

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held at the Riverhead Town Hall, Howell Avenue, Riverhead, New York, on Tuesday, December 7, 1993, at 7:00 a.m.

Present:

Joseph F. Janoski,	Supervisor
Victor Prusinowski,	Councilman
James Stark,	Councilman
Frank Creighton,	Councilman
Harriet Gilliam,	Councilwoman

Also Present:

Patricia Moore,	Town Attorney
Barbara Grattan,	Town Clerk

Supervisor Janoski called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Supervisor Janoski: "May I have a motion to approve the minutes of a Regular Town Board meeting of November 16th and a Special meeting held on November 23rd."

Councilwoman Gilliam: "So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes.

REPORTS:

Riverhead Tax Receiver	November, 1993
	Water, Landfill, Scavenger Waste
	Total Collections: \$305,453.75

Building Department	Monthly report for November of
	\$9,272.00

Town Clerk

Monthly report for November of \$7,352.35

APPLICATIONS:

None were submitted

CORRESPONDENCE:

NYS Department of Transportation

Designation of restricted highway LIE a distance of 21.1 miles from County Road 19 (Exit 61) to County Road 58 (Exit 73) in the Towns of Brookhaven and Riverhead

County of Suffolk

Amended zoning ordinance, Section 330-164 (G), Town of Southampton, Local Law No. 34 of 1993

Town of Southampton

Notice of Adoption of Local Law No. 34 - Chapter 330 (Expiration Dates for Variances) and Local Law No. 35 - Zoning Code and Zoning Map (Big Fresh Pond)

Also notice of three (3) Public Hearings in the Town of Southampton

Rogert Hodge

Letter thanking the Supervisor and the Town Board for his appointment to the Senior Citizen Advisory Board

Rogert Hodge

Letter thanking the Supervisor and the Town Board for the opportunity to serve on the Riverhead Town Planning Board

Supervisor Janoski: "The Town of Riverhead has suffered a tremendous loss in the passing of Nora Dirska, and the Town Board and the Town government on behalf of the people of the Town of Riverhead wish to express our sympathy and condolences to the family and friends

of Nora Dirska. Her seat is empty tonight and she has been long a regular part of the ongoing proceedings of this Town government. Most especially interested in those things which affected the senior citizens of our community.

We have representatives here, in fact, almost the entire Club, I would think, the North Fork Club of which she was President and I know representatives of the Senior Council and other senior groups are here. So I would like to offer this Resolution of condolence for Nora M. Dirska.

WHEREAS, the Riverhead Town Board wishes to express its profound sadness at the untimely passing of Nora M. Dirska who was President of the North Shore Senior Citizens Club; and

WHEREAS, the Riverhead Town Board wishes to add its sincere sympathy to that of the many who knew and admired her; and

WHEREAS, the Town of Riverhead is diminished by the loss of a woman known for her genuine regard for its citizens, particularly the senior citizens of our community as well as an unselfish devotion to duty.

NOW, THEREFORE BE IT RESOLVED that the members of the Town Board of the Town of Riverhead at its meeting assembled this 7th day of December, 1993, hereby express our sorrow at the passing of Nora M. Dirska, and extend to her family our most sincere condolences; and

BE IT FURTHER RESOLVED, that the North Shore Senior Citizens Club shall hereafter be named the Nora M. Dirska Senior Citizens Club in lasting memory of her many contributions to the senior citizens of the Town of Riverhead; and

BE IT FURTHER RESOLVED, that a suitably (inaudible) copy of this Resolution shall be prepared and presented to the family of Nora M. Dirska.

I would ask the Board to act on this by acclamation."

Councilman Stark: "So moved."

Supervisor Janoski: "So ordered by acclamation. I have prepared

two copies of this Resolution, one to be presented to Henry Pfeiffer who is now the President of the Nora M. Dirska Senior Citizens Club, and one to Reverend Nelson and ask that he would see that the family of Nora M. Dirska receive that copy. So if you would, I'd like to present them to you.

I thank the members of the Nora M. Dirska Club for being here this evening to join her many friends. It seems such a little action to recognize a great deal of work. And now we must continue with our work and observe that the hour of 7:11 p.m. has arrived and the Town Clerk will please read the Notice of Public Hearing."

Public Hearing Opened: 7:11 p.m.

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall at 7:10 p.m. on Tuesday, December 7, 1993, to hear all interested persons who wish to be heard regarding the amendment of Section 101-3 of the Riverhead Town Code, Stop and Yield Intersections, Railroad Crossings."

Patricia Moore: "We are adding in the parking field at First Street parking lot. The stop signs that are shown within a sketch in the Town Clerk's Office."

Supervisor Janoski: "Is there anyone present wishing to address the Town Board on the matter of this amendment to Section 101-3? That being the case and without objection, I declare the Hearing to be closed."

Public Hearing Closed: 7:13 p.m.

Supervisor Janoski: "I will recognize anyone who wishes to be heard on any subject. Alice."

Alice Graff: "I'll take two minutes of your time. Alice Graff, Riverhead. I know there's not a hearing at this point, but I'm so happy to see that you are going to purchase the designated homes downtown

and I, myself, and a number of people that I have spoken to are not happy with the plan that's there for that waterfront wharf situation. It does not appear to be Riverhead in our opinion. Thank you."

