

RESOLUTIONS - continued

WHEREAS, Charles Greenblatt, Inc., of 120 Main Street, Hempstead, New York offered a bid of \$138.00 per unit,

NOW, THEREFORE, be it

RESOLVED, That the contract for up to fifty (50) sets of body armor for the Police Department be awarded to Charles Greenblatt, Inc., at a contract price of \$138.00 per unit.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#215

A RESOLUTION AUTHORIZING THE PURCHASE OF MACHINERY AND APPARATUS FOR USE AT THE SANITARY LANDFILL IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$235,000, AND AUTHORIZING THE ISSUANCE OF \$223,500 SERIAL BONDS AND \$11,750 CAPITAL NOTES OF SAID TOWN TO PAY THE COST THEREOF.

Before this resolution was offered, Supervisor Smith stated: "I'm going to save Doctor Menendez from getting a sore throat and the rest of you from dying from boredom. What we have before us is a great deal of "Legaleeze" which is required before we can bond the purchase of heavy machinery such as in the Town Dump. Such machinery, if you do not know, is very expensive and is not paid for in any one tax year. It is spread out over the useful life of the machine. We are authorizing bonding capacity to \$235,000. Does anybody want to hear this long language?"

An unidentified man in the audience wished to hear the resolution read in its entirety, which follows:

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

BE IT RESOLVED, By the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The purchase of machinery and apparatus for use at the sanitary landfill, in and for the Town of Riverhead, Suffolk County, New York, at a maximum estimated cost of \$235,000 is hereby authorized.

Section 2. The maximum estimated cost of such class of objects or purposes is \$235,000, and the plan for the financing thereof is as follows:

- a) By the issuance of \$223,250 serial bonds of said Town, hereby authorized to be issued pursuant to the Local Finance Law; and

RESOLUTIONS - continued

b) By the issuance of \$11,750 capital notes of said Town hereby authorized to be issued pursuant to the Local Finance Law. Such capital notes shall be sold at private sale and all further powers in connection with the details and the sale thereof are hereby delegated to the Supervisor, the chief fiscal officer, in accordance with the Local Fiscal Law. Pursuant to Section 107.00 of the Local Finance Law, the proceeds from the sale of such capital notes will be provided prior to the issuance of the bonds herein authorized or bond anticipation notes. Said capital notes shall constitute the down payment required by Section 107.00 of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. ~~The vailidty of such bonds, bond anticipation notes and capital notes may be contested only if:~~

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

RESOLUTIONS - continued

- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same shall be published in full in the News-Review, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law and Article 7 of the Town Law.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:00 P.M

The Town Clerk submitted affidavits of publishing and posting of public notice of public hearing to be held on Tuesday, May 15, 1979 at 8:00 p.m. at Town Hall regarding the special permit application of Courage Realty Corporation to operate a gasoline service station on the south side of Route 25, Jamesport.

The affidavits were ordered to be placed on file.

COMMUNICATIONS

John R. McNulty, dated 5/10/79 - an affidavit of service of a copy of Notice of hearing, by certified mail to 43 persons. Filed.

Julia Stalowski - telephoned that she had received notification of public hearing (#349858) and there's no time to appear in person to voice her opposition to the application to operate a gasoline station.

PUBLIC HEARING - continued

Supervisor Smith: "This is the Trinowski station on the south side of the highway immediately to the west of Saland Realty. It is a gasoline station that has operated for a number of years, has been depending upon what view you have to it in a period of hiatus in recent months, let's say, and Mr. McNulty and his client propose to re-open and operate the gas station as it existed heretofore. Is there anyone who is here this evening and who wishes to address the Town Board with reference to the re-opening or continued operation of that particular gas station?"

John R. McNulty: "I represent the applicant. I wish to state the outset, Mr. Supervisor and members of the Town Board, that when I last appeared in this room before the Planning Board, I indicated to them that I would be furnishing them with a letter or an amendment indicating that they were not being called upon to pass upon the validity or invalidity of a non-conforming use. I have not been able to attend to that, Mr. Supervisor, because I have been out of the office with pneumonia. I was out today and I will be out for the next couple of weeks. But I came in here this evening because I am familiar with the proposal and I wish to state to the continuation of the federal energy allotment. And I believe that it is approximately 24,000 gallons per month. If the station does not operate, the federal allotment will be lost and it will be lost to the Town of Riverhead. It will not be spread over the remaining gasoline stations. It's an allotment for that station and that station alone. I believe in the "energy crunch" and this "energy crisis" that we find ourselves, we need every drop of gas that we can obtain.

I believe, it's my understanding, that one of the gas stations ran out of gasoline and the Jamesport Fire Department was having trouble getting gasoline and I believe my client has made gasoline available to the Fire Department. I have a series of return receipts on the notices which were mailed out together with receipts showing that they were mailed which I will give to the Clerk. I believe the petition is self explanatory. I would elaborate on it if you so desire."

Mr. McNulty handed the receipts to the Town Clerk which are on file.

