

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, August 15, 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

Absent: 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.

Supervisor Smith: "Ladies and gentlemen in case anybody could have forgotten, you're reminded it's the Polish Town Fair this weekend. We hope that you'll turn out and participate in all the good things that will be happening up in Polish Town."

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

RESOLVED, That the Minutes of the Town Board Meeting held on August 1, 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 August 15, 1978 as follows:

General Town	\$40,825.82
Community Development	\$ 2,440.00
Capital Projects	\$ 9,437.01
Special Districts	\$11,783.76
Ambulance	\$ 271.80
Parking Meter	\$ 38.00
Highway Item #1	\$14,582.69
Highway Item #3	\$ 1,376.84
Highway Item #4	\$ 3,951.07

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

RESOLVED, That subject to complete audit the following bills be approved for payment:

General Town	\$40,825.82
Community Development	\$ 2,440.00
Capitol Projects	\$ 9,437.01
Special Districts	\$11,783.76
Ambulance	\$ 271.80
Parking Meter	\$ 38.00
Highway Item #1	\$14,582.69
Highway Item #3	\$ 1,376.84
Highway Item #4	\$ 3,951.07

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

The resolution was thereupon declared duly adopted.

OPEN BID REPORT - PLOW BLADES FOR GOOD ROAD SNOW
PLOWERS - HIGHWAY DEPARTMENT

After being duly advertised the following bids on Plow Blades for Good Road Snow Plows for the Highway Department were opened on Monday, August 7, 1978.

CAPITOL HIGHWAY MATERIALS, INC.
Route Six
Baldwin Place, New York 10505

DELIVERY DATE: 30-45 Days

<u>QUANTITY</u>	<u>ITEM</u>	<u>PART NO.</u>	<u>PRICE EACH</u>	<u>TOTAL</u>
20	Curb Guards	V6053 R.H.	\$ 16.25	\$ 487.50
30	Shoes	V3566	\$ 18.25	\$ 547.50
60	Shoes	9442	\$ 22.00	\$1320.00
15	Toes	V5547	\$ 21.75	\$ 326.25
21	Toes R.H.	4349	\$ 11.35	\$ 238.35
10	Blades 5/8	6024	\$ 37.95	\$ 379.50
20	Blades 5/8	6052	\$ 41.70	\$ 834.00
15	Blades 5/8	4604	\$ 41.70	\$ 625.50
4	Axles	V3240	\$ 10.60	\$ 42.40

OPEN BID - PLOW BLADES FOR GOOD ROAD SNOW PLOWS -
HIGHWAY DEPARTMENT - continued

<u>QUANTITY</u>	<u>ITEM</u>	<u>PART NO.</u>	<u>PRICE EACH</u>	<u>TOTAL</u>
4	Wheels 8"	V3214	\$ 68.00	\$ 272.00
4	Bearings	90690071	\$ 2.20	\$ 8.80
4	Bearings	90690073	\$ 2.90	\$ 11.60
4	Seals	97210022	\$ 1.10	\$ 4.40
12	Cat Grader End Bits	3F2819 R.H.	\$ 22.25	\$ 267.00
12	Cat Grader End Bits	3F2820 L.H.	\$ 22.25	\$ 267.00
12	Cat Grader Cutting Edge	9F4194 L.H.	\$ 19.80	\$ 267.00
12	Cat Grader Cutting Edge 5/8"	9F4193 R.H.	\$ 19.80	\$ 267.00
<u>TOTAL DELIVERED PRICE FOR ABOVE ITEMS</u>			\$ _____	<u>\$6107.00</u>

** Capitol Highway Materials Inc., submitted the same bid twice. One typewritten, the other hand written for the same total of \$6107.00.

Filed.

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

DELIVERY DATE: 45-46 Days

<u>QUANTITY</u>	<u>ITEM</u>	<u>PART NO.</u>	<u>PRICE EACH</u>	<u>TOTAL</u>
20	Curb Guards	V6053. R.H.	\$ 15.16	\$ 303.20
30	Shoes	V3566	\$ 28.06	\$ 841.90
60	Shoes	9442	\$ 34.62	\$2077.20
15	Toes	V5547	\$ 21.61	\$ 324.15
21	Toes R.H.	4349	\$ 21.04	\$ 441.84

OPEN BID - PLOW BLADES FOR GOOD ROAD SNOW PLOWS -
HIGHWAY DEPARTMENT - continued

<u>QUANTITY</u>	<u>ITEM</u>	<u>PART NO.</u>	<u>PRICE EACH</u>	<u>TOTAL</u>
10	Blades 5/8	6024	\$ 77.76	\$ 777.60
20	Blades 5/8	6052	\$ 87.20	\$1744.00
15	Blades 5/8	4604	\$ 87.20	\$1308.00
4	Axles	V3240	\$ 18.70	\$ 74.80
4	Wheels 8"	V3124	\$ 94.17	\$ 376.54
4	Bearings	90690071	\$ 3.18	\$ 12.72
4	Bearings	90690073	\$ 7.79	\$ 31.16
4	Seals	97210022	\$ 2.88	\$ 11.52
12	Cat Grader End Bits	3F2819 R.H.	\$ 28.87	\$ 346.44
12	Cat Grader End Bits	3F2820 L.H.	\$ 28.87	\$ 346.44
12	Cat Grader Cutting Edge	9F4194 L.H.	\$ 25.61	\$ 307.32
12	Cat Grader Cutting Edge 5/8"	9F4193 R.H.	\$ 25.61	\$ 307.32
			TOTAL	\$9632.05
			LESS DISCOUNT LOT ORDER	-1155.85
			\$ _____	\$8476.20
				Filed.

REPORTS

Police Department for the month of July, 1978. Filed.
 Building Department for the month of July, 1978. Filed.
 Supervisor's Office - financial statement for the month
 of May, 1978. Filed.

Supervisor Smith: "We have hearings this evening on an amendment to the Professional Service Building Use District which would permit, as a special permit provision, the use of older homes for the professional service use and an amendment to the subdivision regulations and to the local law that adopts them by the Town Board in reference to old filed maps

Supervisor Smith continues:
and at 8:30, the Health Code."

COMMUNICATIONS

Holzmacher, McLendon & Murrell , 8/11/78 - copy of letters sent contractors re: Horton Avenue Drainage. Filed.

Helen M. Sauter, 8/1/78 - requesting information on disposition of claim filed months ago. Filed.

Roanoke Landing Civic Association, 8/2/78 - requesting permission to hold block party on Linda Lane. Filed.

Holzmacher, McLendon & Murrell - 7/31/78 - regarding Townwide Street Lighting. Filed.

Holzmacher, McLendon & Murrell - regarding Townwide Street Lighting (certifying completion of electrical work) Filed.

Transamerica Ins. Corp., 8/4/78 - stressing importance of previous instructions regarding any payments due Broadway Maintenance. Filed.

N.Y.S. Dept. of Transportation, 8/4/78 advising of preliminary stage of upgrading traffic signal and requesting permission to place pole on corner of Route 25 & S. Jamesport Avenue. Filed.

George Schmursal, 8/12/78 - opposing proposed installation of oil tanks on West Main Street. Filed.

Nick Forcella, 8/9/78 - opposing proposed installation of oil tanks on West Main Street. Filed.

Supervisor Smith: "We have another one Mrs. Pendzick opposing the oil storage tanks from Mrs. Sophie J. Danowski. You should add that to your official file. I assume, that the letter from Mr. Forcella is the same letter that I have."

Irene J. Pendzick, Town Clerk: "Yes."

COMMUNICATIONS - continued

Sophia J. Danowski - 8/10/78 - opposing proposed installation of oil tanks on West Main Street. Filed.

Supervisor Smith: "Okay, I would point out that on that particular item, that in part due to the petitions and letters that have come in, and in part due to certain difficulties with the petition, we have every intention this evening of passing a resolution calling for a resolution for a further hearing with reference to that matter to be held on the fifth day of September."

PETITIONS

Opposing application of Leo Bekermus for oil storage tanks on West Main Street - 51 residents. Filed.

Opposing application of Leo Bekermus for oil storage tanks on West Main Street - 31 residents. Filed.

UNFINISHED BUSINESS

Special Permit Application - Kent Animal Shelter (additional residence).