Supervisor Janoski: "Thank you."

Hilda Guthry: "Hi. I'm Hilda Guthry from Bayberry Road, Wading River. I just wanted to bring to your attention that my neighbors and I have been very concerned by the fact that the hunters have been coming around again, I guess since Thanksgiving. They're parking right at the end of the road, by Bayberry Park there, which is right across the street from my house, and going into the woods and we just don't believe those woods are really large enough to hunt. You know the woman that was shot just at the other side in Lewin Hills, Farm Road development is not that far away on the other side. We can hear them when they're hammering and you know chopping wood and things like that. I was hoping something could be done. I called the police department and asked if they had permission to hunt there and they said, well, they weren't breaking the law as long as there were no "No Hunting" signs there. So I said does that mean because I don't have "No Hunting" signs on my property that they could hunt there also? And he said, well, it doesn't work that way. But, you know, we're really very worried. There's too many homes in that area now."

Supervisor Janoski: "Well, we certainly have the ability to post that property and Chief, you've heard what's been said and certainly, would you want to say something?"

Chief Grattan: "If we were called, I'm sure that we responded. A discharge of weapon is forbidden within 500 feet of a house. However, walking across undeveloped land, in itself, is not a violation of the law unless posted. I would suggest that maybe we post Bayberry Park. But we will respond and we will question the people or talk to them. Without the property owner making a complaint, there's nothing that we can do other than asking them not-- instruct them what the law is, the hunting laws and so forth, discharge of weapons. But if you do have a -- if they do come, call us and we will respond. Absolutely. Have I answered your question? You seem to be-- "

Hilda Guthry: "I guess. It's just-- by the time the police come, they have to see, you know, the guys within 100 yards or something of

my house. By the time he comes, by the time I call, chances are he's not going to be there. The person that shot that woman apparently was there illegally, or using a shotgun or something illegally at that time. They never caught who it was. I mean if I call you, it will be after the fact. So it doesn't seem, you know-- "

Chief Grattan: "Possibly posting Bayberry Park might help in that area."

Hilda Guthry: "We also suggested maybe contacting the Long Island Savings Bank, I believe that owns that property now. Contacting them and expressing our concerns that maybe they would post that property."

Chief Grattan: "If it's posted, then we have something to go on."

Supervisor Janoski: "Would the Town Attorney contact them and see if we can get that posted? And see to the posting of Bayberry Park. Okay, let the record show that the hour of 7:16 p.m. has arrived. The Town Clerk will please read the notice of Public Hearing."

Public Hearing opened: 7:16 p.m.

Barbara Grattan: "I have affidavits of publishing and posting of a Public Hearing to be held at Riverhead Town Hall at 7:15 p.m. on Tuesday, December 7, 1993, to hear all interested persons who wish to be heard regarding the consideration of an amendment of a Local Law, Section 103-40 (8) entitled, "Solid Waste Management Law", to provide for the continued issuance of business permits until December 31, 1994."

Patricia Moore: "I'll essentially repeat what the Town Clerk has said. We have business permits that if a business brings their solid waste to the dump, if they qualify for a business permit, it will now be allowed to continue. The business permits are no longer going to be recognized beyond December 31st of this year, and we are continuing that until December 31st of 1994. So if you have a business permit, please come in and renew it and if you don't have one, please review the law, see if you qualify, and come and get one."

Supervisor Janoski: "Thank you. Is there anyone present wishing to address the Town Board on this matter? That being the case, and

without objection, I declare the Hearing to be closed."

Public Hearing closed: 7:18 p.m.

Supervisor Janoski: "I will recognize anyone who wishes to speak of any matter. Mr. Haizlip."

Steve Haizlip: "Steve Haizlip of Calverton. I go away on a nice vacation, down to Virginia and Carolina. Come back, pick up my local News Review, my vacation is spoiled already. I read in there where the Albany Mafia and Gestapo is still after this Town and us citizens on dump violations. Well, after reading that thing and going through it, I decided-- I know I'm not a legal scholar, but I decided that I could figure this out what was going on.

The state puts out Article 78, which allows you to pursue or challenge laws or other necessary legal matters. So you go ahead and do it and you get a stay. And the law's extended. Now, I interpret that and I sort of scrutinize it as to what has happened since you went ahead-- the Town has went ahead and spent money-- and got all these stays and got the law extended, the Courts or the DEC and Cuomo is interpreting this as since it didn't address that you were still in violation of each day that the law was extended. Well, if that's the way the Court system is going to operate in this state, then President Gore-- Vice-President Gore is reinvented Washington, then they better start reinventing the Court in this state. Because this is going to be the last time that I'm going to talk on this. And I know I'm talking right about it. Because all the counsel and all the money that you spent to extend this landfill law so we could use it, then has been thrown down the drain and we might as well not went ahead and did it because they don't recognize the fact that the Court ruling gave you the right to dump there. And they're taking a play on words which the Court didn't address and say there be no violations as long as the Court has allowed extension.

So, I hope and please ask the Town Attorney-- no, let me rephrase that. I ask the Town Attorney, please, and the special appointed attorney, work on this aspect of this violation. We're not in no position in this Town to start-- to feed money to Albany on their ego because we challenge the law and we were successful for about three

years and then they turn around and say: Well, the Court gave it to them, but we are going to still say they were violating it. So, I hope that justice will be served to this state. If it don't then we better reinvent that Court system."