Supervisor Smith: "John, we're not exactly dealing here with a new proposed use that is to be dealt with the the abstract that we've had the station there for a number of years, for whatever reason we're here tonight. Let's just see if there are any questions, if there are we'll address

PUBLIC HEARING - continuedSupervisor Smith continues:

those as they occur. If not, we'll rely upon the petition and the Board's knowledge of the area. Is there anyone here that chooses to address the Town Board either in support of the application of the gasoline station in Jamesport or in opposition thereto?"

Supervisor Smith: "We will render a decision based upon the application, the records of the Town, the knowledge of the Town Board and Mr. McNulty's statements this evening."

John McNulty: "Thank you."

Supervisor Smith: "Thank you Sir."

No one else wishing to be heard and no further communications having been received thereto, Supervisor Smith declared the hearing closed at 8:07 P.M.

RESOLUTIONS

#216

AWARDS BID FOR GRIT FOR THE RIVERHEAD HIGHWAY DEPT.

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

WHEREAS, The Town Board of the Town of Riverhead has advertised for bids for Grit for the Highway Department, and

WHEREAS, Bids were received for the aforesaid Grit, and

WHEREAS, The Town Attorney and the Town Board have examined the bids submitted,

NOW, THEREFORE, be it

RESOLVED, That the Town Board award the bid to Brookhaven Aggregates, Ltd., for the bid price of Five Dollars and 90/100 (\$5.90) per ton delivered and Four Dollars and 80/100 (\$4.80) per ton picked up at plant, in conformity with the bid specifications, documents, etc., on file with the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#217

AWARDS BID FOR ROCK SALT FOR THE HIGHWAY DEPARTMENT

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

RESOLUTIONS - continued

WHEREAS, The Town Board of the Town of Riverhead has advertised for bids for Rock Salt for the Highway Department, and

WHEREAS, Bids were received for the aforesaid Rock Salt, and

WHEREAS, The Town Attorney and the Town Board have examined the bids submitted,

NOW, THEREFORE, be it

RESOLVED, That the Town Board award the bid to INTERNATIONAL SALT COMPANY, for the bid price of Thirty Three Dollars and 27/100 (\$33.27) per ton delivered, in conformity with the bid specifications, documents, etc., on file with the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#218 TRANSFER OF FUNDS - SUPERVISOR

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

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

	<u>FROM</u>	<u>TO</u>
A1990.400 - Contingency Account	\$5,000.00	
A1220.410 - Supervisor Contractual Expenses		\$5,000.00

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#219. TRANSFER OF FUNDS - TOWN HISTORIAN

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

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

	<u>FROM</u>	<u>TO</u>
A7510.410 - Town Historian Cont. Expenses	\$125.00	
A7510.200 Town Historian Equip. Expenses		\$125.00

RESOLUTIONS - continued

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#220 RESOLUTION APPOINTING MEMBER TO ZONING BOARD OF APPEALS

Before Councilman Regula offered this resolution, he stated: "This is with real pleasure that I read this resolution."

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

WHEREAS, The Term of Patricia S. Tormey as a member of the Zoning Board of Appeals expires on June 1, 1979, and

WHEREAS, The Town Board is of the opinion that the Zoning Board of Appeals should reflect a certain continuity and stability, now, therefore, be it

RESOLVED, That the Town Board hereby appoints Patricia S. Tormey as a member of the Zoning Board of Appeals for a period of five (5) years beginning June 1, 1979.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith then stated: "And I'll second what Mr. Regula was saying. We really don't realize how fortunate we are to have Pat Tormey as the Chairman of the Zoning Board of Appeals. She has the ability to be hard working, talented, and a great deal of grace at a very difficult job. It's not too often that we get an occasion to thank such people. We do so tonight."

#221 RESOLUTION AWARDDING BID ON HARDING PROPERTY

Before Councilman Young offered this resolution, he stated: "This is a bid on the property the Town bought in order to — we bought the Harding property because the house was decrepit and burned up and falling down to clean up the Town of Riverhead. Now we're selling the property back to private enterprise to keep it on the tax roll and keep the Town vital."

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

WHEREAS, The Town of Riverhead has duly advertised for bids for a parcel of property on the north side of West Main Street across from the Riverhead Savings Bank formerly

RESOLUTIONS - continued

occupied by the Harding Building, and

WHEREAS, The bids were opened on May 14, 1979, at 11:00 o'clock A.M., and

WHEREAS, The sole bid was by Martin J. Hyman for a total price of \$27,110, now, therefore, be it

RESOLVED, That the Town Board awards the bid contract for the above-described parcel of property to Martin J. Hyman at the bid price of \$27,110, and be it

FURTHER RESOLVED, That pursuant to section 29-11 of the Town Law, the Town Supervisor, Town Clerk, and Town Attorney are to take these steps necessary to convey this parcel of property.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:15 P.M.