Special Permit Application - Joseph Brush (Airport)

Special Permit Application - Carol Sowinski (non-nuisance industry, Edgar Avenue, Aquebogue)

Zone Change Application - Doris Palmieri (Roanoke Avenue)

Special Permit Application - Leo Bekermus (oil tank on West Main Street)

Supervisor Smith: "Under unfinished business the Attorney for the Kent Animal Shelter has not called for us to put the public notice in with reference to that particular application.

As you know, Mr. Brush has been turned down on the current configuration of his runway and he is surveying to make an additional submission to the State of New York.

The special permit of Sowinski, Mr. Fishbein, is that back from the Planning Board yet?"

UNFINISHED BUSINESS - continued

Dave Fishbein: "The Planning Board still has it."

Supervisor Smith: "The zone change application of Palmieri, that is the subject of the first hearing this evening, although it isn't that specific building that is under consideration, the amendment would permit some action to be taken with reference to the Palmieri application and the special permit application of Bekermus, again we have a resolution later on in the evening to again call a public hearing with reference to that matter.

That brings us to that portion of the agenda where we will listen to anyone who chooses to address the Town Board on any matter. I would ask that if you're here to speak about the professional service building code amendment. The change in our regulations with reference to old filed subdivisions or with reference to the health code, that you save your comments until such time as we call the hearings on those particular matters. When we do, we will give you ample opportunity to speak. Is there someone who chooses to address the Town Board on any matter other than those that are the subject of a public hearing?"

William Nohejl, Wading River; "At the last meeting, you were supposed to have a meeting on the street lights. What became of it?"

Supervisor Smith: "We did have a meeting with reference to the street lights — with reference to the particular contractor in your area. The bonding company from whom we hold a bond is doing the necessary paper work and appearing before the various judges in bankruptcy — although it really isn't bankruptcy, to fund that company so that they can complete their work. We have been promised that they will either proceed with the Broadway Maintenance, which is the company that's in trouble, or they will replace the company and have someone else do the work within the month."

William Nohejl: "By proceeding, you mean taking them down."

Supervisor Smith: "Well in your particular place, taking them down and other places putting them up, yes Sir."

William Nohejl: "I also commend you on calling for a resolution on this oil situation because that was a shabby presentation last meeting."

PERSONAL APPEARANCES - continued

Supervisor Smith: "We're going to give it another opportunity — people didn't show up the last time, we'll give them another chance to show up. We hope they do."

William Nohejl: "I also commend you for the little sketch of the public notice, that was very good."

Supervisor Smith: "Thank you Sir. Is there anyone else that chooses to address the Town Board on any subject that is not the subject of a public hearing?"

Charles Crump, 14 Fanning Street, Riverhead; "I would like to voice my opposition against the storage tank on West Main Street. I know you mention that you are going to have a public hearing on the 5th of September and I don't think I'll be here and I would like to express my opposition at this time.

As you know, the plot is about 3.45 acres and it's already improved with several tanks. There's several small tanks and there's a large tank on the property. At the present time, the large tanks hold roughly about eight hundred thousand gallons of storage area. If you can visualize five times that present tank there, that's going to be erected on that property, and you take in consideration the retaining area which is substantial for a 5.5 million gallon of storage area. I feel that the property is too small number one and number two I really don't think that it will add anything to the area.

As you know, it's the entrance to Riverhead proper and down town area. We do have some problems in that area already. We have several commercial buildings vacant. We have some abandoned homes in the area and we do have some deterioration in that particular area and this tank certainly would add any aesthetic to this particular area."

Supervisor Smith: "Thank you Sir. Is there anyone else choosing to address the Town Board on any matter that is not the subject of a public hearing?"

No one wished to be heard at this time.

RESOLUTIONS

#365 ADOPTING AMENDMENT OF RULES & REGULATIONS - POLICE DEPARTMENT

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

RESOLUTIONS - continued

WHEREAS, The Town Board of the Town of Riverhead, Police Chief of the Town of Riverhead and the Riverhead Police Benevolent Association had jointly cooperated to compile Rules and Regulations of the Riverhead Police Department, and a resolution was adopted on December 19, 1972, adopting such rules and regulations, and

WHEREAS, The Town Board feels it is in the public interest to maintain and update such rules and regulations to facilitate the operation of the Riverhead Police Department,

NOW, THEREFORE, BE IT RESOLVED, That the amendment of Article XIV, "Awards and Citations", as filed in the Town Clerk's Office, are hereby adopted effective immediately.

Supervisor Smith stated: "This particular provision provides for a system of awards recognizing certain police officials for meritorious conduct."

The vote, Regula, Yes, Lombardi, Yes, Menendez; "Before I vote on this Irene, I would like to say I think it's great that the people that perform heroic deeds or outstanding services to the Town be recognized by the public. This concept of the police awarding themselves metals is all well and good, but what about the many other people in this Town who deserve to be recognized, in fact, I would like to see an Awards Board set up comprised of the Fire Chief, Police Chief, Supervisor and two citizens. This could be set up to publicly recognize and honor every facet of our population, be they are firemen, policemen, a boy scout or a housewife. I shall vote Yes."

Young, Yes, and Smith, Yes, and the Town Board has listened to Doctor Menendez's recommendation. We feel that they are founded and it will take some work, but we'll try to get back to it as quickly as possible and institute such a system for the ordinary citizen who does those exceptional deeds that we should recognize."

The resolution was thereupon declared duly adopted.

#378 GRANTS PERMISSION FOR COMMUNITY BLOCK PARTY, ROLLING WOODS

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

WHEREAS, The members of the Roanoke Landing Civic Association have requested the permission of this Town Board to hold a Community Block Party on Linda Lane West in the

RESOLUTIONS - continued

area known as "Rolling Woods",

THEREFORE, BE IT RESOLVED, That this Town Board hereby grants permission for the Roanoke Landing Civic Association to hold a Block Party at Linda Lane West, on Sunday, September 10th, 1978, between the hours of 3:00 and 9:00 P.M., pursuant to notification to the Police Department of the planned Block Party.

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

The resolution was thereupon declared duly adopted.

#379 AUTHORIZING THE RENEWAL IN PART OF A \$16,800 BOND ANTICIPATION NOTE - FOR CONSTRUCTION OF ROADS IN NORTHVILLE HOMES ROAD IMPROVEMENT DISTRICT

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

BOND ANTICIPATION NOTES RESOLUTION
AUGUST 15, 1978 - A RESOLUTION
AUTHORIZING THE RENEWAL IN PART
OF A \$16,800 BOND ANTICIPATION
NOTE OF THE TOWN OF RIVERHEAD,
NEW YORK, FOR THE CONSTRUCTION
OF ROADS IN THE NORTHVILLE HOMES
ROAD IMPROVEMENT DISTRICT BY THE
ISSUANCE OF A NEW NOTE IN THE
PRINCIPAL AMOUNT OF \$12,600.

(Recital)

WHEREAS, The Town of Riverhead, in the County of Suffolk, New York, has heretofore duly authorized, sold and issued its \$16,800 Bond Anticipation Note in connection with the construction of roads in the Northville Homes Road Improvement District, it is now necessary and desirable to provide for the renewal in part, of said Note by the issuance of a new Note in the principal amount of \$12,600, now, therefore, be it

RESOLVED, BY THE TOWN BOARD OF THE TOWN OF RIVERHEAD, IN THE COUNTY OF SUFFOLK, NEW YORK, AS FOLLOWS:

SECTION L. The \$16,800 Bond Anticipation Note - 1977 for construction of Roads in the Northville Homes Road Improvement District of the Town of Riverhead, in the County of Suffolk, New York, dated September 2, 1977, maturing September 1, 1978, numbered 1-R-12, heretofore duly authorized, sold and issued pursuant to the Resolution duly adopted by the Town Board on August 15, 1977, is hereby authorized to be renewed, in part, by the issuance of a new Note in the

RESOLUTIONS - continued

principal amount of \$12,600, said Note dated September 1, 1978, having been heretofore authorized to be redeemed to the extent of \$4,200, all as herein above referred to in the State of New York. The maturity of said renewal Note herein authorized shall not be later than one year from its date.

SECTION 2. The terms, for, and details of said renewal Note shall be as follows:

Amount and Title:	\$12,600 for the construction of roads in the Northville Homes Improvement District.
Dated:	September 1, 1978
Matures:	August 31, 1979
Number:	1-R-12
Denominations	\$12,600
Interest Rate:	<u>5.25</u> % per annum, payable at maturity.
Placement of Payment of Principal and Interest:	Supervisor's Office, Riverhead, New York
Term of Note:	Substantially in accordance with the form prescribed by Law.