Councilman Stark: "I couldn't agree with you more."

Steve Haizlip: "Thank you, Jim."

Councilman Stark: "I thought we lived in a democracy, but I guess we don't."

Steve Haizlip: "No, that's why I used the word Mafia and Gestapo. We're still back in the Italy and the German era, but only it's been carried out here in Albany."

Councilman Stark: "Not Australia or New Zealand."

Steve Haizlip: "I want to bring up to the Highway Department and Highway Committee-- we still have that Committee, right?"

Supervisor Janoski: "We surely do."

Steve Haizlip: "Okay. I want to bring out to the Highway Committee that we have a safety problem on Route 58 at the Metro station. I got to explain it to you. And by the way, Joe, if I'm getting close to five minutes, tell me and I'll come back."

Supervisor Janoski: "That's quite all right, Steve."

Steve Haizlip: "All right, thanks for extending it. Now, going to the east of that Metro station, there's a curve and a few signs there about the Kiwanis Club and Riverhead and Welcome and so forth. Now, when these tractors and trailers pull up there and they want to get-- the drivers want to get out and go into that convenience store for coffee and so forth, today I'm in there getting gas for the car, and I go to come out, and I'm in the easterly lane because when I pulled in, that's the way I pulled into the station, I want to go-- and then go back west. I'm in that easterly lane, and I cannot see a single car coming from the west whatsoever. And I can't ease out into the lane to get past that truck so I can see down to the east because I'll be in the lane for the west traffic. So that is very dangerous and I think

I would like for you to communicate to the Suffolk County and tell them about this situation and maybe somehow or another-- "

Councilman Prusinowski: "Steve, we don't even have to do that. There is no parking or standing along that-- what you have to do is just get the police department to give out some summonses. That's a violation-- that's a traffic violation."

Steve Haizlip: "Well, I seen it once but I'll tell you-- and it happened to me once. If it does it again, I'll have to call the police, but like the lady said, by the time they get there, they'll be gone. So what can I do? Take down the plate number or something, you know? I think there ought be some kind of markings to tell or communicate to the county and say parking for transit trucks over here. But, whatever you want to do."

You know, back in 1938, when Roy-- well, I got to lay a basis to the story. Back in 1938, when Roy Akoff (phonetic) and Freddy Rose, from Union County, Tennessee, built the Wabash Cannonball, it's a good Country-Western, in the verses of the song, they put down-- they named the engineer. Made a name of (inaudible) who was the engineer, be forever honored. Well, this past week, I got in the mail unbeknownst to me whatsoever, that I guess that I will be remembered forever from June 6, 1994, on because my name has been permanently inscribed in the Wall of Liberty as one of the courageous Americans who helped liberate Europe. And, I'm very proud of it, and as I say unbeknownst to me, my daughter picked up on it, and that was nice. And one thing about it that I like so much, that I went over there to help to free this country so that all the state, county and local politicians are being able to practice their own thing and especially our newly elected Supervisor up in Huntington town. I had high hopes for that man and gave him good regards and he (inaudible). The survey, the traffic survey evacuation of Shoreham and (inaudible) told him to resign and I said, this is the man for politics. The first thing out of the (inaudible) him and Lo Grande got \$12,000."

Hilda Guthry: "I just wanted to thank you, Mr. Janoski. We usually end up complaining and finding faults with things, but I was at the Governor Cuomo's Task Force meeting last night, and it sounds like a beautiful plan, but one of the main things, you know, I won't go into any of the details, but apparently the five Supervisors of the east end towns insisted it be included that the jetport be opposed and he did

explain that you, especially, felt very strong about that. And I just wanted to let the people know and that we appreciate it very much."

Supervisor Janoski: "Thank you. Bill Noehjl."

Bill Noehjl: "Good evening, Bill Noehjl, Aquebogue. I come to the Town Board asking when can we get some regulation to (inaudible) on this garbage, beside what we have."

Councilman Stark: "Bill, you and I had a conversation over the weekend."

Bill Noehjl: "Right."

Councilman Stark: "I have been in conversation with our Town Attorney. We have found out that, and I may let her explain it in legal terms, that the Highway Department can remove garbage, what did you say-- the public-- would you explain that aspect of it? I am working on it and hopefully we'll have-- "

Bill Noehjl: "You didn't see what I meant."

Councilman Stark: "Oh, very much so. I did a few minutes, maybe a half hour after you called. Kind of nasty out, too, but, I went down. Pat's got a definition of what we can do. Victor, and I've asked him earlier to try and define and amend so that we can solve this problem, you know, for the future."

Patricia Moore: "Well, first, you want-- "

Councilman Prusinowski: "Yes, we're amending the-- we're calling for a Public Hearing tonight, amending the Local Law 103 which is the Solid Waste Law, putting the regulations in the code. And we have been going around and issuing violations. In fact, we sent out several thousand dollar illegal dumping violation notice this week. In other words, we're fining people \$1,000 minimum because they're doing that. The problem that we're having is very simple. We have the same old problem of the tenants and landlords and evictions. Now, we've just discovered, and it was unbeknownst to me, I totally didn't have that authority, that the Highway Department-- we used to pick the evictions up-- when the County Sheriff comes in, makes an eviction, we picked it up, take it up to the landfill. Now-- "

Bill Noehjl: "Excuse me, excuse me, Vic."

