

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, September 19, 1978 at 7:30 P.M.

Present: Allen M. Smith, Supervisor
George G. Young, Councilman
Francis E. Menendez, Councilman
John Lombardi, Councilman
Antone J. Regula, Councilman

Also present: David P. Fishbein, Town Attorney
Alex E. Horton, Supt. of Highways

Supervisor Smith called the Meeting to order at 7:30 P.M., and the Pledge of Allegiance was recited.

Councilman Menendez offered the following resolution which was seconded by Councilman Lombardi:

RESOLVED, That the Minutes of the Town Board Meeting held on August 15, 1978, the Minutes of the Special Town Board Meeting held on August 22, 1978 and the Minutes of the Town Board Meeting held on September 5, 1978, be approved as submitted.

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

The resolution was thereupon declared duly adopted.

BILLS

Bills were submitted on Abstracts dated September 19, 1978 as follows:

General Town Encumbered	\$11,123.10
General Town	\$42,766.94
Ambulance	\$ 49.50
Community Development	\$ 1,023.00
Capital Projects	\$45,008.30
Highway Item #1	\$ 8,072.67
Highway Item #3	\$ 1,711.07
Highway Item #3 Encumbered	\$ 235.90
Highway Item #4	\$ 2,195.36

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

OPEN BID REPORT - TWO (2) HYDRAULIC SPREADERS - HIGHWAY DEPARTMENT - continued

TRUIS INC.
369 Duffy Avenue
Hicksville, New York 11802

YEAR	<u>1978</u>	MAKE	<u>Hi-Way</u>	MODEL	<u>E-2020</u>
DELIVERY DATE:	<u>30-45 Days after receipt of order</u>				
DELIVERED BID PRICE FOR:	<u>(2) Spreaders @ \$6,193.00 ea.</u>				<u>\$12,386.00</u>
LESS TRADE-INS:	_____				\$ <u>-----</u>
NET PRICE DELIVERED FOR:	<u>(2) Spreaders</u>				<u>\$12,386.00</u>

Filed.

MUNICIPAL MACHINERY CO., INC.
Edwards Avenue
Calverton, New York 11933

YEAR	<u>1978</u>	MAKE	<u>Air Flo</u>	MODEL	<u>AF 24</u>
DELIVERY DATE:	<u>45 Days ARO</u>				
DELIVERED BID PRICE FOR:	<u>(2) Two \$6,329.00 each</u>				<u>\$12,658.00</u>
LESS TRADE-INS:	_____				\$ <u>_____</u>
NET PRICE DELIVERED FOR:	<u>(2) Two</u>				<u>\$12,658.00</u>

Filed.

REPORTS

Recreation Department monthly attendance report for July 1978 & August 1978. Filed.

Building Department report for the month of August, 1978. Filed.

Supervisor's Office - Financial Statement for month of June, 1978. Filed.

Wading River Fire District, 9/12/78 - Results of Fire District election held September 11, 1978. Filed.

APPLICATIONS

Site Plan - Charles Spitalieri (Proposed expansion of existing junk yard on Kroemer Ave.) Filed.

Site Plan - East Main St. Assoc. (additional buildings on property located at East Main St.) Filed.

Special Permit - Joseph Picone (request to permit manufacture of precast concrete products as non-nuisance industry, Calverton). Filed.

Referred to Planning Board for recommendation and report.

COMMUNICATIONS

N.Y. State Energy Office, 9/11/78 - submitting draft of Emergency Conservation Construction Code. Filed.

Planning Board, 9/11/78 - resolution regarding subdivision regulations. Filed.

N.Y.S. Department of Transportation, 8/31/78 - regarding State Implementation Plan for air quality control. Filed.

Cooperative Extension - advising of property taxation course at Suffolk Community College. Filed.

Environmental Board, 9/14/78 - advising decision of applicant Bekermus not to proceed with request. Filed.

Planning Board, 9/14/78 - regarding resolution decreasing performance bond for "Wyl-Lyn Estates". Filed.

UNFINISHED BUSINESSSpecial Permit Application - Joseph Brush (airport)Special Permit Application - Leo Bekermus (oil tank, W. Main St.)

Supervisor Smith: "With reference to the matters that are listed as unfinished business, the application of Mr. Brush, there is as of the last meeting, a new design to the runway. Mr. Fishbein what I think you should do is send a letter to the Department of Transportation asking for the reaction to that matter.

With reference to the application of Mr. Bekermus on West Main Street, there is a resolution later on this evening.

We come to that portion of the agenda where we will listen to anyone choosing to address the Town Board on any matter. I would ask that if you are here to address the revenue sharing hearing or you here to address the application of Mr. and Mrs. Sowinski, that you hold your comments until we call those hearings to order such that we have your comments all in one place. We will now take comments by anyone choosing to address the Town Board on any matter other than the general revenue sharing item and the Sowinski application?"

No one wished to respond at that time.

RESOLUTIONS

#404 APPOINTS AUTOMOTIVE EQUIPMENT OPERATOR - HIGHWAY DEPARTMENT
Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, A vacancy exists in the Highway Department for an Automotive Equipment Operator,

WHEREAS, George B. Grodski has applied for the position,
NOW THEREFORE be it

RESOLVED, That George B. Grodski be, and he hereby is appointed to the position of Automotive Equipment Operator in the Highway Department for a probationary period of eight (8) weeks, to be automatically renewed to a probationary period of six (6) months at the annual base salary of Ten thousand five hundred fifty-four and 03/100 (\$10,554.03) Dollars effective September 5, 1978.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, No.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#419 AUTHORIZES RECALL AND OR COURT PAY FOR POLICE OFFICERS

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

BE IT RESOLVED, That the following Police Officers be paid recall and or court pay from August 1, 1978 to and including August 31, 1978, as per P.B.A. Contract.

1.	Alexander, F.	8-03-78	5½ hrs.	\$74.25	
		8-20-78	4 hrs.	<u>54.00</u>	\$128.25
2.	Dorfer, T.	8-03-78	8 hrs.	108.00	
		8-19-78	8 hrs.	<u>108.00</u>	216.00
3.	Dunleavy, J.	8-20-78	10 hrs.		140.40
4.	Gianni, V.	8-28-78	4 hrs.		54.00
5.	Kurpetski, J.	8-05-78	8 hrs.		112.32
6.	Quinn, R.	8-05-78	8 hrs.		113.36
7.	Romaniello, F.	8-19-78	8 hrs.		108.00
8.	Zaleski, J.	8-31-78	6 hrs.		81.00
TOTAL					<u>\$953.33</u>

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

The resolution was thereupon declared duly adopted.

#420 AUTHORIZES RECALL AND OR COURT PAY FOR DETECTIVES

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

BE IT RESOLVED, That the following Detectives be paid recall and or court pay from August 1, 1978 to and including August 31, 1978, and July 28, 1978, as per P.B.A. Contract.

1.	Palmer, W.	7-28-78	4 hrs.		\$ 60.00
2.	Summerville, A.	8-02-78	4 hrs.	\$60.00	
		8-05-78	4 hrs.	60.00	
		8-26-78	4 hrs.	<u>60.00</u>	<u>180.00</u>
TOTAL					\$240.00

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#421 AUTHORIZES OVERTIME PAY FOR SERGEANTS AND LIEUTENANTS
Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following Sergeants and Lieutenants be paid overtime pay from August 1, 1978 to and including August 31, 1978, and July 10, 1978, as per P.B.A. Contract.

1.	Grattan, J.	8-19-78	8 hrs.	\$126.24	
		8-26-78	1½ hrs.	23.67	\$149.91
2.	Grattan, L.	8-19-78	8 hrs.	135.12	
		8-26-78	3 hrs.	50.67	185.79
3.	Grossman, A.	7-10-78	2 hrs.		30.06
				TOTAL	\$365.76

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

The resolution was thereupon declared duly adopted.

#422 AUTHORIZES OVERTIME PAY FOR POLICE OFFICERS TO BE PAID FROM REVENUE SHARING

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

BE IT RESOLVED, That the following Police Officers be paid overtime pay from August 1, 1978 to and including August 31, 1978, to be paid from Revenue Sharing.

1.	Pleickhardt, J.	8-11-78	1 hr. 50 min.	\$24.75	
2.	Swiatocha, J.	8-22-78	3 hrs.	35.46	
				TOTAL	\$60.21

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

The resolution was thereupon declared duly adopted.

#423 AUTHORIZES COURT AND OR RECALL PAY FOR POLICE OFFICERS TO BE PAID FROM REVENUE SHARING

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

RESOLUTIONS - continued

BE IT RESOLVED, That the following Police Officers be paid Court and or Recall Pay from August 1, 1978 to and including August 31, 1978, to be paid from Revenue Sharing.

1.	Swiatocha, J.	8-19-78	8 hrs.	\$ 94.56
2.	Woods, K.	8-05-78	11 hrs.	\$148.50
			TOTAL	<u>\$243.06</u>

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

The resolution was thereupon declared duly adopted.

#424 AUTHORIZES OVERTIME PAY FOR POLICE OFFICERS

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

BE IT RESOLVED, That the following Police Officers be paid Overtime Pay from August 1, 1978 to and including August 31, 1978, as per P.B.A. Contract.