SECTION 3. Said Note is hereby sold to Suffolk County National Bank, Riverhead, New York at the price of par, to bear interest at the rate of 5.25 % per annum, payable at maturity, and the Supervisor is hereby authorized to delivery said Note to said purchaser upon receipt of the principal amount, plus accrued interest, if any, from the date of said Note to the date of delivery.

SECTION 4. Said Note shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law, and shall be a general obligation of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town, without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest of said Note and provision of the Note to mature in such year and for the payment of

RESOLUTIONS - continued
interest to be due in such year.

SECTION 5. Said Note shall be executed in the name of the Town by its Supervisor and the corporate seal of said Town shall be affixed thereto and attested by its Town Clerk.

SECTION 6. This resolution shall take effect immediately.

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

The resolution was thereupon declared duly adopted.

#380 AUTHORIZES TOWN CLERK TO PUBLISH LEGAL NOTICE
(retroactive)

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

WHEREAS, A public notice of request for release of funds is required by the United States Department of Housing & Urban Development (HUD), and

WHEREAS, This public notice is required to be published by a specific date, August 9, 1978,

THEREFORE, BE IT RESOLVED, That authorization for the Town Clerk to publish said notice in "Newsday" on August 9, 1978 is hereby granted, retroactive to said date.

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

The resolution was thereupon declared duly adopted.

#383 AUTHORIZES OVERTIME 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 overtime pay from July 1, 1978 to and including July 31, 1978, to be paid from Revenue Sharing.

1. Cheshire, D.	7-27-78	2 hrs.	\$23.64
2. Pleickhardt, J.	7-11-78	4 hrs.	54.00
			<hr/>
			\$77.64

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

The resolution was thereupon declared duly adopted.

#384 RESOLUTIONS - continued
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 Officer be paid Recall and or court pay from July 1, 1978 to and including July 31, 1978, to be paid from Revenue Sharing.

1. Pleickhardt, J.	7-27-78	8½	hrs.	
	7-31-78	4	hrs.	\$168.75

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

The resolution was thereupon declared duly adopted.

#385 AUTHORIZES OVERTIME 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 overtime pay from July 1, 1978 to and including July 31, 1978 as per P.B.A. Contract at time and one-half their regular salary.

1. Dorfer, T.	7-31-78	3/4		\$10.13
2. Kurpetski, J.	7-01-78	3/4		10.53
3. Troyan, P.	7-28-78	1/2		6.75
				<hr/>
				\$27.41

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

The resolution was thereupon declared duly adopted

#386 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 July 1, 1978 to and including July 31, 1978, as per P.B.A. Contract, and to include June 14, 1978 date.

1. Kurpetski, J.	7-03-78	8	hrs.	\$112.32
2. Miller, D	7-08-78	8	hrs.	108.00

RESOLUTIONS - continued

3.	Quinn, R.	7-01-78	8 hrs.	\$113.36	
4.	Romaniello, F.	6-14-78	4 hrs.	54.00	
5.	Witt, W.	7-03-78	8 hrs.	108.00	
6.	Zaleski, J.	7-17-78	8 hrs.	54.00	

TOTAL				\$549.68	
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The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#387 AUTHORIZES RECALL PAY FOR DETECTIVES

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

BE IT RESOLVED, That the following Detectives be paid Recall Pay from July 1, 1978 to and including July 31, 1978, as per P.B.A. Contract, and to include June 9, 1978 and June 30, 1978 dates.

1.	Boden, H.	6-30-78	4 hrs.	\$59.36	
		7-10-78	4 hrs.	59.36	
		7-11-78	4 hrs.	<u>59.36</u>	\$178.08
2.	Palmer, W.	7-21-78	4 hrs.		60.00
3.	Summerville, A.	6-09-78	5½ hrs.	78.75	
		7-03-78	4 hrs.	<u>60.00</u>	<u>183.75</u>

TOTAL				\$376.83	
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The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#388 AUTHORIZES OVERTIME PAY FOR LIEUTENANTS AND SERGEANTS

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

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

1.	Mazzo, L.	7-23-78	4 hrs.	\$63.12	
		7-29-78	4 hrs.	<u>63.12</u>	\$126.24
2.	Robinson, D.	7-03-78	7 hrs.		118.23

TOTAL				\$244.47	
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RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#389 AUTHORIZES RECALL AND OR COURT PAY FOR SERGEANTS

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

BE IT RESOLVED, That the following Sergeants be paid Recall and or Court Pay from July 1, 1978 to and including July 31, 1978 as per P.B.A. Contract.

1. Seaman, J.	7-01-78	4 hrs.		\$ 62.52
2. Underwood, R.	7-11-78	4 hrs.	\$65.32	
		4 hrs.	<u>65.32</u>	<u>130.64</u>
			TOTAL	\$193.16

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

The resolution was thereupon declared duly adopted.

#390 WAIVES BUILDING PERMIT FEES FOR POLISH TOWN FACADES

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

WHEREAS, This Town Board is interested in promoting, beautifying and encouraging the development of various areas of our Town, and

WHEREAS, The Polish Town Civic Association, a non-profit organization, is utilizing the suggestions of "Town-scape" to beautify the area known as Polish Town, with facades to various buildings, and

WHEREAS, Building permits are required by the Town of Riverhead for such improvements,

THEREFORE, BE IT RESOLVED, That this Town Board does hereby waive the building permit fees required for said project.

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

The resolution was thereupon declared duly adopted.

#391 AUTHORIZES THE CONSERVATION ADVISORY COUNCIL TO CONFERENCE AND EXPENSES INCURRED THERETO TO BE PAID

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

BE IT RESOLVED, That the Chairman and Members of the Riverhead Conservation Advisory Council be and are

RESOLUTIONS - continued

hereby authorized to attend the New York State Association of Conservation Commissions on August 17th, and 18th, 1978 at Grossinger's, Liberty, New York and that all necessary expenses incurred thereto be paid.

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

The resolution was thereupon declared duly adopted.

#392 RESOLUTION AUTHORIZING JUSTICES TO ATTEND MAGISTRATES CONVENTION

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

RESOLVED, That Riverhead Town Justices Leonard and Manning be and are hereby authorized to attend the New York State Association of Magistrates' Convention at Stevensville, New York, from September 17 through 20, 1978, and be reimbursed for their expenses, therefore, and it is

FURTHER RESOLVED, That each Justice receive an advance of \$150, 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.

#393 AUTHORIZING PUBLIC HEARING RE: APPLICATION OF LEO BEKERMUS FOR SPECIAL PERMIT

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

RESOLVED, That the Town Clerk be, and she hereby is authorized to publish and post the following amended Notice of Public Hearing to the Application of Leo Bekermus for a Special Permit for a non-nuisance industry, pursuant to Riverhead Code Section 108-45 (B) (5).

PUBLIC NOTICE

PLEASE TAKE NOTICE, That a Public Hearing will be held on September 5, 1978 at 8:00 p.m., o'clock, at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, at which time and place all persons wanting to be heard will be heard in the application of Leo Bekermus for a Special Permit to construct an oil storage tank for primarily wholesale purposes as a non-nuisance industry, pursuant to Riverhead Code Section 108-45 (B) (5), on that part of the property located in the Industrial A District (Light Industry), and bounded southerly by West Main Street; westerly by property now, or formerly of Gillette Reatly Corp., northerly by the Long Island Railroad; and easterly by property now, or formerly of Dennis and Judith Palmer.

RESOLUTIONS - continued

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 regarding a Public Hearing to be held on the 15th day of August, 1978 at 8:00 p.m. at the Town Hall, on the proposed amendment to the Code of Riverhead, amending the Professional Service Building Use District as it applies to existing buildings.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Ladies and gentlemen, this is probably the third or fourth hearing with reference to this type of zoning that we've had in recent months. It relates to a special zone that's being created. It's sort of a performance criteria. It is a zoning type that is recommended by the Master Plan and calls for certain uses in this particular case being professional service buildings as being a good transitional use between a busily traveled highway or thoroughfare and adjoining in residential areas.

The Master Plan speaks specifically of the area along Roanoke Avenue north of Pulaski Street. When we initially drew the ordinance and it was on for a hearing, criticisms were raised with reference to the ability to convert older one-family dwellings along those busier thoroughfares for the purposes of the ordinance, that being of doctors, lawyers and the like. In part, we had provisions in the ordinance as it was heard on the prior occasions that they should be one-story structures. There should be certain requirements with reference to front footage, etc.