Councilman Prusinowski: "Sure."

Bill Noehjl: "This doesn't have nothing to do with it."

Councilman Prusinowski: "Okay, I'm going to stop because, you know something, Bill? We're out there and we're going to enforce it. We're in a transition period and we're going to get it done. Okay? I know what the problem is. We're out every single day getting it done. I can't help it if a lot of our neighbors in this town want to make the town look like a pigsty. That's their problem and disgrace and I wish they'd move out of Riverhead. You know, we can't get to 12,000 homes and say: Please have the decency to live like we all would like to live in this town. Unfortunately, that's not the way the real world works. We have one code enforcement officer, John Reeve goes out. I'm around all the time, you help by calling us. And we send out-- you know something, we can go around tomorrow and pick it all up, but the question is here: Who is going to pay the tipping fee on the truck? And it's not fair for the majority of people in this town who are following the rules, paying their taxes, to pay the extra tax, the cost to them, for people who disobey the law. The people who disobey the law are going to be fined and punished. And that's going to be the rule. We're getting out of the nice stage now and going into the enforcement stage. Part of that tonight is what the Town Attorney will explain and also our amendment to 103, because we have to have the enforcement to go out and get it down. I know it's very frustrating and I don't mean to get excited, but, you know, I'll tell you something. We tell the same people over, and over, and over again, and they put it out there again. It's like a big joke, and it's not a joke because it's costing everybody money. And we're running out of patience. I mean we could pick it up. You know what we did for awhile, to be honest with you, we went around and picked it up. We're great guys. We want to clean it up. But now, we're putting it on the truck, and that truck is costing the taxpayers \$67 a ton and it's going to Connecticut or wherever it's going. And that's not fair, for you who follow the rules and for all of us in here. And a lot of people can't afford to pay that extra tax. So the people who are abusing it are going to have to pay."

Bill Noehjl: "When do we get-- "

Councilman Prusinowski: "Well, we're doing it right now. We sent out a violation; it's an ongoing thing, it's every day. Believe me, it's every day."

Patricia Moore: "We have a-- in-- we're proposing for a change in the law. What we had was in the circulars that went out to the public, we instructed people that they had to take the garbage out and put it out a certain number of hours-- 24 hours before pickup, and take any uncollected garbage and put it back immediately. Well, that wasn't in our code, so what we're doing today, is setting a Public Hearing for the following Board Meeting to put it into the code so that when Mr. Gazinski (phonetic) the code enforcement officer goes out, we can cite the person who hasn't put the garbage back into their house or put it away and got it off the curb and to avoid some of the littering and some of the garbage that's being thrown out around town. Okay."

Secondly, there is a provision in the Highway Law that we have used in the past and it says that the Highway Superintendent, if there is material, garbage, whatever that is, and it's on the town property then if it's a-- if it's something that's not permanently on the ground then there's a certain number of hours, it might be 24 hours, something like that, where we notify them that if they don't remove it voluntarily that we're going to remove it, and then assess it against that property owner's taxes. So that's one way of doing it. If you have a permanent structure, somebody put something there that's built in, well, there's a longer period of time and the Highway Superintendent, again, can have it removed and then assess it against the property owner. So we've used both avenues of attack and really, Mr. Prusinowski points out that it really takes some initiative on everybody's part to do their part in keeping the town clean. Our office, we go after them, but that should be something that people do voluntarily, it shouldn't be hit over the head by code enforcement."

Bill Noehjl: "I know it's been about six weeks since I was up here and I have spoken to you and I have spoken to Vic and I've spoken to Jim in between and this is going on-- it's not eviction, it's people doing it. Now, under certain-- I'm not going to name the street, but Friday, Saturday morning, there was household waste and rugs and things of that nature. The garbageman came through, he picked up the household waste. As of right now, the rest of the stuff is right there. And if it's not packaged right for the garbageman to take away this Friday or Thursday whenever he picks up yard waste, it's still going to stay there."

This is what I'm complaining about. Now, down on a certain street, which I go past everyday, and some of our Councilmen go past everyday, last week there was a hot water heater tank. This week, the same place, a washing machine. This is what I am complaining about. Not evictions."

Councilman Prusinowski: "But the public is allowed to put those materials out there if it is not more than three items. What we did put into the law is the 24 hour rule that what we said in the regulations where you put it out immediately prior to 6:00 a.m. in the morning or you can put it out at night for the next day's delivery. What's happening in some of those cases are they do some work in the house, they put it out on a Monday, their collection day is on Friday and that's why you see it there all week. So, we've toughened that up in the regulation, we're going to do an education program on that.

The other thing we have to tell people is that the garbage district tax is calculated under a normal consumption for a household, not for when you're running a business out of your house. So, for example, when you have extraordinary work done on your house, we tell you in the regulations that you have to call a private carter and make special arrangements. Okay. So when you are doing an alteration, say you are putting a dormer on your house, that's extraordinary above what the garbage district tax calculated. We've had a little bit of misunderstanding on that because, they put, in fact, we had a gentleman on Sound Avenue put out a block of an engine, which probably weighed about-- how much did the block weigh? Probably a couple of hundred pounds? And that's certainly way above the, you know, the lifting capacity of the truck. That's a problem."