1.	Densieski, A.	8-17-78	1½ hr.		\$20.25
2.	Dunleavy, J.	8-26-78	2 hrs.	\$28.08	
		8-29-78	½ hr.	<u>7.02</u>	35.10
3.	Foote, F.	8-26-78	2½ hrs.		33.75
4.	Gianni, V.	8-09-78	¾ hr.		10.13
5.	Hughes, J.	8-25-78	1½ hrs.		20.25
6.	Mickoliger, L.	8-26-78	1½ hrs.		20.25
7.	Miller, D.	8-25-78	1½ hrs.		20.25
8.	Rodgers, F.	8-29-78	1 hrs.		13.50
9.	Zaleski, J.	8-09-78	1 hr. 10 min.	\$15.75	
		8-17-78	1½ hrs.	20.25	
		8-19-78	40 min.	<u>9.00</u>	45.00
			TOTAL		<u>\$218.48</u>

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#425

AUTHORIZES TOWN CLERK ADVERTISE FOR BIDS ON 2DR
SEDAN (HIGHWAY DEPARTMENT)

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

RESOLVED, That the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for the purchase of one (1) 2Dr Sedan for the use of the Town of Riverhead Highway Department, and be it

RESOLVED, That specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A.M. on October 10, 1978, and be it further

RESOLVED, That the Town Clerk of the Town of Riverhead be and is hereby designated to open publicly and read aloud on October 10, 1978 at 11:00 A.M. at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on 2Dr Sedan."

The vote, Regula: "I'd like a few words on this before I vote. About 10:25 this morning, I knew how I was going to vote on this new car. However, I've spent a lot of time thinking about it. In fact, the whole set up that we have, we the Town Board and the Superintendent of Highways, we haven't been getting along very well at all. We haven't been working together at all and this apparently has been going on long before I got here. I have to say I feel personally that over the years, our Superintendent has done a good job. But now that I'm on the Board, I'm looking out for the good of the Town, the people that are looking for the services we are supposed to give them. This personality bit doesn't go with me. Just because you don't like someone you are working with, doesn't mean you should make decisions contrary to the best interest of the Town. I've seen a lot of this in my eight months on this Board, and I feel the time has come when I have to make some noise and take a stand. I voted yes on this car about a month ago, even though it had air conditioning, power windows and all the extras. I felt the Superintendent of Highways has worked hard each year keeping his budget in the blank ink. As George Young always says, 'it's his budget and if people don't like what he's doing, they can vote him out of office'. The punch line to this whole thing is I came through the Swezey parking field that's down in back of Swezey's this morning and it was flooded. I took a chance and I did get through. I have asked the Superintendent, and even Allen the other day, just last week at our budget meeting, our Supervisor nicely asked if those three drains couldn't be cleaned out. They're plugged right up to the top and Alex said he'd work on it. Maybe he's going to work on it, but it hasn't been done yet and these are my feelings up to this point. These men on this Board with me will probably say this is a grand stand play, and it probably

RESOLUTIONS - continued

Councilman Regula continues:

is. I just feel I got to make a little noise. I've got to be heard. I just feel with all the daily problems that we have to handle, something has to give. We must learn to work together for the good of all our people. The drainage problems, the low cost housing, taxes, employment for our people and these petty jealousies have to be worked on. I've said my piece and for whatever it's worth, I'm happy I'm here on this Board and I will do my best to change things when I see they are wrong. I vote No."

Lombardi, Yes, Menendez: "Mr. Supervisor, these specifications have to be seen to be believed. Now I'm not against any department head having a car. It is right and good that they should. I do object to any department head having a car purchased that is far too opulent for the purpose intended. The specs on this car would far exceed what would be needed for average use. They exceed those — the car driven by our County Executive. They far exceed the car driven by our Supervisor, and in my opinion to provide a car like this is no more than a bear rip off of our taxpayers to provide palatial transportation for any department heads out of the question. I vote No."

Young: "Well I've been making noise, as Tony said, for a long time for Alex Horton and for this Town and what I've done, I felt we may have personality problems. We've got people that go in different directions, but I think they're both working for the good of the Town. If you've got a good team, you keep them working even though they want to kick up their heels once in a while. Now I was advised this morning, that it's a good idea to examine what other municipalities are doing — it was unrelated manner before you make a decision. So I got on the phone and the first Town I called was Brookhaven. Their Superintendent of Highways rides around in a Mercury Montego. It's air conditioned, power brakes, power steering, and power windows. Then I called the Town of Southampton. Their Superintendent of Highways rides around in a second LTD air conditioned, power brakes, power windows, power seats. Then I called the Town of East Hampton. They have an Oldsmobile. All the stuff on it. The only problem with East Hampton is they're unhappy with their Superintendent of Highways because it's a '72 automobile and it costs them several thousand dollars every year to keep the damn thing operated and he won't let them get him a new one. They want to get him a new one. I called the Town of Shelter Island. All these people are very nice to me. In Shelter Island, I figured they'd have a bicycle. It's a small Town, but they're got a '76 Plymouth Fury. Then I figured I'd do something that Doctor Menendez has been pushing

RESOLUTIONS - continuedCouncilman Young continues:

for. I called the Islip Town. They don't have a Highway Department. They have a Public Works Department. The Public Works Department, they don't buy their automobiles. They have another department that does all the purchasing of automobiles and it seems like they had only one man and that's all he did was buy cars and I finally got through to him after going through a bunch of bureaucratic red tape and he had just finished purchasing a '77 Ford LTD air conditioning, power windows, power seats, the whole works. He said it's a standard car, though it's not a fancy one and it costs \$5,600. Our car that we fouled up on the last time that we tried to buy Alex was \$4747. That's the car that was so overloaded that this Town Board wouldn't buy it for Alex. Then I called the Town of Southold, a guy named Ray Dean down there. He's got a brand new LTD. He's got everything in it, same as all the others and I said to him, Dean how come you don't ride around in a jeep? You could put a plow on the front and do plowing on your way home and stuff like that and I got a lecture for fifteen minutes about all the reasons why he needed that LTD and it sounded good to me and I won't bore you with them all. I think we're making a mountain out of a mole hill. I think we're wasting the taxpayers time and money arguing about such stupid things when Alex Horton is operating machinery up there that costs \$50,000, \$60,000 and \$70,000. We have bulldozers and big trucks and all kinds of expensive equipment and Alex, I know of instances where he's saved us thousands and thousands of dollars by shrewd shopping and careful operation of that Highway Department and I think we're making damn fools of ourselves if we don't give him his car and I'll vote Yes."

Smith: "I appreciate what Tony said this evening. It's not the other way around. One of the things Tony's good at is to poke at me, in particular, to make sure that my temper doesn't get the best of me and he does that even with a smile every once in a while and I like that. It is curious what straws break camels backs. I think everybody knows how I'm going to vote and I'm going to vote No."

The resolution was thereupon declared lost.

#426 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE
OF PUBLIC HEARING RE: PROPOSED USES OF GENERAL
REVENUE SHARING FUNDS

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

RESOLUTIONS - continued

RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish and post the following notice of Public Hearing relative to Federal Revenue Sharing Funds.

PUBLIC NOTICE

PLEASE TAKE NOTICE That, pursuant to the provisions of the Town Law and Public Law 940488 (commonly known as "General Revenue Sharing" or "State and Local Fiscal Assistance"), the Town Board of the Town of Riverhead will hold a public hearing at its regular meeting to be held on the 3rd day of October, 1978, at 8:00 P.M. o'clock, at the Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all those persons wishing to address the Town Board on a proposal to be presented by said Board at that time and place for the use of funds in the fiscal year 1979.

PLEASE TAKE FURTHER NOTICE That, in prior fiscal years, said funds have been used for drainage, police services, construction of municipal buildings, and for other municipal purposes. All purposes wishing to address the Town Board should appear at the above-stated time and place.

Before the vote Supervisor Smith stated; "I would explain that what is required under the federal statutes with reference to public hearings, is the hearing that we will have this evening in a few minutes with reference to the public participation and suggestions of uses for the program that we are involved with this evening and what we're authorizing here is the second hearing which will be held at the next meeting which will deal with specific proposals made by the Town Board after listening to anyone who wishes to address the Town Board this evening if there is anyone."

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

The resolution was thereupon declared duly adopted.

#427 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF APPLICATION REVIEW FOR A SCAVENGER WASTE DISPOSAL SITE

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

RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish and post the following Notice that the Town of Riverhead's application for a scavenger waste disposal site may be reviewed at the Suffolk County Department of Environmental Control's Office in Hauppauge, N.Y., in the September 14, 1978 issue of the "News-Review".

RESOLUTIONS - continuedPUBLIC NOTICESTATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATIONNOTICE FOR APPLICATION FOR PERMIT TO DISCHARGE UNDER
PROVISIONS OF NEW YORK STATE POLLUTANT DISCHARGE ELIMINATION
SYSTEM APPLICATION NO. NY-013 7014

The New York State Department of Environmental Conservation has received an application pursuant to Titles 7 and 8 Article 17 of the Environmental Conservation Law from:

Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901

The Department has made a tentative determination to approve this application . . . for a scavenger waste disposal site located at Town of Riverhead Landfill and Scavenger facility, s/s/ Youngs Avenue, west of Mill Road, Riverhead, New York. This permit will require additional treatment to meet current state groundwater discharge standards.

This application and related documents may be reviewed at the address listed below. Any person who wishes to comment or become a "Party-in-Interest" at a public hearing if one is held, must submit a written statement of the precise grounds of support for, opposition to, or interest in the application to the undersigned no later than October 30, 1978.

James H. Pim, P.E., Chief
Water Pollution Control
Suffolk County Department
of Environmental Control
65 Jetson Lane
Hauppauge, N.Y. 11787

Phone: 516/234-2622

Before the vote Supervisor Smith stated: "This is a notice that's been in the paper and what it says is that you can review our Town Dump Application which is on file."

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#428 APPOINTS DOG ENUMERATORS FOR 1979 DOG LISTS

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

BE IT RESOLVED, That pursuant to Section 108 of the Agriculture and Markets Law, the following be and are hereby appointed Dog Enumerators, effective September 20, 1978, for the purpose of preparing a list for the year 1979, of persons owning or harboring dogs in the Town of Riverhead, and to be compensated on a fee basis, pursuant to Section 123, Article 7 of the aforesaid law.

