years ago as a resident when I was on home on leave from service to go fishing with my children. There were preexisting docks. I know there is contention, but it has been agreed in negotiations by the Town Attorney and the applicant that in fact there was approximately 130 feet at one point and time. That was not something that we took lightly, but in fact was reviewed very carefully in conference.

I see an application that was submitted to the Corps. of Engineers and approved by them. I see an application that was submitted to the Department of Environmental Conservation, New York State and approved by them both for 200 feet of floating dock and 28 foot spiles or 8 inch in diameter spiles. Then submitted to the Town and kicked around here and evaluated in the Town for well over two years. All parties interested have had by my review more than adequate input to the process. I have personally seen and reviewed and read three different Environmental Assessment Forms on this same subject on this permit a short form, a long form and then a staff report which is extremely professional and I think contains a great deal of scientific and professional evaluation. So I have to conclude that the recommendations and the resolution that is on the table tonight was not done cavalierly or without regard to the due process and the laws in the State of New York and the Code of the Town of Riverhead. I have talked to many of you privately. I've received phone calls, about one an hour, for the last 48 hours on this subject, both at home in my private residence and here in the office. I have listened to all points of view and there are

other points of view then those expressed here publicly tonight. That is that this is not an intrusion on the environment. That in fact the individual applicant does have some rights and that it is a commercial motel property. That this bulkhead has been there for a long period of time. There have been boats and docks that went along with it. This view is in fact shared by citizens who live close to the motel and the facility. I personally live nearby and I apologize for taking all this time, but I think from what I've heard tonight and the last 48 hours that it's appropriate.

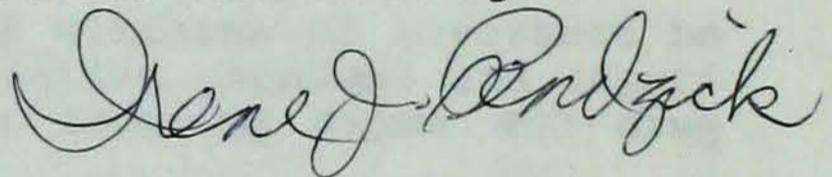
My grandparents and great-grandparents were baymen in South Jamesport and I personally walked up by this creek, Cases Creek at least three or four times a week. I feel that I know some of the muskrats and birds there personally, because I see them repetitively. If I were to do anything that was inappropriate to Peconic Bay or its environs and estuaries I believe my grandfather and great-grandfather would haunt me and perhaps that is what's happening through some of you. At least they would turn over in their grave. And I don't think that I would do that. I have a deep regard and respect for the environment, Jamesport in particular and Aquebogue and Peconic Bay. However, I also have a duty to do what is right for the citizens of the Town of Riverhead. We are in fact trying to foster tourism, recreational use as a clean environmentally sound way of stimulating our economy which we all know is in dire need of this stimulation and this is, I think, one way to do it.

I therefore vote yes on this resolution.

The Vote: Creighton, yes; Stark, no; Civiletti, no; Prusinowski, yes; Janoski, yes.
3 YES 2 NO

The resolution is adopted.

Supervisor Janoski: "Without objection this meeting is adjourned."



Irene J. Pendzick
Town Clerk

IJP:ch