Councilman Stark: "Or the men trying to put it in."

Councilman Prusinowski: "Yes, the men trying to put it in the truck. So, these are some of the things that we have to work out. Some of it is misinformation based on lack of education, other is just abuse."

Bill Noehjl: "Okay, thank you."

Councilman Prusinowski: "Okay."

Supervisor Janoski: "Henry?"

Henry Pfeiffer: "Henry Pfeiffer, Wading River. As long as we're on the trash collection bit, when you-- at the inception of the garbage collection by the town, you put out a calendar which indicated to us what type collection would take place on what days and so forth, and so on. Unfortunately, in a few weeks, my calendar will run out. Are we going to have another one put out for the next year?"

Supervisor Janoski: "They are already in envelopes and are being sent out as we speak."

Henry Pfeiffer: "Way ahead of me, thank you."

Supervisor Janoski: "And they are bigger and better this year."

Alice Graff: "For example, talking about picking up. In front of the Library property on Osborne Avenue, they have been accumulating bags upon bags of leaves apparently. Now, there's-- there must be close to 75 or more bags out there. Who would be responsible for picking that up or being paid or charged for that?"

Supervisor Janoski: "Where is it at?"

Alice Graff: "In front of the Library property on Osborne Avenue."

Supervisor Janoski: "I don't know if Charlie Bloss has gone through that area already."

Unidentified: "Not yet."

Supervisor Janoski: "Not yet?"

Alice Graff: "It's been-- they've had some for several weeks there now. It just keeps adding on."

Supervisor Janoski: "The Highway Department is doing one clean-up in the town of leaves and if he has not yet covered that area, Charlie, I'm sorry, Jimmy tells me he has not, the Highway Department will be-- "

Alice Graff: "Thank you."

Supervisor Janoski: "Steve-- "

Councilman Stark: "George wants to speak."

Supervisor Janoski: "If it's okay with you, I'd like to hear exactly what Steve can add to what he has already said."

Steve Haizlip: "Steve Haizlip of Calverton. Just looking over the Resolutions; 767 catches my eye. Now, is this going to be put into a Public Hearing and, if so, I won't even ask for it to be clarified because it will be clarified then. But, if not, and it's just going to be a notice, I'd like to get a little clarification what it entails."

Supervisor Janoski: "It is, in fact, a notice that we are going to have a Public Hearing."

Steve Haizlip: "Thank you."

Supervisor Janoski: "Well, George. I was kind of hoping we'd get through this before you got here."

George Schmelzer: "Well, too bad we can't burn these leaves. Nothing smells better than burning leaves in the fall, such a nice smell. And the ash (inaudible) back to the lawn again to the ground to fertilize the ground. Now you got this crazy mess. Can't we burn the leaves again somehow?"

Supervisor Janoski: "No, the DEC clean air regulations prohibit the burning of leaves and other matter."

George Schmelzer: "Well, you have to put-- too bad you can't burn them, too."

Supervisor Janoski: "The DEC?"

George Schmelzer: "Yes. Then, speaking of garbage. I got a piece of land at the end of Old River Road, they changed the name of it, I don't know what they call it now, Forge Road or something, on the southerly side by the island, a little shack about five by five, or four and a half by four and a half, people have been using it to store their garbage. It's on the (inaudible) property and I didn't object to it, so does it stay there or is it left alone or what?"

Supervisor Janoski: "Garbage? Household garbage?"

George Schmelzer: "Yes, they put cans of garbage in there. They keep it in there."

Supervisor Janoski: "Well, that of course is in the code also and that is subject to-- is that \$1,000 fine?"

Councilman Prusinowski: "Illegal dumping."

George Schmelzer: "It ain't mine, I didn't put it there. I was going to tell them to take it away but I was trying to be neighborly and leave them alone. So-- "

Councilman Prusinowski: "It's composting."

George Schmelzer: "I guess they just store the garbage in there so the dogs won't knock over the garbage cans or something, whatever. It's-- it doesn't bother me but I just want to tell you it's not mine, it's their idea. So I'm not objecting though. So are you going to ask them for a building permit or something? No."

Councilman Prusinowski: "Composting permit."

George Schmelzer: "Okay. I don't know what else to tell you. Anything you want to ask me?"

Supervisor Janoski: "George, what would it take to get you to take a Tuesday night off?"

George Schmelzer: "A night off, you mean, I put it out on bids. Okay. How much do you bid?"

Supervisor Janoski: "Well, I think-- thank you, George."

George Schmelzer: "Well, you won't make any bid. That's what I figured. So long, Joe, thank you."

Supervisor Janoski: "Dick?"

Dick Benedict: "Dick Benedict, Fanning Blvd. That's going to be a tough act to follow, but I'll try it. I have a little problem with what Mr. Noehjl was saying and maybe the town ordinance when it comes out will address it, but I happen to be one of the unfortunate people

who have to work for a living, so normally I rake on Saturdays and Sundays and when I rake, I rake maybe 30, 40 bags. Now, what am I supposed to do with these until Thursday? Put six out there and hide the other 24, or my 24 hours is going to be gone. And I rake usually from roughly September 'til April, and I work on weekends."