We have written into the ordinance and which is subject to the public hearing this evening that where the Town Board and consideration of a public hearing and each one of these applications must be the subject of a public hearing finds that there are practical difficulties or the other standard variance criteria, it may vary, the front yards, the set backs and things of that nature should occasion warrant.

Is there anybody here who wishes to testify to this particular proposed amendment to the professional service building use district. We have some correspondence with reference to it."

PUBLIC HEARING - continued

Bill Nohejl, Wading River; "I would just like to ask you a question. Some of these houses along Roanoke as you described, where would the parking go?"

Supervisor Smith: "I'm not sure that each and every structure along Roanoke would be suited to this particular type of use. There would be a two-step procedure similar to what you heard Mr. Shepard Scheinberg and the young man who was representing the doctors discussed some meetings ago.

The first application would be to have the zone, the professional service zone apply as an overlay type to any particular district whether it was Roanoke Avenue or otherwise and then after that hearing there would be either a subsequent hearing or at the same time a hearing with reference to the particular house. If we have a house that occupies all of the lot, is in a poor location say close to an intersection or something of that nature, where there is no parking available on the street etc., etc., the chances are that that particular application would be turned down. But again with reference to special permits there are as we would say, performance criteria and not only in this instance that the special permit provisions, but also the provision that were written into the professional building service category that you heard me discuss some days ago."

Bill Nohejl: "I have no objection to the zoning on that part, it's just the idea. I was concerned about the parking in some of the places."

Supervisor Smith: "Not every house will make it and it will have to be evaluated parking (inaudible) safety, such as can it comply with the fire code, etc.?"

Bill Nohejl: "Thank you."

Supervisor Smith: "Anyone else that would choose to address the Town Board on this particular matter?"

Wickham Tyte, 992 East Main Street, Riverhead; "I hadn't expected to speak on this because I didn't even know it was coming up, but as you mentioned what can be done. I wondered what the thinking was on this business if I heard you right, can only be one-story houses be remodeled. As I think about Riverhead on Roanoke Avenue and on Peconic Avenue,

PUBLIC HEARING - continuedWickham Tyte continues:

and on Griffing Avenue, I can visualize certain homes that were former residences that have been converted to various types of law offices, accountant offices, or have you, and I don't particularly follow is number one, what two-story houses or one-story houses have to do with it. In fact, I think that we should be very serious about remembering that we have economics to contend with this Town of Riverhead.

We should try to start the ball rolling so we don't chase alot of solid people away because the ratio between taxes and productive income are out of balance. I would think that somebody should be commended if they had a two-story house and wanted to have a liveable apartment house upstairs and rent the bottom for possibly an obstacle — doctors plant or a law office or accountant's office or what have you. In other words, I don't follow the reasoning where all of a sudden apparently theoretical aesthetics, which I don't even think are in keeping, even enter into a thing. I think we should back off on some of the things that we have done so that we become friendly to business, and friendly to income and friendly to people making a living instead of trying to throw up road blocks at every point — block free enterprise and people making a good living and making a prosperous Town."

Supervisor Smith: "Mr. Tyte that's precisely what the amendment proposes to do."

Wickham Tyte: "What's the two-story house come into it though?"

Supervisor Smith: "This would permit the use of the two-story house Sir."

Wickham Tyte: "In other words instead of forbidding it, it permits it."

Supervisor Smith: "Yes Sir."

Wickham Tyte: "Well in that case, we have to congratulate you and I'm glad to get it straightened out. I didn't even know this was on the agenda. And I haven't read the text of the item, so in a sense I apologize for presenting it wrong, but I'm glad that I was able to find out what it's all about. Thank you."

PUBLIC HEARING - continued

Supervisor Smith: "Anyone else that would choose to address the Town Board on this particular issue?"

Supervisor Smith asked the following reference be made.

Mr. George Stankewicz appeared before the Town Board on behalf of his client with reference to previous public hearings relating to Professional Service Use Building District. See Minutes of June 6, 1978 and July 18, 1978.

Mr. Shepard Scheinberg appeared before the Town Board on behalf of his client with reference to a previous public hearing relating to Professional Service Use Building District. See Minutes of June 6, 1978.

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:07 p.m., after which the meeting resumed.

Supervisor Smith: "We have a hearing at a quarter past eight with reference to old filed subdivisions. Is there anyone else that would choose to address the Town Board on any topic that is not the subject of a hearing?"

No one wished to be heard at this time.

RESOLUTIONS#394 AWARDS BID FOR PURCHASE OF PLOW BLADES FOR THE
HIGHWAY DEPARTMENT

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

WHEREAS, The Riverhead Town Board has duly advertised for sealed bids for the purchase of Plow Blades for the Riverhead Highway Department, and

WHEREAS, Said bids were duly opened by the Town Clerk on August 7, 1978, at 11:00 A.M., it is hereby

RESOLVED, That the Bid for the purchase of Plow Blades for the Riverhead Highway Department be and is hereby awarded to the lowest bidder, Capitol Highway Material Inc., Route Six, Baldwin Place, New York, 10505, for a

RESOLUTIONS - continued

Total Delivered Price of \$6,107.00, and be it

FURTHER RESOLVED, That the acceptance of this Bid is subject to the Bid Forms and Bid Specifications as filed in the Town Clerk's Office, including the delivery date as stated by the successful bidder.

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

The resolution was thereupon declared duly adopted.

#395 AUTHORIZES TRANSFER OF FUNDS

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

RESOLVED, That \$50,000 be transferred from the General Town Fund Account to the Highway Barn Renovation Fund Account, with the understanding that \$25,000 of said sum constitutes an advance while awaiting the processing of federal funds.

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

The resolution was thereupon declared duly adopted.

#396 APPOINTS RICHARD W. HANLEY PROVISIONALLY AS
COMMUNITY DEVELOPMENT PROJECT SUPERVISOR

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

WHEREAS, Richard W. Hanley has heretofore been employed by the Town of Riverhead as an intern, and

WHEREAS, Said employee has now graduated from Stony Brook University with a Master's Degree, and

WHEREAS, This Town Board recognizes the training and time invested by this Town Board and staff in Mr. Hanley's education and wishes to continue his employment, and

WHEREAS, Duty Statement as the position of Community Development Supervisor was mailed to the Suffolk County Department of Civil Service on July 31, 1978, and

WHEREAS, The Supervisor has been advised that said Duty Statement has been approved,

NOW, THEREFORE, BE IT RESOLVED, That an additional position be created in the Community Development Office entitled Community Development Supervisor, and

FURTHER, BE IT RESOLVED, That Richard W. Hanley be appointed provisionally to the position of Community Development Project Supervisor at an annual salary of \$11,629.17 at Group 10, Step 6 of the Salary Administration Schedule conditioned upon Mr. Hanley's establishing a bona fide residence within the Town of Riverhead at such time as he obtains permanent status pursuant to the Civil Service System.

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#397 TOWN BOARD CONFIRMS EMT OFFICERS AND AUTHORIZES GRADUATES TO SERVE WITH THE RIVERHEAD COMMUNITY AMBULANCE AND SUPERVISOR PAY SUMS NECESSARY FOR INSURANCE

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

WHEREAS, The Riverhead Town Board has sponsored a training course for Emergency Medical Technicians, and

WHEREAS, The participants in said course have passed the Advanced First Aid Course and CPR Course, and

WHEREAS, The graduates have selected Richard Gadzinski as Chief, Marie Dunleavy as Captain, Joseph Gadzinski as Lieutenant and John J. Hansen as Lieutenant, and

WHEREAS, The graduates wish to being actual service with the Riverhead Community Ambulance,

NOW, THEREFORE, be it

RESOLVED, That this Town Board does hereby ratify and confirm the election of officers as the same as set forth above,

BE IT FURTHER RESOLVED, That this Town Board does authorize all successful graduates and resident licensed Emergency Medical Technicians of the training course to serve on the Riverhead Town Community Ambulance,

BE IT FURTHER RESOLVED, That the Supervisor be and hereby is authorized to pay such sums as are necessary to obtain insurance for the proposed service.

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

The resolution was thereupon declared duly adopted.

Supervisor Smith: "I would add the caveat that Mr. Regula and Doctor Menendez who have been working so hard on this are to be congratulated for their efforts. This weekend as we're at the Polish Town Fair, our newly initiated ambulance crews will be available. We're looking for another course to begin this fall — September 15. If you have any interest in serving, if you happen to be a woman who is tired of watching your husband run out as a volunteer fireman and you just as soon run out yourself, please do check in with Doctor Menendez and sign up or Mr. Regula and sign up for the course as it will begin this fall."