The Town Clerk submitted affidavits of publishing and posting of public notice of a public hearing to be held on Tuesday, May 15, 1979 at 8:15 p.m. at Town Hall to hear all interested persons regarding the proposed amendments to the Town Code Chapter 101 - Parking.

The affidavits were ordered to be placed on file.

COMMUNICATIONS

Antonio Moreno, Peconic Avenue, Riverhead - oppose removal of parking meter next to Savings Bank. Filed.

Ben Poudel, - opposes "No parking" by Savings Bank. Filed.

A. McElroy, Peconic Avenue, Riverhead - opposes removal of parking meters on Peconic Avenue. Filed.

Theodore Leavitt, Peconic Avenue, Riverhead - opposes removal of parking spaces, states it's almost 25% of existing parking space. Filed.

Besch's Clock Shop, Main Street & Peconic Avenue, opposes removal of parking meters, feels they're necessary for business. Filed.

PUBLIC HEARING - continued

Supervisor Smith: "We have three areas that are considered either for no parking or limited parking that are under consideration here. One would be in Jamesport on the south side of the street. It would be a limited parking zone. The other one you heard the correspondence with reference to, is adjacent to the Riverhead Savings Bank on the west side of Peconic Avenue from Main Street headed south involving three parking spaces. The last of the three is on the south side of Railway Avenue in front of the new little village market and the liquor store. I declare this particular public hearing open. Anyone wishing to speak either for or against any of these parking proposals is asked to please now address the Town Board?"

Michael Corwin, Officer of the Riverhead Savings Bank; "I would like to speak in favor of the removal of the three parking meters that are on the west side of Peconic Avenue from Main Street headed south towards the traffic circle. There is only one exit as you leave the parking lot from the Riverhead Savings Bank. People leaving Peconic Avenue are asked, there's no way that it can be required to keep them from turning left, they are asked to turn right. We have a sign that is posted on the gate that says "no left turn".

I have observed over the fifteen or so years that I have been with the bank, extreme difficulty of people leaving the bank especially those who make a left turn, recognizing that they are not supposed to, it still creates a problem. Whenever there are cars parked in the three parking spaces, especially in the one that is closest to the entrance way, it becomes difficult to see cars turning as they come onto Peconic Avenue, either from West Main Street or coming from the east as you come down Roanoke Avenue or from East Main Street.

The correspondence that you've had concerning the merchants who have written, we the Riverhead Savings Bank had a survey taken for two days, the two days being last Friday and yesterday for seven hours on Friday and six hours yesterday and I would like to read the results of the statistics of the uses of these parking stalls. The total for the two days, there were sixty-four separate cars that used the three stalls. Thirty-four of the cars used the stalls to come to the bank. That represents 53%. Ten cars used the stalls and went out onto West Main Street, from where they went from there they could have gone to the bank. They could have gone across the street. The person doing the survey was unable to determine where they went. That represents 15.5%. Four people went to the clock shop, that's 6%. Three went to Mr. Leavitt's, that's 5%. Three used the telephone that is on that corner there. Two went to the music store. Two,

PUBLIC HEARING - continuedMichael Corwin continues:

were workmen working on the sidewalk on Peconic Avenue. One went to the barber shop at Ken Basquez. One went to Mr. Mareño's tavern. One went to the tailor. One went to the grocery store. One was the grocery store owner. Ane one was a car that stopped and the person never got out. If you add up the total number of spots that were used within the two days, there were thriteen cars that used the stalls. That resrepents 20% of the total using the stalls.

Now 52.5% of the spaces were vacant during the two-day period, that's 85 out of 162. We did this survey on a fifteen minute basis and followed that on that type of a basis.

Now if there were anybody who would be speaking against this, as far as loss of business, it would be the Riverhead Savings Bank, because we already have a congested parking lot to the extent that we had to have two aid attendants to direct traffic. This means for these two days that thrity-four more cars would have been in our parking lot, created more congestion in our parking lot.

We respectfully, on behalf of our existing customers, ask you to consider the removal of those three stalls, the meters, so our customers would have easier access to get out of the bank parking lot.

Referencing the left-hand turn, there was indeed a big problem until such time as they made access to the municipal parking lot to make a left into the municipal parking lot when people were allowed to do that, the left-hand turn coming from our parking lot was eliminated about 65% or two-thirds.

In closing, I would like to make one other comment. That is the loss of those three spaces is so critical to the viability of the businesses that oppose the removal of the meters, that I would like to suggest that these individuals and their employees park in the municipal parking lot. That would just about equal the loss of these three spaces."

Supervisor Smith: "Mr. Corwin before you leave, would it be helpful at all if you could not obtain the whole loaf to obtain a slice to wvit than rather all three stalls, the one most near your driveway, thereby increases viaability?"

Michael Corwin: "Certainly."

Supervisor Smith: "There's jadded potential if we were to have Mr. Stewart, well being that he's ill, someone else, put those little bags over that particular parking meter for a period of time. Would you conduct a survey for us relative to the affect of that one meter being blocked out?"