Mrs. Joan Edwards, 405 Elton Street, Riverhead, N.Y.
 Mrs. Claudia Edwards, RD #2, Box 293 Broad Avenue, Riverhead, N.Y.
 Mrs. Lynn Mueller, 1112 Roanoke Avenue, Riverhead, N.Y.
 Mrs. Patricia Hamill, 37 Hubbard Avenue, Riverhead, N.Y. (Lot #59)
 Mr. Theodore McAlevy, Box 46, Wading River, N.Y.
 Mrs. Barbara Grattan, 427 Ostrander Avenue, Riverhead, N.Y.
 Mrs. Susan Phillips, 527 Howell Court, Riverhead, N.Y.

BE IT FURTHER RESOLVED, That the aforementioned Dog Enumerators be paid mileage allowance of 15¢ per mile by the Town of Riverhead.

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

The resolution was thereupon declared duly adopted.

#429 AUTHORIZES PURCHASE OF FIVE BRONZE PLAQUES - LANDMARKS' PRESERVATION COMMISSION

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

WHEREAS, The Landmark's Preservation Commission has designated five structures in the Town of Riverhead as landmarks, pursuant to the Landmark Ordinance, and

WHEREAS, The Landmarks' Preservation Commission has requested that this Board grant permission for the purchase of five bronze plaques to identify these landmarks, at a cost of \$25.00 each,

THEREFORE, BE IT RESOLVED, That the Landmarks' Preservation Commission is hereby granted permission to purchase five bronze plaques at \$25.00 each, to be charged to the Historical Account, #7520.400.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#430 APPOINTS WILLIAM KELLY TO THE POSITION OF CONSTRUCTION EQUIPMENT OPERATOR IN THE SANITATION DEPARTMENT

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

WHEREAS, William Kelly was previously appointed as probationary Construction Equipment Operator in the Sanitation Department, effective March 20, 1978, and

WHEREAS, He has satisfactorily completed his six (6) month's probationary period,

NOW, THEREFORE BE IT RESOLVED, That William Kelly be hereby appointed Construction Equipment Operator in the Sanitation Department on a permanent basis, effective September 20, 1978.

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

The resolution was thereupon declared duly adopted.

#431 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: "SMALL CITIES" APPLICATION

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

RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish and post the following Notice of Public Hearing relative to "Small Cities" application.

PUBLIC NOTICE

PLEASE TAKE NOTICE That, pursuant to notification dated September 7, 1978, from the Region II Office, U.S. Department of Housing and Urban Development, and Notices and Regulations, published in the Federal Register on March 1, 1978, the Town of Riverhead is entitled to submit a full application to the Department of Housing and Urban Development for participation in the "Small Cities Program" of the Housing and Community Development Act of 1977.

PLEASE TAKE FURTHER NOTICE That, on October 3, 1978 at 8:15 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the Town Board of the Town of Riverhead will hear all those interested in both suggesting possible programs of work for the "Small Cities" application and commenting upon the Town of Riverhead's Housing Assistance Plan.

Before the vote Supervisor Smith stated: "This is very similar to what I just said with reference to the general revenue sharing, even though the small cities application has been preliminarily approved, it is again required that we have the two hearings, both general and specific in part this is occasion because the award of the grant was not for the full amount that we had requested and certain priorities will have to be established within the money that is available. Those

RESOLUTIONS - continuedSupervisor Smith continues

hearings will occur on the third and tenth. They will be at three Town Board Meetings in the first three weeks of October."

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

The resolution was thereupon declared duly adopted.

#432 APPROVES APPLICATION FOR LICENSE FOR SHOW OR EXHIBITION OF RIVERHEAD COUNTRY FAIR

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

WHEREAS, Pursuant to Town Board Resolution #403 dated September 5, 1978, permitting the 1978 Riverhead Country Fair at the place, dates and times stated therein, the Town Board has received an application by the Riverhead Country Fair Committee, pursuant to Riverhead Code Chapter 90, and

WHEREAS, The Town Attorney has rendered his written report pursuant thereto and the Town Board has considered the application and report, be it

RESOLVED, That the Town Board grants a license to the Riverhead Country Fair to conduct a show or exhibition at the place, dates, and times, as stated in Town Board Resolution #403, and that the license fee be waived in that the license fee be waived in that the Country Fair Committees proceeds are to be used for worthy public purposes, subject to the following conditions:

1. That the applicant, Harold Nevins, Jr., and/or L. & N. Amusements, comply with Riverhead Code Chapter 90, Town Board Resolution #403 and this resolution.

2. That prior to October 7, 1978, the applicant submit to the Town a valid Certificate of Insurance insuring the applicant and the Town of Riverhead for at least the following minimum amounts of liability insurance: personal injury \$100,000/\$200,000, and property damage \$10,000/\$20,000.

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.

Town Clerk submitted affidavits of publishing and posting of public notice that a Public Hearing will be held at 8:00 P.M., on Tuesday, September 19, 1978, at Town Hall, Riverhead, New York for the purpose of hearing all those who wish to propose or sug-

PUBLIC HEARING - continued

gest uses of funds to which the Town of Riverhead may become entitled in the fiscal year of 1979.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Again for the purposes of the record in this hearing, I would restate what I've now said on two separate occasions this evening. This is part of the requirements of federal statutes regarding the use of federal monies in the federal revenue sharing program.

In the past, the Town of Riverhead has obtained through a rather complex formula, varying sums of money for the use of specific purposes that are outlined in the federal revenue sharing legislation. You are sitting in a room and you walked through the building this evening, which was one of the, if not the major use of federal revenue sharing monies in the Town of Riverhead since the inception of the federal revenue sharing program. Other uses of federal revenue sharing funds in the Town of Riverhead have been for the payment of police salaries. In the tax year 1977, ten officers were being paid out of federal revenue sharing monies. This particular year, we are paying the salaries of five police officers. Other uses have been drainage, roads, libraries for the Town Attorney.

The purpose of the hearing this evening is to listen to anybody that would suggest a use. Sometimes we get suggestions for uses of these funds that are not allowed under the legislation. That, however, should not prevent someone from suggesting uses for the funds this evening. We will weed out those uses that are permitted by law and those that are not permitted by law and we will also consider past uses of the funds as we prepare a program of work which will be subject of the hearing on this topic on October 3rd. Does anyone wish to address the Town Board with reference to potential uses for general federal revenue sharing funds for the year 1979?"

Bill Nohejl, Wading River; "Could you elaborate as to what other uses could be — you said some of the uses applicable to funds?"

Supervisor Smith: "Public works — It could be, Mr. Nohejl, such as the impound area, the various municipal buildings that we are building at the moment are not being paid for out of general federal revenue sharing funds. They would be permitted uses such as the Recreation Center in Jamesport, the improved facilities at the Town Highway Barn, the improved facilities for maintenance and repair of Town Vehicles. We had used money in the past for the police station renovation. The work on the general Townwide Lighting would also be an allowable expense.

PUBLIC HEARING - continuedSupervisor Smith continues:

It also may be used for salaries.

You may recall on prior occasions, budgetary occasions, Mr. Richard Carey, I believe, was one of the people who testified to that point thinking that it's somewhat unwise to use this type of fund for operating expenses because of the day of reckoning that would surely come with reference to such funds. I hope that gives you an idea of the kinds of things it can be spent on."

Bill Nohejl: (Inaudible).

Supervisor Smith: "Not for housing, no Sir. Does anyone choose to address the Town Board?"

Mike Peretta, Wading River; "At the last revenue sharing funds, I submitted a petition of 113 signatures, I believe of the Senior Citizens of Wading River and we had been allocated \$40,000 for the purpose of a Senior Citizen Building. At that time, under consideration, was the old community center in Wading River which we also pleaded for the Town not to take that building over because of its tremendous repairs to be made and we had suggested on the petition that the Town give Wading River a new community center building on a town road with all the best of facilities. I would like to suggest, I'd like to ask the Town that if the \$40,000 that has been allocated for the community center has not been spent, has not been used and still under negotiation, if we can add another \$40,000 to that so in case a new building is put up, it can take care of any inflationary measures. Thank you."

Supervisor Smith: "Thank you Sir."

Bill Nohejl: "Is any of this money repayable back to the Federal Government?"

Supervisor Smith: "No Sir."

Bill Nohejl: None. Now Mr. Peretta stated now about the community center. Why not use it to make a damn good community center. You've spent quite a bit in Jamesport, why not build us a good new one in Wading River?"

PUBLIC HEARING - continued

Supervisor Smith: "Yes Sir. So you're suggesting that Mr. Peretta's figure is a little light?"

Bill Nohejl: "They are very light."

Supervisor Smith: "Thank you Sir."

Bill Nohejl: "And also you say it's for the lighting?"

Supervisor Smith: "No. It could be. You were asking for examples. It is not being used for lighting."

Bill Nohejl: "In other words, the lighting was on a different appropriation?"

Supervisor Smith: "Yes Sir."

Bill Nohejl: "I'd like to come up and speak on another subject after — in reference to the housing."

Supervisor Smith: "Yes Sir."

Bill Nohejl: "Thank you."

Dick Benedict, Fanning Boulevard, Riverhead; "I too was here the last time and suggested that some of this money be used for private roads that we've been paying taxes on for 12-15 years and maybe some of it could be used to patch up some potholes or something."

Supervisor Smith: "Yes Mr. Benedict we have not, as I said — I did not say, but Mr. Peretta seems to know we have not used that money in other places pending the decision in the Timber Park case that we may still yet us that money if the decision becomes later and later where it is impossible that money can be incumbered. That's a fancy term Sir, it means it can be held over for next year."

Dick Benedict: "I understand."

PUBLIC HEARING - continued

Councilman Menendez: "Mr. Supervisor, if I may take off my Town Councilman's hat for a minute, and put on the hat of the Riverhead Emergency Medical Services Council which I am a member, Mr. Richard Gadzinski is Chairman of the Emergency Medical Service Council and he wrote a letter which I would like to read in part requesting funds from federal sharing.