Councilman Menendez: "This first course that we have on EMT Training, we graduated about twenty in the first course,

RESOLUTIONS - continuedCouncilman Menendez continues:

and these people, I think are to be congratulated for they put in practically their whole summer, three nights a week. They came for about three hours per night or more and it was hard for them to give up that time, the summertime especially. They put in many many hours of hard work. They all took the tests and they all passed. They took their written tests and we haven't got the results yet, but they say it was easy so they think they passed too. I think this bunch did a great job and I'm proud of them."

Supervisor Smith: "Thank you Doc."

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 public notice regarding a Public Hearing to be held on the 15th day of August, 1978 at 8:15 P.M. at Town Hall, proposed amendment to Chapter 30, Section I, and Chapter 108, Section 95, Subdivisions A & B of the Town Code; to authorize and empower the Planning Board to approve the development of plats already filed, if such plats are entirely or partially undeveloped.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Many of you have read in the local press, the problems that are facing Southampton and East Hampton with reference to what we call old filed subdivisions. These subdivisions were established in the early 1900's and sold in various places to various people. In the Town of Riverhead we do not have as many of these old filed subdivisions as they do in Southampton and East Hampton.

What has been happening in those other places of late, is that these very small lots be they 20 or 50 by 100 are being sold to unsuspecting buyers who at first like the wilderness etc., and they have attendant problems with street writing with roads, all those things that would normally be cared for by the subdivision process which new subdivisions now have to comply with. There are approximately three or four of these. These are generally in the Town of Riverhead, the three or four of the old filed subdivisions dating back prior to the second World War. They are essentially up in the area around Grumman Aerospace Corp. Facility.

PUBLIC HEARING - continued
Supervisor Smith continues:

Our intention is to take advantage of an enabling act by the State Legislature that would permit the Planning Board or the Building Department when they witness an application for a house back in the wilderness to consider whether this is, in fact, owned by a speculator, whether it has been substantially developed, or it has not been substantially developed and make the appropriate judgments with reference to the installation of roads and other utilities prior to the granting of the building permit. Is there anyone here who wishes to address the Town Board with reference to the proposal that's the subject of a public hearing?

I might add that this is consistent with the AICUZ study."

Bill Nohejl, Wading River; "I don't follow you quite clear. Supposing I have a subdivision filed years back and I do intend to utilize it in the future. This would be taking away from me this privilege."

Supervisor Smith: "If you have a subdivision which you filed Sir under the existing subdivision regulations that have been in existence for some years in the Town of Riverhead, you do not have problems. What we're talking about is essentially paper roads, appear streets, never been developed out in the middle of no where."

Bill Nohejl: "Supposing I'm adjacent to a main road and I plan to — even though it is a paper street and its a filed map."

Supervisor Smith: "Then you would probably get your relief from the Planning Board."

Bill Nohejl: "These are the only areas that you say is involved?"

Supervisor Smith: "In this application, yes Sir. In this hearing yes."

Bill Nohejl: "I think it's kind of broad because a fellow who's held property for such a long time and he can come up to half acre or one acre specifications even though some of them I know are twenty by . . ."

PUBLIC HEARING - continued

Supervisor Smith: "If he comes up to the zoning, we have no problems. Our problems are occasioned by the substandard lot."

Bill Nohejl: "In other words, you want to up-grade it up to the existing zoning?"

Supervisor Smith: "Make it comply."

Bill Nohejl: "I think you might have a law suit on your hands."

Supervisor Smith: "That's happened before and it will happen again. Anyone else on this particular public hearing?"

A copy of the AICUZ Study (Air Installation Compatibility Use Zone) is filed in the Office of the Supervisor.

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:19 P.M., after which the meeting resumed.

Supervisor Smith: "We have a hearing which appears to be the subject of most of your interests coming in a very few moments."

Supervisor Smith recessed the meeting after which the next public hearing was held.

PUBLIC HEARING - 8:30 P.M.

Town Clerk submitted affidavits of publishing and posting of public notice regarding a Public Hearing to be held on the 15th day of August, 1978 at 8:30 P.M. at the Town Hall, on the proposed Local Law No. 2-1978, to be included in the Code of the Town of Riverhead, entitled "The Health Code of the Town of Riverhead."

The affidavits were ordered to be placed on file.

PUBLIC HEARING - continued

Supervisor Smith: "Ladies and gentlemen for a number of years now, this Town Board, in various ways, has been attempting to deal with some of the housing problems that have existed and do exist in the Town of Riverhead. In trying to get a handle on some of our problems and I'm sure we all agree, we have problems. We have taken to a large measure our pattern from the city of Middletown and some of the success that they have had with similar problems, and one of the items that the Councilmen and Middletown point to their success with reference to curing some of the problems with housing, is the enforcement of certain codes specifically those relating to health.

I've read in the paper some of the criticisms of what we propose. I would hope that those that are voicing those criticisms have read what we have written and have read what we have said about what we have written in the local press.

It is not the intention of the Town Board to create any additional new positions. It is the intention of the Town Board that where they enter a structure, a house or to otherwise a dwelling, and they see what is a health code violation as opposed to a building code violation, that they be able to correct the same. In other words, at the moment, if we have unsanitary conditions in the terms of garbage, filth, rats, roaches and things of that nature and they are discovered by our Building Department while doing an inspection, it is then incumbent upon the Building Department to return to Town Hall and cut a report, otherwise contact the Suffolk County Department of Health and for the Suffolk County Department of Health to come out and do a subsequent inspection with reference to that dwelling. Depending upon whom you listen to, and we read various accounts in the newspaper, the Suffolk County Department of Health has one or two inspectors for the entire east end.

We are considering this evening, the institution of a health code such that our housing and building inspectors when doing those inspections can issue citations which will be returnable in this Justice Court for violations when they are witnessed.

I think we have a large number of persons present to speak on this particular issue. I would suggest then that we limit each presentation to five minutes at the close of the five minute presentations. I will ask for anyone who wishes to speak for a second time at a longer length, I think we should give each person present who wishes to speak an opportunity to be heard. Is there someone that would like to lead off with reference to this public hearing?"

PUBLIC HEARING - continued

Henry A. Fioto, 642 Northville Turnpike, Riverhead; "Mr. Supervisor the first thing I read here on Article III Section 69-12, Enforcement Officers. Now this seems to me that somebody else can be an enforcement officer. Then on the next page we come up with 69-15 Health Officers to file report with the Health Board. To me it seems like we're going to have some more boards.

Mr. Supervisor, we have right now a New York State Health Code, a Suffolk County Health Code. I think we need more than another health code. Something to help the landlords out. The situation that we have with any one of these codes and you can talk with people who own housing, or who rent to basically welfare housing and so forth, most of these so-called violations occur when the landlord get disgusted, he's not collecting his rent or he can't collect his rent. There is never even a complaint filed until such time as the landlord decides that they're behind three or four or five months rent and then all of a sudden they call the Health Department, the Suffolk County Health Department that there's something wrong with the premises.

If the County — right now the Health Department can't enforce it. The only thing they have right now, in your own words were that our local enforcement officers would then in turn go back to the County Health Department, who then only notifies the Welfare Department of his whole payments on these so-called violations. I think we need more of an ordinance to protect the landlord, we'd have better housing.

You have an article in here I'll just go through it roughly. Something about maintained service. I happen to be an expert on this thing. I had housing in Westhampton. That year I was running for Councilman, played it up big, the tenants were behind \$1,500 in rent. LILCO turned around to me asking me for money. I just didn't pay it. I didn't have it. I was locked up and arrested and I had to pay a \$50.00 fine, they didn't have to pay their rent. But I had to turn around and pay \$50.00 because in the Suffolk County Health Code similar to what you have right here now, it is mandatory that there was a \$50.00 fine for not continuing their services. They didn't get locked up and arrested. I was arrested, because I did this. This is what we have right now. We have no protection.