BUBLIC HEARING - continued
Michael Corwin: "Certainly."

Supervisor Smith: "Thank you Sir. Is there anyone else who would address the Town Board either with reference to parking proposal on Peconic Avenue, or Jamesport, or Railroad Avenue?"

We will consider the testimony given, our own knowledge of the area, and making a decision on these matters."

No one else wishing to be heard and no further communications having been received thereto, Supervisor Smith declared the hearing closed. at 8:24 P.M.

Supervisor Smith: "Mr. Brush, with reference to resolution #214, do you want to say something."

Joseph Brush: "Mr. Supervisor, members of the Town Board, in reference to #214 on the airpark, I would like to authorize, if it pleases the Board the advertisement for public hearing, which I believe should be done at this point."

Supervisor Smith: "You've discussed this with your attorney and this is the procedure you would like us to follow."

Joseph Brush: "Right."

#214 RESOLUTIONS
RESOLUTION CALLING FOR NOTICE OF PUBLIC HEARING
 Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

RESOLVED, That the Town Clerk be and she hereby is authorized to publish the following public notice for a public hearing on an application by Joseph Brush for a special permit pursuant to section 108-21(B) (1) of the Town Code to operate an airport.

PUBLIC NOTICE
 PLEASE TAKE NOTICE, That a public hearing will be held at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, June 5, 1979, at 8:00 o'clock P.M., to hear all persons concerning the amended application by Joseph

RESOLUTIONS - continued

W. Brush, Jr., for a special permit to operate an airport pursuant to section 108-21 (B) (1) of the Town Code.

The proposed airport is to be on property described as follows; bounded on the south by Northville Turnpike, on the east by County Route 105, on the north by Sound Avenue, and on the west by property owned by Joseph W. Brush, Jr., parallel to and approximately 1,000 feet from County Route 105 in the Town of Riverhead, County of Suffolk, New York.

Any person wishing information on this amended application may examine it at the Office of the Town Clerk during normal business hours. Any person wishing to address the Town Board with reference to this matter should appear at the above stated time and place and they will be heard.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#223

RESOLUTION AUTHORIZING APPROPRIATION FOR MEETING
ROOM FOR DISABLED AMERICAN VETERANS

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

WHEREAS, section 64(13) of the Town Law authorizes the Town Board to appropriate a sum of money not exceeding \$200 per year to assist in payment for meeting rooms of patriotic organizations, and

WHEREAS, Disabled American Veterans, P.F.C. Garfield M. Langhorn Chapter No. 183, P.O. Box 774, Riverhead, New York, has requested such financial assistance through its president, Frank Calderazzo, for the meetings held at the Osborne Inn in Riverhead on the first Wednesday of each month, now, therefore, be it

RESOLVED, That the Town Board hereby appropriates a sum of money not to exceed \$200 per year for a meeting room to the Disabled American Veterans, P.C.C. Garfiled M. Langhorn Chapter No. 183, and be it

FURTHER RESOLVED, Pursuant to this appropriation, that claims made shall be submitted to the Town Board for audit.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#224

RESOLUTION FOR THE BAY ISLE OIL CORPORATION FOR
A SPECIAL PERMIT

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

WHEREAS, Bay Isle Oil Corporation has made an application for a special permit for a gasoline service

RESOLUTIONS - continued

station located at the intersection of State Route 25A and Parker Road in Wading River, New York, and

WHEREAS, A public hearing was held before the Town Board at 8:45 o'clock P.M. on the 17th day of April, 1979, wherein no opposition was voiced to said application, now, therefore, be it

RESOLVED, That the special permit application of Bay Isle Oil Corporation for a special permit pursuant to section 108-34(B) (1) of the Town Code to operate a gasoline service station be granted on the condition that:

(1) No more than two motor vehicles shall be permitted to stand outside the confines of the garage building during night time hours;

(2) No such vehicle shall remain stored outside for more than seven consecutive days; and

(3) Air for the inflation of tires shall be supplied free of charge, and be it

FURTHER RESOLVED, That the special permit shall be subject to any further conditions set by the Planning Board.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#225

RESOLUTION AUTHORIZING HOME RULE REQUEST

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

WHEREAS, The Town Board of the Town of Riverhead finds there is strong local support for the creation of Peconic County, and

WHEREAS, Senator Kenneth P. LaValle is sponsoring Senate Bill 4771 (A-6781) for an amendment to the State constitution to enable the creation of Peconic County,

WHEREAS, The Town Board of the Town of Riverhead wishes to establish a Peconic County from the territory now comprised of East Hampton, Riverhead, Shelter Island, Southampton and Southold in the County of Suffolk, and

WHEREAS, Section 5 of Article 3 of the Constitution of State of New York presently prohibits the establishment of a new County unless its population entitles it to a member of the assembly, and

WHEREAS, Based on the 1970 Federal Census the total population of the five eastern towns of Suffolk County is approximately 84,000, and an assembly district requires a population of 121,000, and

WHEREAS, Section 5 of Article 3 of the State Constitution may be amended by the legislature, now, therefore, be it

RESOLUTIONS - continued

RESOLVED, That the Town Board of the Town of Riverhead hereby authorizes Supervisor Smith to sign a Home Rule Request for a bill to amend Section 5 of Article 3 of the Constitution by deleting the provision that prohibits the establishment of a new county unless its population entitles it to a member of the assembly.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting to hold a public hearing.