Subject: Request for an Ambulance Funding from the Federal Revenue Sharing in the amount of \$40,000.

He explains that since January 1978, the Town of Riverhead Emergency Medical Service Council has held two quarterly meetings. We have accomplished the following:

First we have organized and completed the first emergency medical technician course for 26 students. They are currently riding on the ambulance on a part-time basis.

Future plans for the Council include the following:

A second EMT course starting in November with an enrollment of 45 students. More shifts on the ambulance as the membership is trained. However, we need a new modular ambulance to replace our old one. Currently we have two ambulances. One a 1964 International and the other a 1973 Chevrolet. It is the intention or hope of the Medical Service Council to retire the International 1964 which is inadequate and replace it with a new modular type unit that should serve the needs of the Town for the foreseeable future. So on behalf of the emergency medical services, I should like to put in for \$40,000 for a new ambulance."

Supervisor Smith: "Thank you Doctor. Is there anyone else choosing to address the Town Board?"

Alex Horton, Supt. of Highways; "I would like to straighten something out. Friday we had a meeting at 10:00 and I agreed to put the rails on the fence — started to. Now according to do anything to the river, we got to get down in the river to clean out that drain and there's been a high tide from Friday till today. How's Tony Regula expect us to do it, use diver's to go down there?"

Supervisor Smith: "Mr. Horton, if we could finish the general revenue sharing hearing, okay. I'll close that one and you can butt heads with me or Tony or anybody else."

Alex Horton: "But I think this should be straightened out. And furthermore, how much money is in my budget for

PUBLIC HEARING - continued
parking fields?"

Supervisor Smith: "Mr. Horton . . ."

Alex Horton: "Yea, Mr. Horton not one penny, and you want me to do this out of my budget that I have appropriated for the highway and this is your gripe. You give me a miserable budget, you just skin all the pieces and then you want me to do your political favors."

Supervisor Smith: "Mr. Horton, let's finish the one hearing okay, and then . . ."

Alex Horton: "Finish what you want, but this is the truth. Grow up and be a man."

Supervisor Smith: "Mr. Horton Sir, now's when Tony Regula should sit on me a little. I have available for anyone that would like to see it, anybody's viewing that would like to see it, your name on your budgetary request for last year. You got every dime that you asked for."

Alex Horton: "Nothing for parking lots. This is recreation . . ."

Supervisor Smith: "You said that I cut your budget, now you change your tune so quick. You can't even hold your word from the time you get to the microphone to the time you get to your seat."

Alex Horton: "My name's not Allen Smith."

Supervisor Smith: "Your problem Sir is you cannot hold your word. And that's been my problem with you all along. With reference to federal revenue sharing general aspects, does anybody else want to get into this?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:15 P.M.

Supervisor Smith: "There will be a specific program presented at the meeting of October 3, 1978."

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:15 P.M.

Town Clerk submitted affidavits of publishing and posting of notice of public hearing to be held at 8:15 P.M. on September 19, 1978 at Town Hall, Riverhead, New York for the purpose of hearing all interested persons wishing to be heard in the application of Carol and Mace Sowinski for a change of zone and special permit for a non-nuisance industry and wholesale business, located near the intersection of Edgar Avenue and Hubbard Avenue, Aquebogue.

The affidavits were ordered to be placed on file.

John Munzel, Atty., "This is the application of Carol Sowinski the owner of the property and Mace Sowinski, her brother-in-law for a special permit for the construction or modification of a building for purposes of an auto body paint shop.

I should also point out and I think it's obvious in the petition, the petitioners also request for a change of zone to Industrial B which the owner takes the position that this has already been done by virtue of an earlier hearing in October of '76 with regards to another application. But rather, we made an application to the Building Department. The Building Department took the position that it was not Industrial B property and since we were coming before the Town Board in any event and for purposes of this hearing, we have a two-fold application. One for the change to Industrial B and the other for the special permit without any waiver or admission by the owners as to whether or not it is Industrial B. But that's really a procedural problem, and does not get to the major thrust of the application.

The building in question lies just to the west of Long Island Produce, north of the Long Island Railroad and south of some residential property opposite farmland and an earlier auto body shop which is located on Hubbard Avenue and Edgar Avenue at that intersection. The area, it's my belief anyhow, is that it's admirably suited for an industry or a small business in affect of this nature namely the painting of automobiles.

One of the major problems in the painting of automobiles is keeping the spray paint from going outside. I think this is a concern of all citizens even though the Long

PUBLIC HEARING - continued

Island Produce has its own problems regarding emissions, but nonetheless, the proposal here is, of course, to comply with all the rules and regulations of the State of New York with regards to auto body paint shops and the use of spray paint. This does require filtering and it does require that none of the paint leave the premises. And I think this is the major concern of the Town.

The plan presented provides for adequate parking along the side of the building. The interior of the building has enough to house I believe six vehicles. This is a fledging business about to begin as I jokingly said to the Planning Board, I hope we have 700 cars a day go through there, but I am sure that that's not going to happen. Of course, we are limited by the size of the building and by what the plans are provided. And we intend to, of course, comply with the safety regulations of the County of Suffolk and the State of New York."

Supervisor Smith: "Mr. Munzel on prior occasions when we've considered, not necessarily auto body paint shops, but I can recall one with the old Gulf Station at the corner of Sweezy and West Main Street we wrote into the special permit provision a condition relative to the numbers of cars that could be stored outside at any given instant. For this parcel and for the imagined or anticipated use of the property, what would be a reasonable number of vehicles that could be anticipated to be stored outside at any one time?"

John Munzel: "The Town of Riverhead Planning Board and its decision of August 16th indicated that they had suggested the recommendation. They recommended that the approval be granted subject to that cars, if I may quote 'that cars awaiting repair or pick up after repair, shall not exceed ten and said car shall be parked in a parking area'. And that, of course, is acceptable and within our range of anticipation, quite frankly, we hope it's that much."

Supervisor Smith: "What's the nearest occupied residence for the record?"

John Munzel: "The nearest occupied residence, I believe, I haven't measured it out, but I would guess somewhere in the vicinity of 150 feet from the building itself. To the actual building, the next building, it's not property line to property line."

PUBLIC HEARING - continued

Supervisor Smith: "Thank you. Is there anyone else that would choose to address the Town Board with reference to the application of the Sowinski's for the use of this property?"

John Munzel: "It's a small white building right there on Edgar Avenue. As you're going down Hubbard Avenue you hit Edgar Avenue. By the tracts if you make a left, it's the first little white building on the right-hand side of the street."

Supervisor Smith: "Have you got this under contract at the moment, or have you purchased it already?"

John Munzel: "The owner has purchased the land yes, and it's under an anticipated lease to the brother-in-law Mace."

Supervisor Smith: "I was just hoping that maybe it's part of the conditions. We can knock down some of those buildings in back."

John Munzel: "Those buildings in back are not on our property."

Supervisor Smith: "Unfortunately."

John Munzel: "We would be delighted to accommodate, unfortunately we cannot."

Supervisor Smith: "Anybody else that wishes to address the Town Board with reference to the Sowinski application?"

No one else wishing to be heard no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:25 P.M.

Supervisor Smith recessed the meeting for five minutes, after which the meeting resumed.

PERSONAL APPEARANCES

Supervisor Smith: "Mr Nohejl you wanted to speak to us with reference to another matter that was not the subject of the general revenue sharing hearing?"

Bill Nohejl, Wading River; "It's been going through my mind. You say you don't have to pay these funds back to the federal government, like for housing, they appropriate money. Now for — and they also subsidize the rent. For what period of time?"

Supervisor Smith: "It depends upon the program Bill. I have in my office that you may enjoy reading, a somewhat lengthy document that deals with the financing of 821 East Main Street. The commitments — it is very similar to a farmers production credit kind of a letter. It is a commitment for five years. It's a rent subsidy for five years renewable every five years for, I believe, on this particular issue forty years. It is in essence a forty years — analogist to a forty year FHA Mortgage."

Bill Nohejl: "I lose you. You say you're renting. Now you're saying the mortgage."

Supervisor Smith: "What happens — okay, depending upon the tax shelter that is being created under this legislation for the investor . . ."

Bill Nohejl: "The Town is the Investor?"

Supervisor Smith: "No. Bill Nohejl who wants to bury some of his income from a tremendous crop of potatoes or sod or whatever would buy the bonds at 8½ face value, if you were in a 50% tax bracket, you would also take a piece of the syndication of the amortization of the improvement and run your yield, your tax exempt up, depending upon how much of a dare you're willing to take close to 20%.

The reason the people take that risk, of course, is the tax exempt status of the bond and the guarantee of the Federal Government with reference to the subsidy, that is how this particular project is being done. It also can be done when the rent subsidy is given the first commitment letter that we've just now been talking about. You can follow that with an FHA guaranteed mortgage. They come together with an FHA guarantee mortgage. It is less attractive to the private sector for invest-

PERSONAL APPEARANCES - continuedSupervisor Smith continues:

ment because with the FHA mortgage the profits — potential profits for the investor are less."

Bill Nohejl: "I'm thinking of the person who is going to rent — instead of renting being able to buy. Now you say you have to move alot of people out of Horton Avenue if you want to make drainage. Now these poor people would like to have the opportunity to be able to subsidize to buy their own home instead of renting their house."

Supervisor Smith: "That's true. That is a program and again Mr. Scheiner isn't here to give me the exact name of it, but there is what is called an Urban Homesteading Act where you select certain people who have demonstrated their ability to conduct themselves properly as tenants. They must demonstrate that for a year or two years, I believe, I forget which is which and at the end of the two years rather than their rent being rent as such, it applies as a mortgage payment would apply with either a Farmers Home Administration Guaranteed Mortgage or an FHA Guaranteed Mortgage."

Bill Nohejl: "This is something that I would like to see much more so than Doctors Path, because for the simple reason the Town is going to own those buildings, right?"