Supervisor Janoski: "If the Highway Department has not yet been in your area-- "

Dick Benedict: "They have been in my area, but I rake for months. I don't get it all in one week, that's for sure. I got 60 or 70 oak trees and I'm surrounded by woods. And I work five days a week other places."

Supervisor Janoski: "Well, there are two options. One, you can go up to the landfill with yard waste yourself-- "

Dick Benedict: "Yes, when I get done raking, it's closed. And during the week, it's closed when I get off work, so-- "

Supervisor Janoski: "Okay, that's the other thing."

Dick Benedict: "You know I have a problem with 24 hours, and they aren't going to take my 30 or 40 bags. They might take the six, but the others, I'm not going to hide in back of the house. I'll bag them and I cover mine with a tarp and the town very nicely uncovers them and picks them up which is very good, but I put a tarp over them and tie them down. But, like I said, I work for a living and I rake on weekends. So my pickup isn't until Thursday. Maybe we could reverse that in the wintertime. Have leaf pickups on Monday and garbage on some other day."

Councilman Prusinowski: "We could do that."

Dick Benedict: "Thank you."

Supervisor Janoski: "Let us take up the Resolutions."

Resolution #763

Councilman Prusinowski: "Authorizing the increase and improvement to the Riverhead Parking District. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #764

Councilman Stark: "Authorizes the issuance of issuance of \$78,000 serial bonds of the Town of Riverhead for the increase and improvement to the facilities of the Riverhead Parking District No. 1. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #765

Councilman Creighton: "This authorizes the Supervisor to submit a Community Development Program application. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #766

Councilwoman Gilliam: "Authorizes the Town Clerk to publish and post help wanted ads for positions in the Teen Center and Youth Night Program. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #767

Councilman Prusinowski: Authorizes the Town Clerk to publish and post a Public Notice to consider a Local Law to amend Chapter 103 Section 103-20E of the Riverhead Town Code. So moved."

Councilman Stark: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #768

Councilman Stark: "Authorizes the issuance of \$235,000 serial bonds to pay for the cost of the acquisition of land and buildings Corwin and Benjamin houses. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam.

Councilwoman Gilliam: "It seems that once again the Town is placing itself in the position where it's becoming a real estate broker again with regard to acquisition of commercial property. And this would be the third major acquisition that the Town would be involved in this year, and I have some serious concerns about the notion of using public funds to purchase property especially when we have in this case private entities that are interested in the purchase of the property and interested in donating the Corwin house and the other property to the Town and this would be a way of possibly maintaining the property on the tax rolls, having some development that would encourage activity in the downtown and it would be a way of avoiding the Town getting into further debt and getting into a further position of being a real estate broker and a commercial developer which we are not elected to be. We are elected to be fiduciaries and the caretakers and watchers of the

public funds and making decisions that are in the best interests of the Town. And I haven't heard from any Board member of any proposal with regard to the Town, how the Town plans to develop this property in a way that would be conducive with the development or redefining the development in the downtown area and I think that when we have private business that's interested in working with the Town, that we should avail ourselves of that opportunity rather than going out and borrowing more money on top of what we've already borrowed for the Suffolk Theatre and the Rimlands Building to pursue these projects when we have private individuals, private developers who are interested in working with the Town in that capacity.

So for those reasons, I vote no."

Barbara Grattan: "Councilman Creighton."

Councilman Creighton: "I'm voting yes and I believe others on the Board can probably speak more specifically to the history of this property. But it was leased, I believe, to the Town for a dollar a year for some years now. The Town has been paying a substantial amount of money to maintain the property. It is, I believe, the only green-space running from Main Street down into the river area which is becoming extremely critical to our future development.

The owner of the property has indicated that they want to dispose of it. There is another interest in it, however, the zoning on that property would tend to permit boundary to boundary 50 foot elevations as far as development is concerned and the Board would be hard pressed to stop that in any other manner than by going ahead and acquiring it for not a heck of a lot more than what we've been paying over the last years to maintain it. That way we could guarantee whatever future development and we expect some commercial development to take place would be controlled and preserve at least the finer aspects of the property for our heritage.

So I vote yes."

The Vote: (Cont'd.) "Stark, yes; Prusinowski, I agree with Frank, yes; Janoski?"

Supervisor Janoski: "The history of the house is that in the late '70's, it was leased to the Town of Riverhead for the nominal fee of

one dollar a year, and with that came an obligation to the Town that we maintain the buildings, that we pay the utilities on the buildings, the electricity, the oil heat, and that we also pay the taxes on the buildings and property. And it is a short calculation to determine that the cost of acquisition can be easily offset by just what we were paying ourselves in taxes.

Northville Industries leased the property to the Town in the beginning for a long-term 10 year period. Subsequently they were very reluctant to get into a long-term agreement, that was the first signal that they intended to divest themselves of the property. While I favor private enterprise addressing questions, problems of the Town, we must start this process so that if the Town Board decided that it, indeed, wishes to acquire the property, there is ample time for discussion on both sides of the issue and I vote yes."

Barbara Grattan: "This Resolution is adopted."

Resolution #769

Councilman Creighton: "This authorizes the Supervisor to do a budget adjustment of \$500 in the Parking District. So moved."