Supervisor Smith: "We've had before the Board for a number of weeks now, an application of Mr. John O'Neill for a marina at Meetinghouse Creek Road in Aquebogue. At various and sundry times, we have discussed, in this room and before the Planning Board, this application relative to its involvement with aircraft subsequent to the public hearing relative to the application and the discussion of aircraft, at that particular time, Mr. O'Neill has given in a letter that says he wishes to withdraw any reference to aircraft as the same relates to his application this would obviate the necessity if there were no aircraft involved with the matter being sent to New York State Department of Transportation. I wrote to Mr. O'Neill. There are items we wish to be put back on for the purposes of discussion this evening. The number of boats to be stored at the location, fencing, gasoline storage, docks, slips, parking and screening. I would, therefore, declared the hearing re-opened."

COMMUNICATION

Environmental Quality Review Board, May 14, 1979 - re special permit John O'Neill Aquebogue, New York.

'An Environmental Assessment Form has been received from Mr. O'Neill on May 14, 1979 but not site plan showing details of possible construction affecting the shoreline and/or stream has been received. Further, no permits from the Department of Environmental Control, the Army Corps of Engineers or the Health Department have been submitted.

It appears there might be some adverse impact on the environment but we feel we do not have sufficient information at this time to enable us to make a decision.' (End)

Filed in the Office of the Town Clerk.

Supervisor Smith: "The hearing being re-opened, Mr. O'Neill, do you wish to put in any evidence relative to the items spelled out in my letter?"

PUBLIC HEARING - continued

John O'Neill: "In reference to number one, we anticipate storage of five boats at the location approximately 26 feet in length. Fencing, if required, whatever the height would be by the Town, maximum six feet, vinyl chain link. No gasoline storage on number three. As far as docks are concerned, one floating dock along the bulkhead so that the boats can be backed up to the dock in which way they would be placed."

Supervisor Smith: "The floater would then run parallel with the shore adjacent to a bulkhead to be installed or is there one there now?"

John O'Neill: "Which would installed and that's shown on the original site plan. Parking facilities are on the site plan, and the screening we will supply black pines around the entire perimeter of the property."

Supervisor Smith: "The number of slips?"

John O'Neill: "Five."

Supervisor Smith: "Five. Why don't you sit down Sir and then we'll let anybody else that wishes to address the Town Board on this application, raise questions and if you have answers, we'll have you stand up again. No airplanes?"

John O'Neill: "No."

Sandy Shydo, Meetinghouse Creek Road; "I live on the property adjacent to that which Mr. O'Neill would like to develop. Yesterday I spent two hours in the Town Clerk's Office as well as the Zoning Office. I've spoken with Mr. Chuck Lawrence who's Chairman of the Conservation Advisory Council. I've spoken with Mrs. Tormey and I've looked also through Mr. O'Neill's special permit folder which is public record and I could find — until this very time when Mr. O'Neill informed everybody about his more definite plans, I, myself, and the concerned neighbors in my area have not been able to get public access to Mr. O'Neill's definite plans. Not only have I, myself, and my neighbors been denied public access to his plans, but the people I spoke to, Mrs. Tormey and Mr. Lawrence, said as of yesterday, Mr. O'Neill's —"

PUBLIC HEARING - continuedSandy Shydo continues:

they had no definite answer from Mr. O'Neill specifically regarding the matters of Conservation and the environment and the impact on it and the zoning matters. So I would ask that this public hearing be post-poned to a later date when the people in my neighborhood can look through these records and therefore come up to the Town Board on another occasion and tell them how we feel and how we object."

Supervisor Smith: "All right. Anything else?"

Sandy Shydo: "No. All I know is that up to this very point, I've been, and my neighbors have been in the dark. We've heard a little of this and a little of that from everyone and no one that I've talked to including the people in the Town Government, are quite sure what Mr. O'Neill's plans are. So I think until we actually get a chance to study it, that we should post-pone till a later date."

Supervisor Smith: "Anyone else with reference to Mr. O'Neill?"

Supervisor Smith: "Mr. Heynal before you begin, Mr. O'Neill is there one site plan or is there a new one?"

John O'Neill: "That's the site plan."

Supervisor Smith: "It's not been changed since the . . ."

John O'Neill: "No. There's nothing that's going to be changed there other than the (the rest was inaudible because he spoke from the audience)."

Supervisor Smith: "Mr. Heynal?"

Robert Heynal, Pine Avenue, Aquebogue; "Actually I have two questions. Number one are there any plans to erect a building on that site?"

John O'Neill: "Yes the plan shows a building."