Supervisor Smith: "No Sir."

Bill Nohejl: "Who is?"

Supervisor Smith: "A private corporation. The current arrangement Halandia Inc. which has developed extensive properties in the County of Nassau and depending upon, again negotiations and things of that nature, there may be an option to buy out Halandia, but it probably will not be the Town of Riverhead."

Bill Nohejl: "But it's Town property now. Will the Town turn the property over to Halandia?"

Supervisor Smith: "Subject to certain conditions, the purpose of the funds that we've been using to engage in this program is to lower the rents as much as possible. Obviously,

PERSONAL APPEARANCES - continuesSupervisor Smith continues:

if you and I had formed the Nohejl-Smith Corporation for the purposes of building housing, the capitalization of the land cost and the site preparation cost would be reflected in the rent. The purpose of writing down as the phrase that's used, those capitalized costs in lands and the site preparation is such that the rental level will be less and that is written in a firm agreement between the Town and Halandia before the deed is done."

Bill Nohejl: "Why I was concerned is because if it was to run by the Town, the Town would have to maintain it. It would mean a housing coordinator, a person watching over it and it would be more expenses, expenses, expenses. This is what I was concerned about."

Supervisor Smith: "The Town Board has embarked upon the particular tack that it has taken so far in an effort not to have the Town own either 821 or any other place. That is why in this particular jurisdiction the Town Board does not act as the "Housing Agency". We have appointed other people. That is why 821 will remain on the tax roll, with this particular approach."

Bill Nohejl: "Will this other one remain on the tax roll?"

Supervisor Smith: "Yes Sir."

Bill Nohejl: "I'm also interested in seeing something done for the senior elderly people."

Supervisor Smith: "In year III of the Small Cities application which will be the subject of the hearings on October 3rd and October 10th. We had proposed a senior citizen write down for a senior citizen project, a similar approach to what we have now under consideration with reference to 500 Doctors Path. It can be done in that particular way or this Town Board has been actively pursuing the single-family home improvement program which you've heard us mention before. We've mentioned 821 and 500 Doctors Path. Other jurisdictions, not this particular jurisdiction, but other jurisdictions have been concentrating their housing effort at senior citizens and have, if you will claim that that's their housing effort. That approach with certain communities at the moment is being criticized."

PERSONAL APPEARANCES - continuedSupervisor Smith continues:

It is our opinion that if we can solve the problems of 821 which I'm trying to do before the month is out and do the Home Improvement Program which is working very well here and some of these other things that we can obtain a commitment either Section 8 or one of these others for certain senior citizens facilities."

Bill Nohejl: "Getting back to this Halandia Corporation where you inspected Doctors Path, you're going to have a screening bureau through the tenants that go in there."

Supervisor Smith: "Yes Sir."

Bill Nohejl: "Now what happens after maybe two or three months — at first the tenant is good and maybe there's a break-up of marriage and then social services comes in. Now what?"

Supervisor Smith: "The point is not where the occupant might receive it's money, but how the occupant treats the dwelling."

Bill Nohejl: "Supposing he treats it bad and there is a social service. Then what are you going to do?"

Supervisor Smith: "Out."

Bill Nohejl: "You're going to evict social services?"

Supervisor Smith: "Yes Sir."

Bill Nohejl: "I think you're going to have a hard time on that one."

Supervisor Smith: "No Sir."

Bill Nohejl: "No?"

PERSONAL APPEARANCES - continued

Supervisor Smith: "We have — the Town Board has discussed this with the Justices. We have emphasized what we have heard in the Town of Middle Town with reference to this problem. We have tried to approach this thing on a broad a base as possible within the Town Official Community and the only way this type of thing will work and will be meaningful, is if those tenants that abuse subsidized housing no longer get the benefit of the same."

Bill Nohejl: "I'm sorry to see Mr. Munzel leave. There were a couple of questions that you asked him the last time on the Bekermus case. Did you get any answers on it?"

Supervisor Smith: "I think you saw the flutter of the white towel go into that corner. There is a resolution turning him down tonight."

Bill Nohejl: "Thank you."

Supervisor Smith: "We are now obviously back on that portion of our agenda dealing with any topic that anyone might wish to bring up?"

Bill Nohejl: "It's in reference to the lighting in Wading River. When are they going to come down?"

Supervisor Smith: "This group?"

Bill Nohejl: "Let me tell you, this past week Broadway Maintenance had the petition signed — Stevens and Josephine and — they come in there and start putting them up. Now who's giving who orders?"

Supervisor Smith: "Bill we have spent inordinate amounts of time trying to get this particular project under control. We will get those lights that are not wanted down. There is a problem in another area up in Wading River now. Similar to the federal revenue sharing hearings we had tonight, I think we had about four hearings on EDA Projects and we discussed street lights and there were at least two different articles in each of the Traveler, the Suffolk Life, and the News-Review on lighting. And some of your neighbors in another location say gee where'd you spring this thing on us."

PERSONAL APPEARANCES - continuedSupervisor Smith continues:

And we got other lights that don't want to go up. So the coordination problem is very difficult when people don't pay attention. We'll get them down. It's just taking us a long time to do it and part is occasioned by the bankruptcy situation."

Bill Nohejl: "They're working back now and I was talking to the gentleman there that was putting them up and naturally they're laborers, but they just say well we got orders to go down into Josephine and Stevens and we're going to put them up and after all some where on this Town Board or Mr. Scheiner should have gotten here to this Broadway Maintenance or the Company that's putting them up and say don't put them up."

Supervisor Smith: "We got to our engineer, that's by a letter to the engineer. The last time we checked with the people from Broadway Maintenance, everybody understood exactly what your position was in that particular area and part of the problem is there are people bailing out of Broadway Maintenance left and right and for all I know the orders went down the chain of commands and ended up with a guy that's now working for somebody else. I don't know how it happened. When you called we got back on it and we stopped it, I hope. I hope it stays stopped, but the lighting thing has been a real administrative nightmare."

Bill Nohejl: "It's all right. It's just like getting a new automobile. You put it in a garage, it doesn't cost you much until you start using it. Now this is what's happening with the lights. With this energy situation — why the hell do we need these lights?"

Supervisor Smith: "Bill the time to say it is at — one thing is this Town Board does is that we have all sorts of hearings. The time to tell us is when somebody hears something about lighting and say we don't want those lights."

Bill Nohejl: "Well you put them up there and you didn't even tell us that you were going to put them in the area. You don't even ask the people."

Supervisor Smith: "Bill as a practical matter, you can't run a business by going down the street and saying

PERSONAL APPEARANCES - continuedSupervisor Smith continues:

today we're going to sweep the streets. You put as much in the press and in the papers as you can. This time it got a little unraveled. We'll get it back in gear, but it takes time."

Bill Nohejl: "So much for that. Now I noticed a little sketch in the legal part of the paper. Zoning all of 25 between 105 and Shade Tree Lane. You're zoning all of that property PB? Only one part was requested, but you're rezoning it all."

Supervisor Smith: "The zoning remains as it was underneath for anybody that wishes to make those uses, but what happens is they get an additional use should they wish to off take professional business type uses."

Bill Nohejl: "Upon request."

Supervisor Smith: "Yes. Special permit application hearings just like you saw Mr. Munzel do this evening."

Bill Nohejl: "But the original, what came in for the Doctors or was it just for that one parcel, but this is in case someone else wants to come in."

Supervisor Smith: "If someone else would like to buy the piece north of the road — east of the . . ."

Bill Nohejl: "I know it's in between three — but I know they only requested one area."

Supervisor Smith: "That's all that has been actually done at this point. If other people come in, say the people on the corner of 105 and 25, we'll listen to them."

Bill Nohejl: "Okay. Thank you."

Fran Vitollo, Wading River; "I have to differ with Bill Nohejl. I'm sorry but President of Wildwood Acres Asso-

PERSONAL APPEARANCES - continuedFran Vitollo continues:

ciation and living in Wildwood Acres we don't have enough lights. The people on Park Street, First Street, 21st Street, there are a number of calls I've been receiving. Could you please help these people out? I have three ladies."

Supervisor Smith: "We got some lights for you."

Fran Vitollo: "When?"

Supervisor Smith: "You can have Mr. Nohejl's lights."

Fran Vitollo: Okay. But I have a few elderly ladies and they call me constantly, maybe three and four times a day. Could we please get them lights? John could you please take care of it? It's #2 pole at First Street. All of First isn't lit up and that's where all these ladies are living. Park Street and 21st Street. Thank you."

Supervisor Smith: "Yes Ma'am. Anybody else?"

Ray Soto, Wading River; "Mr. Smith, Members of the Board, I'd like to talk on something which I think is a little unfair and that is what the Board has set for the fee to file for a Zoning — to go before the Zoning Board. You can have a big corporation like IBM coming in filing for a zoning request and they pay \$50.00. In my case, I have a tool shed and I must pay \$50.00. Now I'm sure you're aware, Mr. Smith, of the situation where I am, my property and I agree that I have to go before the Zoning Board, but the shed itself is only worth \$200.00. I filed for a building permit that's \$15.00. Now another half a hundred for a zoning and perhaps a final survey. It's going to be worth more than what the building is.

Now I think that perhaps you can put them like the penalty fits the crime. If you go for a big structure well fine. A lot of people in Town, the small home owner has to pay the \$50.00."

Supervisor Smith: "We will add it to the agenda of the Joint Board. You are not the first one to raise this issue. It becomes a problem of cost of conducting the hearings, the legal publication, the forms, salaries, etc. of that particular board. Again the Joint Board meets this Thursday and we'll take it up again."

PERSONAL APPEARANCES - continued

Councilman Young: "You can come to that meeting. The public's invited and why don't you come and present your case to the full boards."

Supervisor Smith: "Joint Board is everybody's for informal — If I'm fat that week, I bring donuts and John brings the coffee and we sit around and we talk about that kind of problem."