What you're doing with another ordinance is only protecting the tenant. There is no protection whatsoever for the landlord. And I am 100% opposed to this thing. You show me something, I'll be glad to work with anybody where the landlord has some protection or something involved where a person moves into a premise, you have somebody there to inspect the premise to say this

PUBLIC HEARING - continuedMr. Fioto continues:

premise is in A-1 shape or have to be brought to these standards and I would think you'd find every landlord who has houses for rent would be glad if they could go back to the same party and say hey look you were here two months ago when you inspected these premises. These windows were in good condition. The plumbing was in good condition, look at this house now. Who's going to make these repairs? Who's going to pay for these things. And you have the tenant stand responsible or have some way that the landlord — and you would need more inspected than anything else. This is the problem you have right now. The people are paying the taxes and the landlords. I have right now a house empty. I will not rent it. I have a house in Aquebogue, so don't turn around and say the Health Department has two inspectors. The house in Aquebogue — I tried — as fast as I was making repairs, these people weren't paying any rent. It had nothing to do with it. The Health Department didn't care.

We don't care about that — you have things to make — let the houses go. Let the County worry about them. They're closed. That's the same thing they do in Westhampton — let them go by the wayside. The same thing happened in New York City — just more regulations. They're making it harder for somebody to give somebody decent housing. The only time these people complain, is when they're behind in their rent and they don't care about it. All of a sudden they're worrying about a faucet that leaks or a broken glass or a broken screen. I'm 100% opposed to this thing the way it's written now."

Supervisor Smith: "Mr. Fioto, you mentioned housing you have in Aquebogue. Was that the housing down by Hugh's Delicatessen?"

Henry Fioto: "That's right."

Supervisor Smith: "And how much were you getting a month?"

Henry Fioto: "\$125.00 with utilities."

Supervisor Smith: "Do you rent to social services at the moment?"

PUBLIC HEARING - continued

Henry Fioto: "No I do not. I would rent to — I'd rather keep a house empty and that's exactly what I'm doing right now. And you'll find out amongst the same thing which you have right now. I could get \$300 a month. The house I have on Northville Turnpike next to my house — rented it three times to social service and so far it cost me — the three times I had it rented and the time I got it back it cost like \$1,500 to put the house back into shape, and nobody made out for it. So the money I got for rent, went just right down the drain. There's no protection at all for the landlord. And I feel if they want to write a code, sit down with some landlords that have to deal with these people and you'll find that you have the same situation at 821. They tear things apart. You have the same situation right under your own nose. You know what it was because you were over there looking at it."

Supervisor Smith: "Mr. Fioto I call to your attention that in this particular code, it uses language specifically indicating that the tenant and landlord shall be responsible each to the extent of their own responsibility. So if you have particular problems with reference to who will maintain the screens or who will have the cesspools pumped out etc., then I would suggest to you that should we enact this particular ordinance that you execute a lease defining who's responsibility each item is."

Henry Fioto: "Very simply when you're renting, or leasing a place to somebody on social service means they have nothing so where are you. You're right down to base one. They don't have anything. This is why they're on social services. If they had anything they wouldn't be on social services. They don't care. You can say what you want to say. It says that, which way it goes back and forth, your inspector — I was told the same thing by the County Health Department they say you are responsible. You are the owner. You are the one who we are after. It's up to you then to go after the tenants.

So what are you going to do. You take him to Court, you sue them for rent, they laugh at you. They move some place else, and still collect social services. They don't take the rent away from them. They just give them more security and they just go some place else and stick somebody else."

Supervisor Smith: "All right. We've listened to you for your five minutes. May we have someone else on this particular issue?"

PUBLIC HEARING - continued

Bud Britt, Union Avenue, Riverhead; "The comments I just heard almost made me laugh. I've had some experience with running large apartment complexes a number of years ago. I had at one time 46 of them. I was the on-site manager owner representative. I did a great deal of the maintenance. I didn't have any problem. I didn't have any problem with any of the tenants during the entire period that I stayed there. I stayed there almost three years. I never had one forceful eviction. I had a couple of tenants I asked to leave, they left. Beyond that, I had absolutely no problem with them. I didn't have the cops running all over the place. I didn't need them.

There's one difference, I was a little particular of what I put in my house. Obviously, most of these people aren't. They aren't really particular what they put in the house and they really aren't particular about what house they put them in. They're not particular of the characters they put in the house nor are they particular of the character of the house they put them in. Obviously, one warrants the other, and thereby hangs the tail and thereby hangs your problem.

I do think that perhaps the ordinance you're proposing properly enforced to the letter would be a very good thing. However, if it's only going to be so much words on paper, ignore it at both ends of the stick and it's going to be a total waste of time and unless you have the whip, you're not going to get anything from whatever you put on that paper. Thank you."

Supervisor Smith: "Thank you Sir. Anyone else on this particular issue?"

Ralph Quinton, Cutchogue; "My business is in Riverhead, 10 Peconic Avenue. I'm in the Real Estate Business. I'm also the manager of the famous or infamous 821, depending on your point of view. I'm absolutely opposed to this ordinance. I think it's unnecessary. I think we have all the regulations that we need in the State Health Code and the Suffolk County Health Code.

We had three years experience in managing 821 and we didn't pick and choose the tenants that are in there and perhaps the gentlemen that preceeded me here has a good point. If you pick and choose, you may be able to eliminate some of these problems.

Basically, I think the ordinance doesn't get at the real basis of the problem. And the real problem is the tenant itself. We've had apartments that we've had inspected.

PUBLIC HEARING - continuedRalph Quinton continues:

I think to get down to the real nitty gritty, we've had some problems with the Health Department when we first took over. And we finally came to a solution of this type. We called in the social service when we had a tenant that we thought would be suitable for an apartment. They came down and they inspected the apartment and actually, I want to tell you, that some of the apartments that we have over at 821 would fit into Park Avenue or Park Avenue Buildings. I know, I lived on Park Avenue and I can tell you this, there are apartments at 821 that would fit into Park Avenue. And that apartment project can be made suitable for any tenant — for any person living in Riverhead. Now what we did, we called in the Board of Health or the social service people and said this is the apartment we're going to rent to Mr. and Mrs. Snodgrass. They looked it over, if there was any problem at all, they gave us a note of what it was and we made the necessary correction, then called in the Board of Health. They inspected, okay A number 1, move the tenant in. We moved the tenant in. In several cases, the tenant is still there. In other cases, in a matter of weeks or a matter of months, we had to evict a tenant and you have this sort of problem. I want to say this, that the landlords and the managers and the people that are trying to take care of these places, they are not running around tearing up toilets, they're not breaking windows, they're not fouling up the place in any way what-so-ever.

And the real problem, if you can pin it down to the tenant and get him to be or her to be responsible and take care of their place, you won't need the ordinances. You won't need anything. You just have to have this situation where the responsibility is set with the tenant and that's it. And that's going to take care of it. You don't have to set up a whole new bureaucracy to take care of these problems.

As I say, I think you're creating something where you're going to deal with the landlords. It's not the landlords gentlemen that's causing the problem, it's the tenant and if you can work out something where you can put some responsibility in the hands of the tenant so if somebody said okay, we're going to fine the tenant. Did you ever try to fine a social service tenant? It's just not possible to do this.

Another point I think I'd like to elaborate, if I may have just a second or so, we talk about Middle Town. So when I read the article in Middle Town, the answer the Board said to housing is management. So I said my god I must find out what kind of management they have up in Middle Town. So I called the dear lady that gave you all the information, the assistant to the Mayor. I said what kind of taxes do you pay on your place up there? What were

PUBLIC HEARING - continuedRalph Quinton continues:

your taxes for 1978? The taxes, ladies and gentlemen, for the Middle Town project of 150 units is \$28,000. The taxes for 821 is \$76,000. So I called again and I talked to her about the water bill, I said what do you pay for a water bill up there? Well the water bill is so low, I don't even know what it is. It's a couple of thousand dollars. Our water bill for a year was \$10,000 over at 821. Then I said how about your sewer? So she said initially the sewer is \$250 for the initial fee after that it's free. My sewer for 821 for a year was \$15,000. So we are darn close to \$100,000 in taxes, sewer and water, gentlemen, that's on 144 units."

Supervisor Smith: "Mr. Quinton talk to us and let's talk about the Health Code."

Ralph Quinton: "I want to tell you that has a great deal to do . . ."

Supervisor Smith: "Are you also going to tell the people that you've got a settlement pending with reference to your tax grievance."

Ralph Quinton: "After three years and we had to go to court to do it."

Supervisor Smith: "You're taking an adversary role with us and that's all right. Then why don't you wait until we get done with the health code and you can come up here and beat us as much as you wish."

Ralph Quinton: "Because it has a great deal to do with the Health Code. If we have the money when there are violations."

Supervisor Smith: "You've just taken seven minutes. I'll give you the opportunity to stand up again and you can give whatever tirade you wish. Anybody else with reference to the health code?"