PUBLIC HEARING - continued
Supervisor Smith: "Mr. Heynal you ask me questions and I ask them of Mr. O'Neill."

Robert Heynal: "I have here a copy of the Riverhead Code and I'm not sure if it's applicable and I'm not sure if you're aware of it, but I would like to read a paragraph out of it. It's section 108-29, paragraph D.

'All other buildings and structures shall be erected on a lot having an area of not less than twenty thousand (20,000) square feet and having a width of not less than one hundred (100) feet.'

And I believe that this lot that Mr. O'Neill is referring to or plans to build on is only 75 feet in width and I'd like to know what the ruling on that is and if this piece of the Town Code is applicable right here.

Secondly I'd like to know if this building goes through, if this marina is approved, what's to prevent Mr. O'Neill two years, five years, ten years from now to converting it into 'amphibious operation' with sea plans, 'amphibious helicopters' and some of the other rumors we've heard about."

Supervisor Smith: "All right. With reference to the first item which you require some legal opinion on, I can't give it to you off the top of my head, nor would I try. The second, of course, any use whether it's Mr. O'Neill's or anybody else's if any change were to occur and it to be done legally with the proper notices, etc., could occur. Not necessarily in terms of a special permit, there may be zone changes etc., that exist and it is the function of the people who sit up here, whether it's ten years from now, twenty years or fifty years from now?"

Robert Heynal: "One last question. Will the Town Board then look into this matter of the building code and the question of a seventy-five versus a one hundred foot lot, whether it's applicable here?"

Supervisor Smith: "Yes Sir."

Robert Heynal: "Thank you."

Supervisor Smith: "Anybody else with reference to Mr. O'Neill? If there's no one else ready to address the

PUBLIC HEARING - continuedSupervisor Smith continues:

application of Mr. O'Neill we will again declare the hearing closed and we will reserve our decision relative to Mrs. Shydo's request to have the hearing re-opened at some future date to be examined by the Town Board."

No one else wishing to be heard and no further communications having been received thereto, Supervisor Smith declared the hearing closed at 8:42 P.M.

RESOLUTIONS#226 RESOLUTION CALLING FOR BIDS FOR PECONIC MARINA AND PARK

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

WHEREAS, The Town of Riverhead wishes to construct a marina and park adjacent to the municipal parking area, south of Main Street, now, therefore, be it

RESOLVED, That the Town Clerk hereby is authorized to publish a public notice requesting sealed bids for the Peconic River Marina and Park Contracts 1, 2, 3, and 4 on May 24, 1979, and be it

FURTHER RESOLVED, That these bids will be opened at 11:00 o'clock A.M. on June 14, 1979.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#227 AUTHORIZES TOWN CLERK TO PUBLISH NOTICE TO INTERESTED PERSONS CONCERNED WITH RELEASE OF FEDERAL FUNDS UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1977

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

WHEREAS, The Town Board, in order to draw down HUD Small Cities funds, must publish a legal notice of its determination that certain Community Development activities will not significantly affect the environment,

THEREFORE, BE IT RESOLVED, That the Town Clerk, be and is hereby authorized to publish and post a legal notice of Finding of No Significant Effect on the Environment.

LEGAL NOTICE OF FINDING
OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS

RESOLUTIONS - continued

On or about June 4, 1979, the Town of Riverhead will request the United States Department of Housing and Urban Development (HUD) to release federal funds under Title I of the Housing and Community Development Act of 1977 for the following projects:

1. Land acquisition of approximately 15 acres in census tract 1697.
2. A subsidized home improvement loan program and a subsidized commercial loan program.
3. Capital improvements to Town parks.
4. An extension of the Riverhead Water District.
5. The development of plans and specifications for the Peconic River Marina and Park.
6. Evaluation of all said projects.

The reason for such decision not to prepare such statement (EIS) is that no Federal, State, or Local standards will be violated by any of these projects.

Environmental Review Records concerning the aforementioned projects have been made by the Town of Riverhead Community Development Office, which document the environmental review of the projects and set forth reasons why an Environmental Impact Statement is not required. These Environmental Review Records are on file at the Town of Riverhead Community Development Office, 200 Howell Avenue, Riverhead, New York 11901, and are available for public examination and copying upon request. No further environmental reviews of these projects are proposed to be conducted prior to the request for release of federal funds.

All interested agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by the Town of Riverhead to Mr. Richard Hanley, Town of Riverhead Community Development Office, 200 Howell Avenue, Riverhead, New York. Comments should be received at the address specified on or before June 4, 1979. All comments so received will be considered and the Town will not request the release of federal funds or take any administrative action on the stated projects prior to June 4, 1979.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#228 RESOLUTIONS - continued
RETAINS FIRM OF YOUNG & YOUNG TO CORRECT FLOOD
PROBLEM

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

WHEREAS, The firm of Young & Young is retained for the purposes of preparing such engineering reports, studies, and surveys to correct the flooding problem at the intersection of Middle Road and Roanoke Avenue and that this firm of engineers be paid a reasonable fee for their services upon submission of the requisite vouchers.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting for ten minutes after which the meeting resumed.