Ray Soto: "So I can attend."

Supervisor Smith: "If you wish. If you don't, it will be brought up in any event."

Ray Soto: "Good. Thank you."

Supervisor Smith: "Anyone else on the public portion?"

Wickham Tyte, East Main Street, Riverhead; "About three meetings back, two or three meetings back, there was considerable controversy about the building inspectors going in. There was a lot of flack on it and apparently in last weeks Suffolk Life apparently the majority of the Board considered turning it down, which I thought was commendable when it came up, it made me begin to think of the various rights that we've been used to over the years and which ones are gradually evaporating and I began to ask some people what their reaction was and I was suprised they were militantly angry. I'd say you'd have to get pretty good insurance on the inspectors because they were going to get out shot guns and they'd want search warrants and even some of them were women.

I was suprised I didn't think people care that much, but apparently you hit a sour spot, so I would want to commend the Board on their apparent analysis of the reaction of what most Americans think is their constitutional guarantees. And what I did do because of my interest got me thinking on the things, I did make up a few sheets. I'm going to give each one of you gentlemen on the Board one which quotes some of the famous sayings of our founding fathers to sort of possibly give us a better perspective on the American psychology. For instance, governments instituted among men and that they receive their just powers from the consent of the governed.

I doubt very much if a public referendum was put on the ballot and says how many of you in Riverhead would like to have bureaucrats come and knock on your door to come in to see if your ice box is clean and whether you got cockroaches

PERSONAL APPEARANCES - continuedWickham Tyte continues:

or whether you make your bed up right or whatever it might be. I can't imagine any great majority voting that they would desire that. I think you'd find it would be overwhelming to vote the other way with considerable anger and when I remember that our constitution was adopted to promote domestic tranquility, I think we would be getting domestic hostility so I thought that you folks thought that I had made some pretty good decisions, but I do believe that we all — I'm not being critical of any party or any person.

We're all Americans. We all live in this community. Together we want to be harmonious and cooperative and I will say for you fellows on the Board, you're very cooperative and I appreciate it which means that there's great possibilities for Riverhead to forge ahead in a true American spirit with cooperation to make a better Town and to have a proper balance between the rights of the people and the rights of the Government. I see a little quotation I have among these others from James Madison, who's one of our Presidents and he says, 'In framing a Government which is to be administered by men over men, the great difficulty lies in this. You must first enable the Government to control the governed and in the next place, oblige you to control itself'.

There is that tendency where that instance we're all human beings, and that is in the words of George Washington. The spirit of encroachment tends to consolidate the powers of all departments in one and that's to create whatever the former Government, a real desperatism, and it bases back to the fact that we all like power. We all like to be the boss. We all like to get things done and it could and has in some cases gotten out of control and when that happens, you have an unhappy Town and very little cooperation. We had, I would say, a living picture here of two personalities not hitting it off too good, or maybe they would hit it off even stronger, but I don't think that's the way to get things done. I've supported Mr. Horton many times for the job and many times I thought that Allen Smith, is very fair in his decisions. I've had a number of talks with him and it is a shame somehow there can't be harmony between people of different points of views and different personalities.

I know when I was a Town Leader, the Conservative Party, I met with Town Leaders from nine other Towns or eight other Towns and they didn't always agree with me and personally they might not have been people I would have chosen to be my bosom friends. We all have those we like and dislike or maybe we like everybody, but we like some people more, but I did figure that if they were duly elected and they were there legally and they had certain powers to represent their particular Town, I had to do my best to get along with them which I tried to and had pretty good luck, I think.

But I didn't think I should — I would not have

PERSONAL APPEARANCES - continuedWickham Tyte continues:

benefitted the cause by myself being one who made controversy if it could possibly be — come together and reason things out. I merely point that out. I'm not blaming anybody or anything, but I do say there's a living example of how things don't get done and when people do agree and can come to a reasonable understanding, things do get done. So I think we all should do a little heart searching as citizens and as those in government and see that we are persuing a proper cause of action with our fellow men to get the right things done and the wrong things undone. So I put this out. This is more or less ideological talk. I guess it has nothing to do with any particular thing, but I felt constrained to write this up.

I'm going to leave you gentlemen some copies of some of the things. This is only scratching the surface. Maybe some time I'll scratch a little deeper, but I don't have all the time in the world."

Supervisor Smith: "Thank you Sir."

RESOLUTIONS

#433 AUTHORIZING PAYMENT FOR USAGE OF 3M PHOTOCOPY MACHINE
Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Town's rental contract with Xerox for its photocopy machine terminates on September 30, 1978, and

WHEREAS, The Town's Financial Administrator and Purchasing Officer inquired about other photocopying machines and analyzed data and costs pertaining thereto in order to obtain an equally efficient or better product at less cost to the Town, and

WHEREAS, The 3M Secretary III best meets these requirements and has been used by the Town for a trial period, it is hereby

RESOLVED, That the Supervisor be and is hereby authorized to execute the necessary documents including purchase orders and payment vouchers in order to pay for the usage of one 3M Secretary III photocopy machine for time periods not to exceed six months, and for the purchase of replacement drums for said machine should the necessity arise, and it is

FURTHER RESOLVED, That the Town through its officers, agents, or employees, may terminate this relationship with 3M with a thirty (30) day notice prior to the end of any time period as stated above.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#434 AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS TO SUPPLY AND APPLY ASPHALT CONCRETE - HIGHWAY DEPARTMENT

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

WHEREAS, Upon the recommendations of the Superintendent of Highways it has been deemed necessary to black-top certain public highways within the Town of Riverhead, and

WHEREAS, It is necessary that advertisement for filed bids be solicited, now therefore be it

RESOLVED, That the Town Clerk be and hereby is authorized to advertise for sealed bids for the Town of Riverhead Highway Department to supply and apply Asphalt Concrete as required by the Superintendent of Highways, and be it

RESOLVED, That specifications and forms for bidding to be prepared by the Superintendent of Highways, and bids to be returnable up to 11:15 A.M. on October 10, 1978, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on October 10, 1978 at 11:15 A.M. at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation "Bid to Supply and Apply Asphalt Concrete".

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

The resolution was thereupon declared duly adopted.

#437 AUTHORIZES TOWN ATTORNEY TO ATTEND PLANNING AND ZONING INSTITUTE

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

RESOLVED, That the Town Attorney be and is hereby authorized to attend the New York Planning Federation Planning and Zoning Institute in Monticello, New York from October 15 - 17, 1978, and that he be reimbursed for all expenses incurred pursuant thereto, and it is

FURTHER RESOLVED, That the Town Attorney receive an advance of \$150.00, the expenditure of which is to be accounted for.

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

The resolution was thereupon declared duly adopted.

#438 AUTHORIZES LAW FIRM TO DEFEND POLICE OFFICER IN LAWSUIT

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

WHEREAS, John D. Kelly, Esq., of Obrien, Kelly and Rode has been retained to protect the interests of the Town

RESOLUTIONS - continued

of Riverhead and to defend Police Officer James Zaleski in the pending federal lawsuit entitled Clarry v. White, et al., and

WHEREAS, Police Officer Frederick R. Foote is about to be named as an additional defendant in this lawsuit, it is hereby

RESOLVED, That John D. Kelly, Esq., of O'Brien, Kelly and Rode also enter an appearance and defend Police Officer Frederick R. Foote.

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

The resolution was thereupon declared duly adopted.

#439 ADOPTION OF AMENDMENTS TO RIVERHEAD TOWN CODE

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

WHEREAS, The Town Board of the Town of Riverhead has duly published and posted the following proposed amendments on August 15, 1978, at 8:15 P.M., wherein all interested persons wanting to be heard were heard, and

WHEREAS, Local Law No. 3-1977 of the Town of Riverhead allows summary publication of adoptions of amendments to ordinances to the Riverhead Town Code, it is hereby

RESOLVED, That the amendments of ordinances to the Riverhead Town Code which follow are hereby adopted, and be it

FURTHER RESOLVED, That copies of these amendments of ordinances are available for inspection at the Town Clerk's Office during normal business hours and that these amendments of ordinances shall take effect ten (10) days after publication and posting:

1. Chapter 30, Planning Board, section 30-1. Authority and powers. is amended to empower the Planning Board to approve preliminary and subdivision plats, with or without streets and highways and partially or entirely undeveloped filed plats.
2. Chapter 108, Zoning, Article XX, Subdivision Regulations, section 108-95 General Provisions A.: is amended to empower the Planning Board to approve preliminary plats and partially or entirely undeveloped filed plats.
3. Chapter 108, Zoning, Article XX, Subdivision Regulations, section 108-95. General Provisions. A., definition of undeveloped as defined in New York State Town Law section 276 (1).

RESOLUTIONS - continuedFULL TEXT OF CODE AMENDMENTS ADOPTED SEPTEMBER 19, 1978

1. Chapter 30, Planning Board, section 30-1. Authority and powers. The Planning Board of the Town of Riverhead is hereby authorized and empowered to approve subdivision plats showing lots, blocks or sites, with or without streets or highways, and to approve preliminary plats, within that part of the Town of Riverhead outside the limits of any incorporated city or village. The Planning Board of the Town of Riverhead is further authorized and empowered to approve the development of plats already filed in the Office of the Suffolk County Clerk or register of Suffolk County, if such plats are entirely or partially undeveloped.
2. Chapter 108, Zoning Article XX, Subdivision Regulations, section 108-95. General provisions. A.:
 - A. Declaration of policy. By the authority of the resolution of the Town Board of the Town of Riverhead adopted January 28, 1948, and amended on September 19, 1978, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Riverhead is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, and to approve preliminary plats, within that part of the town outside the limits of any incorporated city or village. The Planning Board is further authorized and empowered to approve the development of plats already filed in the office of the Suffolk County Clerk or register of Suffolk County, if such plats are entirely or partially undeveloped. It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the town (the remainder of chapter 108, section 95, subdivision A is unchanged).