Pat Perrella, 420 East Main Street, Riverhead; "I'd like to say my own feelings that Riverhead is unique compared

PUBLIC HEARING - continuedPat Perrella continues:

to the rest of the east end concerned with the large amount of social services centered in this area. And I think maybe the approach the Board here is taking is unique in itself where a health code geared to a specific problem and I believe it is a problem and I'm for it, the health code."

Supervisor Smith: "Thank you Sir."

Paul Podlas, Meadow Lane, Riverhead: "I'm in general agreement with the opposition to the health code and I'd like to state, I would say as a private citizen, I think you Board Members are duplicating what the County has paid for. We are paying taxes for it. If we have a problem here, I feel you people should get after the County.

Mr. Smith, you're a trained lawyer. You know the laws better than I do. I happen to be in the construction business. I have to deal with the Suffolk County Department of Health on sewerage. They are there believe me. They watch us all the time. I'm talking about in my field, not what you're talking about.

But I use as an illustration that they do — know what they're doing and they do do it. And if they don't come out here to Riverhead, I feel you people should be the ones to get after them and not our two building inspectors. I deal with the building inspectors here in Riverhead and in various Towns. When I go in Riverhead, it seems they're both busy, and I feel if they're going to go out, there's going to be another position, maybe another two positions and probably by the time you gentlemen are out of office, we'll probably have four or five extra people.

I'm concerned about the tax base. Our taxes are going up, up, up. If the County will say to us, Riverhead you got your own health code, we'll give you X amount of dollars back to run it, but we've got a County who's doing it. We're paying for — we have a State who's doing it. Let's get after them. Let's let them do it. We're smaller than they are. They have more authority just like I'm saying about my field when they say jump, we jump. They slap fees on us in a construction field we had to pay, so the County Health Department is efficient and I feel that if they are bugged enough by your people without hiring additional help to raise our tax base in the Town of Riverhead, that you would go a little bit further to solving it without hurting the general population in the Town of Riverhead by extra additional taxes."

Supervisor Smith: "Thank you Mr. Podlas. Anyone else?"

PUBLIC HEARING - continued

Lee Moorhead, 809 West Main Street, Riverhead; "I didn't come prepared to speak about the health code tonight, but I can't leave certain things unsaid. I am in total opposition to the health code because it is another layer of government. It is another form of bureaucracy. But I think that when we are in opposition, we should show an alternative. The alternative would be to start a drive for Peconic County so that the people down on the west end in social service stop throwing the scum of the welfare recipients out here in Riverhead and that's exactly what they're doing down there.

They're getting the people that are impossible to house, down at the other end and they're taking them and throwing them out here in Riverhead and they're saying to us, here take them. Let us get them lost out there in Riverhead. So we're supporting them with our school systems and we're supporting them with our taxes. I think the drive is for Peconic County. So we can say to Suffolk County you keep your welfare recipients out at your end and we'll take care of our people out at this end. And they'll be a lot less people coming into Riverhead on welfare."

Supervisor Smith: "Thank you Miss Moorehead."

Bill Nohejl, Wading River; "I don't want to say I'm in agreement with the gentleman that spoke prior to me and being that he said the building inspectors would do the inspecting, what are the building inspectors doing now. Don't they have enough work at present?"

Supervisor Smith: "They are, in fact, inspecting these premises but they do not, Sir, have the power at this particular point to enforce health problems. In other words, they may go into a particular structure to do a housing inspection — fire code violations, holes in floors, broken wiring and things of that nature. In doing that, they might, for instance, trip over rats, vermin, other health problems and those problems are not getting written at this particular point in time. So what we are talking about is giving the housing inspectors at the times they are doing this kind of inspection, the ability to enforce health violations when they witness them."

Bill Nohejl: "You are saying the ones that they are inspecting at the present, they won't be inspecting all of them, would they?"

PUBLIC HEARING - continued

Supervisor Smith: "We inspect as many as we can Sir. We try to take one day a week for housing and housing-related problems."

Bill Nohejl: "I'm not saying that the building inspectors are not doing the job, don't get me wrong on that, but I'm trying to find out, as the gentleman said, how many additional men or women you're going to employ to put onto this job."

Supervisor Smith: "We do not, at this particular time, plan on employing additional personnel to enforce this health code. It calls for, if you will Bill, so that I can clarify what a Health Board — that would be the Town Board in this particular instance. We would wear another hat similar to those that we wear, as you know as a regular attendee at the meetings we put on a sewer district commissioners hat or our water district hat. We would have an additional hat that being as the Health Board.

We do have the responsibility to obtain the services of a medical doctor to serve as the "Health Officer". The Building Inspectors would be his delegate. That would be the scenario that you would follow."

Bill Nohejl: "As you know, I've been here practically every meeting, and I notice during the course of the time that I've been attending this meeting there's always someone being put onto the payroll, not taken off of the payroll. Now one was just put on tonight. I have no objection to the gentleman himself, but Mr. Scheiner is part of that Community Development. Now you have a Supervisor over Mr. Scheiner."

Supervisor Smith: "They're co-temporaneous. So that nobody gets the wrong impression, if you're here everyday, maybe it hasn't been made painfully clear. Those young people downstairs are handling more budgetary money than most departments in the Town of Riverhead. And it is all out of this federal grant system. They pay for themselves over and over and over again.

The Street Lighting which you mentioned earlier in the day that whole project is \$1,800,000. Those four or five people are absolutely responsible for going and getting that money and bringing it here. Thereafter, as you may know from the small cities grant, \$3,000,000 for improvements. The salt storage barns that the great DEC was stuffing down our throat. They got the money for it. Those people pay for them-

PUBLIC HEARING - continued
selves."

Bill Nohejl: "But I know that more and more is being put onto the payroll and I being a farmer and you always have your finger pointing to a farmer — taxes, taxes, taxes, and I'm sure in hell going to start raising hell about how many go on the payroll because you've got to get it out of somebody."

Supervisor Smith: "Mr. Nohejl you're picking a poor example with reference to the people in Community Development. They really pay for themselves over and over again. If you want to pick on another person, pick on another person."

Bill Nohejl: "I'm not picking on the gentleman tonight, I'm picking on the Board because you're hiring more and more and more people and naturally the payroll is going up and the taxes are going to go up."

Supervisor Smith: "Well, in fact, the Town tax rate last year went down a few pennies."

Bill Nohejl; "But there's nothing to say. It's not going to go up."

Supervisor Smith: "Mr. Nohejl you say it's going up, I say it's going down. Here we are. It's very simple. You've heard me say this before, there's no longer any free lunch. If you want your roads paved, you know it costs. If you want additional recreation facilities, it costs. You know that you've heard me say that before. You can abolish the positions in the Highway Department, there's no problem with that. But don't expect us to give instant response on snow plows."

Bill Nohejl: "I didn't say that. But I noticed more and more people being put on the payroll, not cut from the payroll."

Supervisor Smith: "You tell us which ones you're complaining about and I will justify those particular people as best I can."

PUBLIC HEARING - continued

Bill Nohejl: "Now I'm going to tell you right now, if you put this health code into affect, you're going to have to employ more people because you're not going to do it with the help that you have and that will come later. You'll just slip one in at a time and as though nobody would have recognized it or notice it. I'm quite sure that this is what's going to happen. Being that you are continuously pointing at the farmer, he's not paying taxes it's going to come back to us and we're going to come back at you."

Supervisor Smith: "All right, that's a deal. We have an election every two years."

Bill Nohejl: "You're bringing that up again."

Supervisor Smith: "Any time Bill. Anyone else?"

Ronald Eck, 984 East Main Street, Riverhead; "Mr. Smith, I just took a fast look at that proposition you have here the Health Code and I noticed there's a fine for \$500 a day, am I correct? And is that the person who does this to the property or whatever it is?"

Supervisor Smith: "It could be either the tenant or the landlord."

Ronald Eck: "How about somebody else?"

Supervisor Smith: "If it's somebody else Sir, you're probably talking about a criminal violation of trespass."

Ronald Eck: "No, no. Two years ago, you all know that I've been very sick. Two years ago I had your Water District come into my home, where I rent, touch a faucet, that faucet is still leaking in the basement and I keep on taking pails of water and throwing it away. The pipes are old in that house and the landlord knows about it, but she doesn't really have the money because she's taking care of the home for her father and she's afraid to touch the pipes and I feel, being that the Water District was the ones that caused this little leak, they should come and fix it."