Supervisor Smith: "During the break, several people have come forward and asked if they could address the Town Board under that portion of the agenda where anybody wishing to address the Town Board can do so on any matter prior to our conducting our last two items of business."

Herb Kunitz, Snowflake Ice Cream Store, West Main Street "This past month, I received a notice about the signs being in violation. I have been before the Board of Appeals and it seems that I was lead to believe last January that we were going to have leniency on the part of established businesses on the signs. It's going to be an expense for me to move my signs. One is to be completely removed. Two are to be lowered. I work seven days a week in my business to make anything. I've got two children I've had to put through college. I think it's highly unfair for the Town Board to pass ordinances that require expenditures like this when you seem to find money for these HUD projects, for all other projects, but the businessman in this Town that has to pay his taxes, he pays wages, he employs help, I employ youth help. I think this is a very good thing. But I don't think I should be asked to go through the extra expense, that six years ago these signs were allowed up by Mr. Munson. He said fine, put them up, no problem. And new administration comes in and all of a sudden we have new things. These signs, Riverhead is not a tourist Town. Riverhead is a pass-through Town. If it were just for the people in Riverhead, I wouldn't need signs. I've been there twenty-six years as an ice cream store, but I need every penny I can get.

PERSONAL APPEARANCES - continuedHerb Kunitz continues:

You know Route 25 has deteriorated. Six years ago I invested \$30,000 in remodeling that building trying to stay there, that it would up-grade the area instead of having another empty building and I wish the Town Board would kind of address itself to the problem of the little businessman in this Town."

Supervisor Smith: "Mr. Kunitz, may I suggest that you speak to Ruth Packman, who is behind you. There is a program to aid exactly person's such as yourself with this particular program with a, as you say, a HUD fund and after you have spoken to her if you cannot obtain satisfaction through that route, you are again welcome to come back and repeat what you just said and if I can be of help in working with her and with you, we provide consulting services and as she will explain to you either a 3% loan for the purposes of making these modifications and or a \$500 outright grant. So would you please discuss this with her and let's see if we can resolve it that way."

Herb Kunitz: "Thank you."

Danny White, 988 Ostrander Avenue, Riverhead; "I would like to ask the Town Board what they're going to do about the deplorable condition of Ostrander Avenue. As you know, since the sewer project last year, every time it rains, this road is in very bad condition. I noticed the other day, the barricade on the south end of the road was just wiped out completely. And before someone gets maimed and killed, I think some action should be taken care of. I don't want any excuses, I just want action,"

Councilman Young: "This was put in by a private contractor and I have been in contact with our lawyer who has charge of this, Pete Lundberg, and he has come up with a figure of \$20,000 that he thinks he can get from either the contractor who screwed up the job or the bonding or somewhere and I have been in contact with Alex Horton and we're going to try to get Alex to do the job, to correct it and we have to pay Alex the money because it's not in his budget. Alex went up there yesterday in the rain, and he couldn't do anything definite because of the rain and so forth, you know to study the problem and he told me today, he'll go back tomorrow and look it over and he's going to let me know tomorrow how much it's going to cost him, if he can fix it, what he should do and how he thinks it should be done. Depending on what he

PERSONAL APPEARANCES - continuedCouncilman Young continues:

thinks we should do, we should have an answer in two or three days."

Danny White: "Mr. Young do you have any kind of a target date when this thing would be taken care of?"

Councilman Young: "Not until after I talk to Alex. I want to do it as fast as we can. And Alex says he's pretty busy now, but I think this is top priority. I think it's more important that we do that then, for instance, ordinary tarring of roads and so far that he usually does. He can put some of that back or even not do some of that and do this, in my opinion. And that's what I'm going to try to get him to do."

Danny White: "As I explained to Mr. Smith, my son experienced two conditions where his car was wiped out. Now he's also a volunteer fireman. And when he leaves the house at night, the condition of the roads doesn't enter into his mind. He just responds to the fires and I think because of this, his car is in bad shape. And it cost him a considerable amount of money and I think someone should reimburse him on that also."

Supervisor Smith: "Dan, with reference to those, submit the claims. I realize it's a difficult process with reference to the claims. This is how contractors work up such things as the southwest sewer district and I realize it's in a smaller version and it's no less exasperating to you and to your neighbors than that situation is down on the west end of the island. They would like us to take over the road, to step in and then what would result is a court of claims kind of a fight where you know who did what to who kind of a thing. It wasn't me, contractor, who screwed up the road. It was you, Town. The long and short of it is you don't give a damn, let's fix the road. We're trying to walk that tightrope whereby if we don't have to charge you and your neighbors additional monies should we get into that kind of a law suit and lose."

Danny White: "Thank you. I was approached by several of my neighbors and they would appreciate anything you could do for them. Thank you very much."