3. Chapter 108, Zoning, Article XX, Subdivision Regulations, section 108-95. General provisions.A."

UNDEVELOPED -- A plat as defined by subdivision 1 of section 276 of the Town Law of the State of New York.

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

The resolution was thereupon declared duly adopted.

#440 RESOLUTIONS - continued
RESOLUTION APPROVING PERFORMANCE BOND FOR HEATLEY
ACRES SUBDIVISION

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

WHEREAS, Harold F. Tranchon on behalf of Flopabar Development Corporation submitted a final plat of Heatley Acres Subdivision located on Sound Road, Wading River, New York, to the Riverhead Planning Board, and

WHEREAS, the Planning Board approved said final plat, pursuant to resolutions adopted on April 6, and September 7, 1978, subject to certain conditions, one of which being submission to the Riverhead Town Board for approval, a performance bond not exceeding two (2) years in the amount of \$20,000, and

WHEREAS, representations as to who the principals are and their propriety on the bond submitted for approval, were made by letter signed by co-principal Peter Poten, follows hereto and incorporated herein, it is hereby

RESOLVED, that the Riverhead Town Board hereby approves as to bonding and surety company, form, sufficiency and manner of execution pursuant to Town Law § 277, the performance bond as follows hereto and incorporated herein submitted by G.A.P.K. Enterprises, Peter A. Poten, Charles Alexander and Joseph Gaghiano for the final plat entitled "Heatley Acres" in the amount of \$20,000 for two years, and be it

FURTHER RESOLVED, that the Town Clerk is to notify the Riverhead Town Planning Board of said approval.

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

The resolution was thereupon declared duly adopted.

9/19/78

Peter A. Rosen 820.
6 Miller Court
Miller Place, N.Y.

11764

Office of The Town Attorney
Town of Riverhead
200 Howell Ave
Riverhead, N.Y. 11901

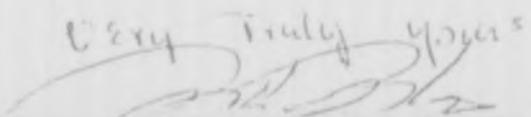
Re: Healthy Acres, Performance Bond

Dear Mr. Fishbein

I have enclosed the original bond with the three co-principals signatures notarized. Answers to your questions are as follows:

- (1) The principals of Flopabac Development Corp were Peter Rosen, Charles Alexander, Joseph Gagliano and Warren Kranz.
- (2) Flopabac Development Corp was dissolved on 6/27/77.
- (3) Flopabac Development Corp was the owner of the land that makes up Healthy Acres.
- (4) The land which makes up Healthy Acres was transferred from Flopabac Development Corp to the four principals, Peter Rosen, Charles Alexander, Joseph Gagliano, and Warren Kranz.
- (5) Title is still in the names of the four principals and NOT G.A.P.K. Enterprises.
- (6) Mr. Kranz will be selling his share equally to the remaining three principals and the record owners will be Peter Rosen, Charles Alexander and Joseph Gagliano.

I have asked my attorney to re-write the covenants and restrictions to the satisfaction of the Planning Board.

Very Truly Yours


REPUBLIC INSURANCE COMPANY

129 FULTON STREET
NEW YORK, NEW YORK 10038

B O N D

KNOW ALL MEN BY THESE PRESENTS, That We, G.A.P.K, ENTERPRISES of 6 Miller Court, Miller Place, New York as Principal and PETER A. POTEN CHARLES ALEXANDER AND JOSEPH GAGHIANO AS Co-Principals and the REPUBLIC INSURANCE COMPANY a Texas corporation authorized to do business in the State of New York, having an office and place of business at 129 Fulton Street, New York, New York as Surety are held and firmly bound unto the TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK AS OBLIGEE in the sum of TWENTY THOUSAND DOLLARS (\$20,000.00) DOLLARS lawful money of the United States of America to be paid to the said Obligee for which payment well and truly to be made, the Principal and the Surety bind themselves their successors and assigns jointly and severally firmly by these presents.,

SIGNED, SEALED AND DATED THIS 5th day of July 1978

WHEREAS, the Principal has made application to the Planning Board of the Town of Riverhead for approval and filing of a subdivision map entitled " Heatley Acres" situated in the Town of Riverhead, Suffolk County New York dated September 1977 prepared by Harold F. Tranchon Jr. L.S and

WHEREAS, the Principal is required by the Obligee to construct and faithfully complete all improvements shown on said map known as Heatley Acres and as required by the Riverhead Town Planning Board resolution of April 6, 1978 in accordance with the construction specifications in the Rules and Regulations for the dedication of a public Highway in the Town of Riverhead Suffolk County New York as is more fully described in the resolution of the Planning Board made the 6th day of April 1978 and;

WHEREAS, THE Co-Principals have a beneficial interest in said project;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, THAT, if the Principal shall well and truly at its own cost and expense within two (2) years, subject to renewal by the Town Board, from the date hereof construct roads, highways, curbs, drainage systems and road surfacing and all other required improvements in the subdivision known as Heatley Acres, as said work is more fully described in the aforesaid resolution of the Planning Board of the Town of Riverhead, Made April 6, 1978 and as shown on said map known as Heatley Acres, dated September 1977, and all in accordance with the construction specifications and rules and regulations of the Town of Riverhead Planning Board, the Riverhead Town Board, and the Riverhead Town Highway Superintendent, then this obligation to be void, otherwise to remain in full force and effect.,

NO party other than the Obligee shall have any rights hereunder as against the Surety.

The aggregate liability of the Surety on the bond obligation shall not exceed the sum thereof for any cause or reason whatsoever. This is the basis on which the Surety executed this bond and any party claiming to have any right against the Surety is bound by this limitation.

CO-PRINCIPALS

By: Peter A. Poten
Peter A. Poten

By: Charles Alexander
Charles Alexander

By: Joseph Gaghiano
Joseph Gaghiano

As to Peter Poten, Charles Alexander & Joseph Gaghiano

BOND #923039

G.A.P.K. ENTERPRISES

BY: [Signature]

REPUBLIC INSURANCE COMPANY

BY: [Signature]

Thomas J. Keenan
Attorney-in-Fact

[Signature]

WALTER E. OSBERG
Notary Public, State of New York
No. 25417-1977
Qualified in Westchester County
Commission Expires March 30, 1980

ACKNOWLEDGMENTS

COPARTNERSHIP

STATE OF
COUNTY OF Suffolk } SS:

On this 13 day of July 19 78, before me personally appeared Philip P. Pheasant to me known and known to me to be one of the firm of J. A. P. K. Enterprises described in and who executed the foregoing instrument and he thereupon acknowledged to me that he executed the same as and for the act and deed of said firm.

Lucille Phillips

[Signature]

NOTARY PUBLIC
New York
Suffolk County
Commission Expires March 30, 1980

CORPORATE

STATE OF
COUNTY OF } SS:

On this _____ day of _____ 19 _____, before me personally appeared _____ to me known, who, being by me first duly sworn, did depose and say that he resides in _____; that he is the _____ of _____ the corporation described in and which executed the foregoing instrument; that he knows the corporate seal of said corporation; that the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation, and that he signed his name thereto by like order and authority.

INDIVIDUAL

STATE OF
COUNTY OF

} SS:

On this _____ day of _____ 19 _____, before me personally appeared _____, to me known and known to me to be the individual described in and who executed the foregoing instrument and _____ acknowledged to me that _____ executed the same.

FORM E-23

REPUBLIC INSURANCE COMPANY

Eastern Department: 129 FULTON STREET, NEW YORK, N.Y. 10038

FINANCIAL STATEMENT DECEMBER 31, 1977

ASSETS		1977	LIABILITIES, RESERVES AND CAPITAL FUNDS	
Cash		\$ 1,772,236	Liabilities:	1977
Bonds at amortized cost (Schedule I):			Reserve for losses	\$ 52,661,096
United States Government		29,652,669	Reserve for loss adjustment expenses	5,487,146
Other bonds		76,042,122	Unearned premium reserve (Schedule VII)	111,023,994
Commercial notes		6,399,504	Taxes, other than Federal income taxes	1,091,600
Total Bonds		112,094,295	Dividends payable to policyholders	1,000
Investments in stocks other than stocks of			Other liabilities	8,981,227
affiliates (Schedule II):			Payable to affiliates	1,067,206
Preferred stocks, at market		17,887,975	Federal income tax	6,208,168
Common stocks, at market	\$	31,180,957	Funds held by company under	43,242,439
Savings and loan association shares,			Reinsurance Treaties	
at cost		219,000	Statutory reserves:	
Total stocks		49,287,932	Excess of statutory reserves over loss and	
Investments in stocks of affiliates at under-			loss expense reserves	397,287
lying book value (Schedule II)		46,624,709	Reinsurance in companies not licensed	
Agents' balances and reinsurance balances — net		79,752,005	in Texas	14,678
Premium notes, less unearned interest		3,149,178	Total liabilities	230,175,841
Real estate, at cost less accumulated depreciation			Capital shares and surplus:	
of 789,017		1,326,046	Capital shares:	
Other assets		3,523,319	Preferred stock, \$100 par value per share.	
Receivable from affiliates		204,646	Authorized 200,000 shares, issued	
		\$297,734,366	150,000 shares	12,000,000
			Common stock, \$5 par value per share.	
			Authorized 200,000 shares, issued	
			Authorized 2,000,000 shares, issued	
			1,000,000 shares	5,000,000
			Paid-in surplus	6,000,318
			Retained earnings	29,205,043
			Excess (deficiency) of market value of	
			stocks over cost, other than stocks	
			of affiliates	<1,882,995>
			Excess of underlying book value of stocks	
			of affiliates over cost	13,469,960
			Total capital shares and surplus	67,558,625
				\$297,734,666

Note: All securities are carried in accordance with the requirements of the National Association of Insurance Commissioners as follows: eligible bonds at amortized values; stocks of associated insurance companies at pro rata share of capital and surplus; all other securities at quotations prescribed by the Association.