Councilwoman Gilliam: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #770

Councilwoman Gilliam: "This is a budget adjustment from the Teen Center. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #771

Councilman Prusinowski: "Appoints Recreation Aide to the Riverhead Recreation Department. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #772

Councilman Stark: "Approves the change of zone and authorizes the Town Clerk to publish and post Notice of Public Hearing reference Dese Partners. So moved."

Councilman Prusinowski: "So moved."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, -- "

Councilman Prusinowski: "I'm voting no on this Resolution because over the years I get a little disturbed when businesses operate in violation of Town law, compete with businesses on Route 58 and other places in Town who follow the rules, go through site plan review, put in the parking lots, the drainage, spend hundreds of thousands of dollars, then open up a similar business, do not follow the rules, do not spend the money in hard economic times, and then come in through the back door in looking for relief like this. So, just to make a point, I vote no. I think it's unfair."

Barbara Grattan: "Supervisor."

Supervisor Janoski: "Yes, I agree with him, but yes, I got to vote yes on this."

Barbara Grattan: "The Resolution is adopted."

Resolution #773

Councilman Creighton: "This authorizes the Supervisor to conduct a number of budget adjustments in the Town General Fund. So moved."

Councilwoman Gilliam: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #774

Councilwoman Gilliam: "Authorizing a budget adjustment in the Highway District. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #775

Councilman Prusinowski: "If nobody objects, I'd like to move Resolution 775 through 784. So moved. They're all budget adjustments. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. These Resolutions are adopted.

Resolution #785

Councilman Creighton: "Transfers some funds. So moved."

Councilwoman Gilliam: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #786

Councilwoman Gilliam: "This is a budget adjustment in the Sewer District. So moved."

Councilman Creighton: "And seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. Resolution is adopted.

Resolution #787

Councilman Prusinowski: "Authorizes the lease agreement with Peconic River Cruises and subject to certain terms and conditions to be negotiated and subject to the Town Board review and approval. So moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam?

Councilwoman Gilliam: "I have a question on the motion. The way the Resolution is worded, is it the intent of the Resolution to authorize the Supervisor to execute a lease agreement?"

Councilman Prusinowski: "No."

Councilwoman Gilliam: "Okay. Because one of the terms that I, as a member of the Board would like to have further discussion on, is the rate-- per feet rate, for the rental space and I see that's included in the Resolution."

Councilman Prusinowski: "Well, I wanted to put the basis for the

financial agreement in the Resolution so we know what we are talking about."

Councilwoman Gilliam: "But I think that the Board should have an opportunity to have some discussion as a Board with regard to the rate that you arrived at."

Councilman Prusinowski: "Yes, okay. They want an indication from us that we're willing to go ahead with a lease agreement so that they get an idea so that they can order the boat. Because they have a time constraint apparently they have to order the boat by Wednesday or Thursday."

Councilwoman Gilliam: "I understand that, but I'm just saying, the Resolution reflects a \$40 per foot rate. If that is removed-- "

Councilman Stark: "Well, that's reasonable rate."

Councilwoman Gilliam: "Well, the Board has not had discussion as a Board with regard to that rate."

Councilman Stark: "Well, we're having a discussion right now, we also can have a vote tonight, too."

Councilman Prusinowski: "I have sent a memorandum to the Board. I tried to do the best I could. The rate is based on-- the docking fee is based on what vessels-- there's three marinas in Riverhead, two marinas charge \$40 a square foot for dockage-- "

Councilman Stark: "Running foot."

Councilman Prusinowski: "Running foot, well, it's not a square foot-- per foot. One marina charges more, but that's in the downtown area, but they have offered different services. And the going rate really on the east end right now is \$40 per foot. As I stated in the memorandum, it was our goal to make sure that on the second vessel, that they pay their fair share of the cost of the parking district and special districts which they get the benefit of the most. So they will be an assessed-- a tax bill, which is really more important to us as a Town, so that when the parking district improvements which will go up over the years rise, they pay their fair share. And an assessment is based on what-- Leroy put an assessment on the boat based on what the

seating capacity and what the average establishments in the downtown area are paying. So, yes, it's \$40 per foot. I think it's fair to begin and it goes up by CPI, and then the second part of this is going to be the tax bill that they're going to receive which is more substantial."

Councilwoman Gilliam: "Well, but yet, in your memo, your dockage fee is quoted as \$3,840 for the first year based on-- "

Councilman Prusinowski: "That's what it is-- "

Councilwoman Gilliam: "Can I finish please. I don't interrupt you, please don't interrupt me."

Councilman Prusinowski: "Okay."

Councilwoman Gilliam: "96 feet times \$40, yet in the Resolution we're talking about a lease of 150 feet of dock space. Okay."

Councilman Prusinowski: "Yes. Because the way you charge dockage is the length of the vessel."

Councilwoman Gilliam: "Okay. But the actual lease is for 150 feet."

Councilman Prusinowski: "Well, they would-- they require-- they have 120 feet now which they lease for us for less than \$2600, which comes out to about \$18 or \$20 a foot. Probably less than that. And the 150 feet is something that they have requested so that they can have room to maneuver the vessel. They dock in and they have to pull out, so it's the standard practice in the marina industry to charge for a dockage is per foot of a vessel. There's no where that you go that you pay dockage for more than what the vessel's length is. That's just a standard thing in the marine industry."