PERSONAL APPEARANCES - continued
Supervisor Smith: "Mr. Heynal?"

Robert Heynal: "In looking over your agenda tonight, I noticed under communications you had a letter from the Suffolk County Department of Health advising you of that continuous mosquito control program that will be conducted in Riverhead."

Supervisor Smith: "You're going to ask about tent caterpillars?"

Robert Heynal: "No. Do you know what streets or what areas are going to be included?"

Councilman Lombardi: "They're going to hit the main town, the Town of Riverhead, the areas, and they'll hit the outskirts later on. But they'll be hitting right into the Town and Jamesport and part of Aquebogue, and Wading River areas."

Robert Heynal: "Why? I requested, Meetinghouse Creek and that area, be included because. . . ."

Councilman Lombardi: "They will be hitting that."

Robert Heynal: "Last summer we used to call up every couple of weeks and it's a real hassle when you have to call up and it should be done. There's a lot of trees, foliage and everything else down there."

Councilman Lombardi: "They have three or four men in the Town of Riverhead coming and they will be continuously hitting in the area and if you have any problems, call us, call me."

Supervisor Smith: "Mr. Lombardi — That's his department. That's something that he looks after. The other thing is, there is no vector control with reference to tent caterpillars. Mr. Lombardi has given to the local press as much as we can obtain from the Cooperative Extension relative to the control of the tent caterpillars and it will have to be handled on an individual or neighborhood basis."

PERSONAL APPEARANCES - continued

Robert Heynal: "One other question. I know last year, I think the New York State was conducting an experimental spraying for ticks. Does anybody on the Board know about that?"

Councilman Lombardi: "No, but I'll check with that and I'll get back to you."

Richard Heynal: "I'll get back to you with the telephone number. But if we can get on that, I think that's a good thing too."

Supervisor Smith: "Anybody else wishing to address the Board? Yes Sir?"

Ziggy Wilinski, Riverhead; "Mr. Smith and Town Board, I'd like to say something on the pleasant side tonight. Last Wednesday on my job, I noticed a Town member that took the time to get out of his car. It was a very warm day. He had his family with him. He came to the aid of an elderly woman about eighty years old or so. This person was no relative of mine. I was on my job. I felt the man really went out of his way, like I said, it was a warm day and his wife and I believe he had his kid in there too, and I think this man not only speaks with words and works with his pen and pencil, but he shows action to the Town of Riverhead. And the person I'm referring to is Mr. John Lombardi and I think he should be commended for the service he did on that particular day. I'm sure he's aware of what he did and I observed it as a citizen of Riverhead and I think it should be on the record that Mr. Lombardi did a good service to the Town of Riverhead on that particular date. Thank you."

Supervisor Smith: "Thank you Mr. Wilinski."

At this time there was a big applause commending Mr. Lombardi on his good deed.

Supervisor Smith: "Usually these Italians get out of the cars for much younger women. That's a very good note to end on if we have no one else to speak, we'll end this portion. I'll deal with the site plans."

RESOLUTIONS - continued

#229

GRANTS SITE PLAN TO POLISH TOWN CIVIC ASSOCIATION

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

WHEREAS, pursuant to the provisions of Chapter 108 of the Code of the Town of Riverhead, a site plan has been submitted to the Town Board by Daniel White and Frances Kulesa relative to certain real property situated at the northwest corner of the intersection of Lincoln Street and Hallett Street, and

WHEREAS, The Town Board has examined the site plan,

NOW, THEREFORE, BE IT RESOLVED, That the site plan initialled by the Town Supervisor and dated this date, May 5, 1979, be and the same is hereby approved subject to the following:

1. At such time as is feasible for the Polish Town Civic Association, they will plant shrubbery or plantings at the three locations marked on the site plan.

2. At such time as is feasible and possible, the Polish Town Civic Association will install fencing as shown on the site plan unless at a future date, the Town Board shall alter, amend, or revoke this requirement.

3. That the Polish Town Civic Association will comply with the directions of the Riverhead Zoning Board of Appeals in a resolution dated April 26, 1979.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#230

GRANTS AIRCRAFT WAREHOUSING SITE PLAN - JOSEPH PICONE

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

WHEREAS, Pursuant to the provisions of Chapter 108 of the Code of the Town of Riverhead, a site plan was submitted to the Town Board by Joseph Picone, said site plan, last dated January 26, 1978 and marked in red to show a proposed platform extension for the United Parcel Service and addition of proposed parking area with the dimensions 120' by 164', and

WHEREAS, The Town Board has considered said site plan, NOW, THEREFORE, be it

RESOLVED, That said site plan is approved subject to the following:

1. That the proposed parking areas shall comply with

RESOLUTIONS - continued

the other rules and ordinances of the Town of Riverhead in reference to installation and striping parking areas.

2. That the owner will comply with the further directions of the Town Building Department relative to the construction of the loading platform and parking area.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the meeting adjourned at 9:17 P.M.



Irene J. Pendzick, Town Clerk

IJP/vlv