9/19/78

825.

BE IT REMEMBERED, that at a regular meeting of the Board of Directors of Republic Insurance Company, Inc. held at the offices of the Company in the City of Dallas, Texas, on the 25th day of February, 1978, a resolution was adopted and the following resolution became effective February 28, 1978:

ARTICLE XI — APPOINTMENT OF ATTORNEYS-IN-FACT

Appointment of Attorneys-in-Fact. The President, or any Executive Vice President, may from time to time, appoint by written certificate attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings, and other obligatory instruments of like nature. Such attorney-in-fact, subject to the limitations set forth in their respective certificates of authority shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The President, or any Executive Vice President, or the Board of Directors, may at any time revoke all power and authority previously given to any attorney-in-fact.

CITY OF NEW YORK }
COUNTY OF NEW YORK } ss.

James N. Heiskell, being duly sworn, deposes and says: I am Attorney-in-Fact

of Republic Insurance Company. I have compared the foregoing By-Law with the original thereof, as recorded in the Minute Book of the said Company, and do hereby certify that the same is a correct and true transcript therefrom and of the whole Article XI of said original By-Law, and that the same is now in full force and effect. Pursuant to said By-Law, John J. Zahn, Thomas J. Keenan, James N. Heiskell, Robert P. Pincus and Marie E. Pines were duly appointed Attorneys-in-Fact of this Company without limitation as to amount of bond executed and that said appointment is still in effect.

The foregoing is a true statement of the assets and liabilities of said Company at the close of business December 31, 1977 taken from the books and records of said Company and is prepared in accordance with the statements on file with the Insurance Department of the State of New York.

The Superintendent of Insurance of the State of New York has, pursuant to Section 327 of the New York Insurance Law (Chapter 882 of the Laws of 1934 of the State of New York, constituting Chapter 28 of the Consolidated Laws of the State of New York, as amended) issued to the Republic Insurance Company, his certificate that said Company is qualified to become and be accepted as surety to guarantor on all bonds, undertakings and other obligations or guarantees, as provided in the Insurance Law of the State of New York and all laws amendatory thereof and supplementary thereto, and that such certificate has not been revoked.

[Signature]
5th day of July, 1978

CITY OF NEW YORK }
COUNTY OF NEW YORK } ss.
5th day of July, 1978 before me personally
Thomas J. Keenan

to me known, who being to me duly sworn, did depose that he is an attorney-in-fact of the Republic Insurance Company, Inc. of the corporation described in, and which executed, the foregoing instrument; that he knows the corporate seal of said corporation, and that the foregoing instrument is such corporate seal, that it was affixed thereto by the order of the Board of Directors of said corporation, and that he is duly authorized to execute the same thereto, as attorney-in-fact, by like order and authority.

[Signature]
Notary Public

The within Bond is hereby approved as to form, sufficiency and manner of execution this 19th day of September, 1978.

[Signature]
David P. Fishbein
Town Attorney

RESOLUTIONS - continued

#442 DENYING SPECIAL PERMIT APPLICATION OF LEO BEKERMUS
Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

WHEREAS, The Town Board has considered the application of Leo Bekermus for a special permit to construct an oil storage facility on the northerly side of West Main Street, Riverhead, New York, and

WHEREAS, Public hearings were held with reference to said application, and all persons wishing to be heard were heard, and

WHEREAS, Public Hearings were held with reference to said application, and all persons wishing to be heard were heard, and

WHEREAS, The Town Board has considered the reports of the Conservation Advisory Committed and the Planning Board, and has taken personal note of the conditions extant at said site,

NOW, THEREFORE, The Town Board does find:

FIRST: That the proposed use poses a substantial fire hazard.

SECOND: That the proposed use creates a substantial risk to the environment and especially the Peconic River and adjoining streams.

THIRD: The size and appearance of the proposed tank would substantially affect the esthetic qualities of the surrounding area.

FOURTH: That the proposed use is not in conformity with the standards established under Chapter 108 of the Code of the Town of Riverhead for the granting of special permits.

NOW, THEREFORE, be it

RESOLVED, That the application of Leo Bekermus for erection of an oil storage facility be denied.

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

The resolution was thereupon declared duly adopted.

#443 APPROVES SITE PLAN OF EAST MAIN STREET ASSOCIATES,
SUBJECT TO MODIFICATIONS

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

WHEREAS, All structures to be erected in commercial zones are now subject to side plan review, and

WHEREAS, A site plan, entitled "Plot Plan for East

RESOLUTIONS - continued

Main Street Associates", drawn by Jay C. Rawlinson, dated March 22, 1978, has been submitted to the Town Board for review, and

WHEREAS, A copy of the site plan has been marked and initialled by the Town Supervisor to show changes that are further set forth in this resolution, which site plan will be on record with the Town Clerk,

NOW, THEREFORE, be it

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

1. That there shall be erected a screen chain link fence along the easterly and westerly lot lines at a height of six (6) feet, north of the front building line, and four (4) feet southerly of the same;
2. The perimeter areas along the perimeters shall be landscaped at the direction and approval of the Building and Zoning Administrator;
3. The curb cut on East Main Street shall be an entrance only, and a curb cut will be added onto Second Street for exit only; and
4. This site plan shall remain subject to the jurisdiction of the Town Board and, upon request, the owner shall make such changes as are required by the Town Board.

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

The resolution was thereupon declared duly adopted.

#444 ACCEPTANCE OF TIDE WOODS PARK AND PLAYGROUND AREA
Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Town Law §277(1) provides that a plat may have a park or playground area, and

WHEREAS, Town Law §64(8) provides that a town may take by gift or grant real property for a park, and

WHEREAS, Such an area is denominated as "Park and Playground" on a subdivision map known as "Map of Tide Woods" filed with the Suffolk County Clerk as Map No. 5259 on February 25, 1969, and

WHEREAS, Wading River Associates, Inc., by and through its President, Arthur J. Calace, Jr., has manifested his intent to dedicate this "Park and Playground" to the Town of Riverhead by delivering to the Town an executed and acknowledged deed, and

RESOLUTIONS - continued

WHEREAS, For the Town to accept this property would be in the best interests of the Town of Riverhead and its citizenry, it is hereby,

RESOLVED, That the Town Board of the Town of Riverhead does hereby accept through dedication the area known and designated as "Park and Playground", as shown on a certain map entitled, "Map of Tide Woods", and filed on February 25, 1969, in the Suffolk County Clerk's Office as Map No. 5259, as recited is filed in the Office.

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

The resolution was thereupon declared duly adopted.

#445 TRANSFERS JAMES BALDELLI TO POSITION OF LABORER IN
SANITATION DEPARTMENT

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

WHEREAS, James Baldelli was heretofore employed in the Highway Department as a laborer, and was laid off by the Highway Superintendent, and has since that time been employed as a laborer, working for various departments, and

WHEREAS, A vacancy has arisen within the Sanitation Department, caused by the death of Robert Kennedy,

NOW, THEREFORE, be it

RESOLVED, That James Baldelli is formally transferred to the Sanitation Department, in the position of laborer, to fill that position formerly held by Robert Kennedy.

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

The resolution was thereupon declared duly adopted.

#446 AUTHORIZES SUPERVISOR TO EXECUTE CONTRACT WITH LILCO
RE: UPPER MILL DAM

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

WHEREAS, Questions have arisen in the past with reference to the jurisdiction and responsibility for the control and repair of the Upper Mill Dam, and

WHEREAS, An agreement has been proposed between the Long Island Lighting Company and the Town of Riverhead, settling the responsibilities of the parties with reference to the dam,

NOW, THEREFORE, BE IT

RESOLVED, That the Supervisor is hereby authorized to execute the aforesaid contract, a true copy of which is filed in the Office of the Town Clerk.

RESOLUTIONS - continued

Before the vote, Supervisor Smith stated: "Last winter when the waters were coming down and the ground was frozen and the water was coming up in the river, sort of like the street light problem, everybody was trying to determine the level of the dam by committee. This document should avoid that problem in the future.

It also provides that the Long Island Lighting Company will install in that facility what we might call as a passive by-pass. It requires no affirmative actions, that's phrased poorly, but in other words, it's a pipe such that when the river hits a certain level, it will pass through this pipe without anything further happening. That will be installed in the dam. With the execution of this agreement, the Town of Riverhead then will control the dams at the park, Grangebél Park, control the dam at Upper Mills, and control the dam at Forge Road. This should make regulating the entire flow of the river a little bit easier and that was why we've been negotiating for the past four months or six months with reference to this item."

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

The resolution was thereupon declared duly adopted.

#447 RETAINS MacALBERT BANK & CO. TO AUDIT EDA PROJECTS
Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the firm of MacAlbert Bank & Co. is hereby retained to perform an audit of all Economic Development Administration projects currently undertaken by the Town of Riverhead, and that they shall be paid a reasonable fee for their services, upon voucher.

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

The resolution was thereupon declared duly adopted.

#448 AUTHORIZES SUPERVISOR TO EXECUTE BOR CONTRACT, AND
TRANSFER NECESSARY FUNDS

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

WHEREAS, The Town of Riverhead has obtained an award of a Bureau of Outdoor Recreation grant, and

WHEREAS, The Town Board wishes to accept said grant,
NOW, THEREFORE, be it

RESOLVED, That the Supervisor is authorized to execute a contract for the same and further make those fund transfers necessary within the Community Development fund, Small Cities fund, and other general fund accounts as are necessary to implement this project.

RESOLUTIONS - continued

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 9:15 P.M.

IJP/vlv

Irene J. Pędzick
Irene J. Pędzick, Town Clerk