Councilwoman Gilliam: "Well, I think it's also a little different, too, when you're talking about public dockage that's being encumbered by a private vessel, you're taking away from what's available to the public."

Councilman Prusinowski: "But in Leroy's calculations of the special district taxes, he took into account the 150 feet of dock space,

also they're going to pay the improvements on that dock, run the power, the water similar to what they did down there so there is a trade-off which I think is a public benefit. But, certainly, if we want to ask them for more rent, we could. That's the number that we arrived at; I thought it was fair."

Supervisor Janoski: "Okay, discussion over?"

Councilwoman Gilliam: "Yes."

Supervisor Janoski: "Call the roll."

Barbara Grattan: "You vote no?"

Councilwoman Gilliam: "No, I'm abstaining because I think that there needs to be more discussion with regard to the terms, including the rate."

The Vote (Cont'd.): Councilman Creighton?"

Councilman Creighton: "I read this as it reflects the intent of the Town Board and it's resolved in this Resolution that this Resolution is subject to a permissive referendum pursuant to Town Law, Section 90 which, correct me if I'm wrong, means if there are about 400 signatures on a petition in the next 30 days, this would have to be put on a ballot for all of the people of the Town to vote on. So, there are safeguards built into this and with that, I vote yes."

The Vote (Cont'd.): Councilman Stark, yes; Prusinowski, yes; Janoski, yes. This Resolution is adopted.

Resolution #788

Councilman Stark: "Retains Joseph A. Ingegno Land Surveyor to prepare Suffolk Theatre Survey. So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam?

Councilwoman Gilliam: "I have a question on this motion as well. Is there a contract or a fee schedule as to what he is being paid? Is that available?"

(inaudible)

Councilwoman Gilliam: "Okay. Got it. I vote yes."

The Vote (Cont'd.): Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. This resolution is adopted.

Supervisor Janoski: "Before we pay the bills, I would like to recognize Mr. Peter Danowski, before he falls asleep, and ask him if he would like to introduce our visitor to the Town of Riverhead from New Zealand."

Peter Danowski: "Roger Clayton, if he wants to stand, he can get on TV locally. As a young man, he's trying to decide whether he wants to be an attorney down in New Zealand. His brother was an exchange student who resided at my home for a period of time, and he attended Riverhead High School at the time, he is now an engineer and is working in Singapore. He's got another brother, Murray, who worked for Jack (inaudible) in Ivy Acres, is now back in New Zealand, dealing with irrigation and horticulture and, so, maybe after his 10 week stay with our family in Riverhead, he'll decide to go back to New Zealand and become an attorney. But he'll learn either the right way or the wrong way by following me around Town. So I just welcome him as I have in the past with other exchange kids. He's a little bit older, having attended University, and so I'll introduce him to some Budweiser beer in a minute down at the local tavern."

Resolution #789

Barbara Grattan: "Resolution to pay bills."

Councilman Stark: "Motion to pay the bills."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam?

Councilwoman Gilliam: "I have a question with regard to one of the items on the payment of the bills. There's a \$2,100 payment going to Ed Kelly. Could someone explain what that represents?"

Supervisor Janoski: "All right, pursuant to a Resolution passed by the Town Board engaging Mr. Kelly's firm of (inaudible) Kelly as insurance advisors to the Town, this represents payment for a period of time."

Councilwoman Gilliam: "What period of time?"

Supervisor Janoski: "What is it? Three months? Three months."

Councilwoman Gilliam: "I would like-- I would ask the Town Attorney, do you have a record of Mr. Kelly's insurance license?"

Patricia Moore: (inaudible).

Councilwoman Gilliam: "Because the last time-- "

Patricia Moore: "I'm sorry-- "

Councilwoman Gilliam: "The last time I inquired, there was some question as to whether or not Mr. Kelly was duly licensed by the State as an insurance agent or broker or whatever. And do you have that documentation now?"

Patricia Moore: "No, I don't. He, to my knowledge, he is still not licensed."

Councilwoman Gilliam: "Then, with the exception of the payment to Mr. Kelly, I would vote yes to pay the bills."

Supervisor Janoski: "Mr. Kelly is not selling insurance to the Town nor acting as a broker."

Councilwoman Gilliam: "He's acting as an advisor."

Supervisor Janoski: "Yes. And I don't know of any regulation that requires an advisor in insurance to be licensed. But, she votes no on the one thing, and yes on the rest."

The Vote (Cont'd.): "Councilman Creighton?"

Councilman Creighton: "I vote yes to pay the bills with the exception of that check to Edward Kelly, dated the 18th of November. New York State law is rather specific that one needs to have a license to act as a consultant and this is specifically for consulting services and the check is paid to the individual and not the firm. So with that exception, I vote yes to pay the bills."

The Vote (Cont'd): Councilman Stark?

Councilman Stark: "I vote yes to pay all bills."

The Vote (Cont'd.): Prusinowski, yes; Janoski, yes. The Resolution is adopted.

Supervisor Janoski: "Without objection, this Meeting is adjourned."

Meeting Adjourned: 8:07 p.m.

* * *

Barbara Guttman
Town Clerk