PUBLIC HEARING - continued

Supervisor Smith: "We'll ask Mr. Williamson to contact you, look at it and see if there's any merit to what you claim."

Ronald Eck: "There's one other thing that you brought up was roaches. I had one of my neighbors come to me tonight about an hour or so or two hours before this meeting started and she told me that she had every once in a while — now I know this woman keeps her house clean and every once in a while she'll find a roach come into her house.

Now last year when I was sick and in my bedroom in bed, one of my neighbors had let off some bombs in her house and closed up the doors and windows and everything else and I found a couple of roaches coming in my bedroom window. A month later this same thing happened — this woman never told us she was doing this and I found them coming in my basement door."

Supervisor Smith: "Thank you Mr. Eck. Anyone else?"

Elizabeth Richards, Ostrander Avenue, Riverhead; "Well I'd like to tell the Town Board I support your efforts to give us back our Town in some way. I think it's time we got rid of absentee landlords and absentee health departments. I live close to 414 East Main Street and there are roaches that we battle continually and there's a very very high cost from this type of slum housing.

I realize it isn't easy to be a slum landlord, but they have to put up with these uncomfortable things like keeping the place up and seeing who they rent to, and knowing who's in there and who's responsible for it. And if anybody is warned about the cost to the Town of a health code, the cost to the people — I mean we're in a ludicrous position of paying taxes to lower our property values in this particular area.

Every home surrounding 414 is a beautiful home and well kept and yet our homes aren't our own. Our back yards aren't our own. We have toting guns, which, of course, has nothing to do with a health code, but it does if the place was decently kept up. Decent people would be living there. And a landlord does have some responsibility. He can't come out from Brooklyn or Dix Hills and just collect the rents and leave. He should have a manager there and he should keep it clean. We shouldn't have pieces of the building falling in our back yard. We shouldn't have our fences knocked down. We shouldn't have dogs and cats coming through.

Now all these things are bred in a place no one has control over and the Health Department has done nothing.

PUBLIC HEARING - continuedElizabeth Richards continues:

Social Services has done nothing. So I think that it's time that Riverhead said there are standards we want in this Town and we are going to do our best. If no one else will help us, we'll do it ourselves. Thank you."

Supervisor Smith: "Thank you Ma'am."

Eric Alexander, Vice President of Reginald H. Tuthill Funeral Home & neighbor to 414; "I lived previously at the funeral home and agreeing with Mrs. Richards completely to the fact that nothing has been done in the last ten years to improve conditions of housing of 414 or 821 nature. The County or the State, although they have the laws to rectify, the situations, it's not enforced.

A gentleman before me mentioned the Town Board should harp on the County and State to enforce these laws. I would agree with that 100%. I would also say in conjunction with Mrs. Richards that we should, yes enact our own law, take it into our own hands if that's the only way we can do something about these situations, then do something about it. We are people here in the Town of Riverhead.

We have a beautiful Town and to let this situation, no matter whose fault it is, whether it's the tenants fault or whether it's the landlords fault, I don't care. The situation is there. It's bad. Neither side cares to do anything about it and that's the truth. The Town, I think as a whole, and I think that's most everybody here by your presence, show you care. You're here, no matter what your side is. You care. And damn it, I care and I think most of the people that live around 414 care. Pat Perrella cares. The Richards' care. The Dusenbury's care. The Britts care about their neighborhood.

Anybody that's here that hasn't heard the shots ring out in your neighborhood and have to tell your wife to duck down when she's looking out the window. You don't know what it's all about boys. Life is a bitch and next door to 414 is worse. And it's time that Riverhead got decent people. If you want to call it, we're taking the law in our own hands, yes. We'll enact this law. I think we should, and support decent living that Riverhead certainly deserves and I don't have much more to say. Thank you."

Supervisor Smith: "Thank you Mr. Alexander."

Lillian Dusenbury, lives behind 414; "First of all I'm very disappointed in everyone here because no one has

PUBLIC HEARING - continuedLillian Dusenbury continues:

come over and spent a week with me to enjoy the education of 414. The last time I was here, I extended the invitation, but evidently no one took me seriously. Mr. Quinton, you live in a beautiful place away from all this nastiness. I listened to you and I was really shocked to hear a man speak of 821 congratulating yourself, now that the worst is behind us. Why don't you come and spend the week in my home. The education that you would get and vocabulary would embarrass the most hardest sailor there it."

Ralph Quinton: (inaudible)Lillian Dusenbury: "No you do not know. No one in this whole building would have any idea."Supervisor Smith: "Mrs. Dusenbury you tell us and . . ."Lillian Dusenbury: "Last week my husband was strolling around in the garden that we're trying to . . ."Supervisor Smith: "Let's talk about health."Lillian Dusenbury: "That's what I'm talking about. I'm just coming to it. In back of the yard — and what do you think he came upon, a hypodermic needle. I called the cops and the cops came and took it and evidentially it's in relationship to the young man who did the shooting last week.

Last spring my husband called the Health Department. If there's anybody here representing the Health Department, you're getting paid for nothing. They have to this day yet acknowledged the three telephones that Duse's made. Evidently, Duse's was very very lenient with them because I wouldn't have been. They have never come back. No one from this whole department here has come back to my back yard and see what's between the two feet, the garbage of any kind of immaginable thing is back there. The stench is terrible. The young patrolman will tell you so.

I'm trying to put a garden back there and I'm thinking to myself, what can I put back there to at least perfume the place a little bit. They opened up the windows. I came home about two weeks ago, their screens — the people evidently do not believe in screens, so they're on my back yard. The

PUBLIC HEARING - continuedLillian Dusenbury continues:

one thing no one has mentioned about health, what about my health. When I sit down at my supper table or my lunch table with friends and have to listen to the vocabulary, my face is as red as my pants are right now of embarrassment. You mean to tell me, I, as a citizen — Duse was there many many years before this complex was there. You mean to tell me we have no rights what-so-ever.

You call the Health Department to come there. The bugs, the cats, the dogs, they even got dogs there now, in that little court there. They are climbing the fence trying to go through my fence. All the garbage that they possibly can is going in my yard. Nothing has been done, as you know from the last time I was here. No one has come back here to visit my property or come and enjoy the education, because I'm telling you it's an education. That's my health problem. Thank you."

Supervisor Smith: "Yes ma'am."

Wickham Tyte, 992 East Main Street, Riverhead; "I'd like to make some comments. To start with, as we've listened to the people speak, it brings up a number of things. We've been talking about cutting off utilities and so forth and you mentioned, I believe, that you can make certain leases which tells who is responsible for what. Now partly from experience and partly from maybe theory, I believe a person renting does not have to, for instance, they may have electric lights, I mean the wiring in the house, but I believe a tenant at least in many places that I've rented, the meters are in the name of the tenant and also it can be the same way with water, although it might end up on your taxes if they go out and don't pay it.

But anyway, I would assume that a landlord would not be held responsible if the lighting company, for instance, cut off somebody's lights because of not paying their bill. I don't think that the landlords is responsible particularly if the bill is in the name of the tenant and I think that's legitimate because where somebody might get \$125 a month for not too wonderful an apartment, it doesn't take too much electricity to rent to make \$125 meaning they get the house for nothing. So that was just one thought.

I remembered back at the time of the second World War, there were a lot of people in the Air Force over to Westhampton and they found it very hard to get rentals. They didn't have enough base housing because tenants would spend the money and break windows and screens and what have you. And they found a way to rectify it. I don't know how you would incorporate this, but, for instance, before a person came in from the airbase, they would come over with an official

PUBLIC HEARING - continued

from the air base and they would go carefully through the house and find out all the plumbing was functioning, there were screens on every window, if not there they made a note that such and such a window was missing one and every light bulb was charted and the point was when that particular party was transferred, they came through and made another inspection and if there was anything wrong, it would be mentioned and it would be duly paid for and taken out of successive pay from that particular person serving in the air force.

Now I would think it might be possible even on a social service thing that if social service were to send somebody out and they came to an apartment where everything is in order and they check it out point by point and they say now when you move out of here, if you don't keep this place up, we side with the landlord that you shall be evacuated and we won't do anything to defend you for being evacuated. But furthermore, on future welfare checks or family assistant things, we will pay back this particular landlord for the harm done and you'll get that much less so it would pay for you to keep it in shape.

Now I know as a person who sued to run a glass shop, that many times some of these air force people who were going to move out came over and got certain windows fixed because they knew it would be inspected and knew that it would be put in by somebody in charge of them and they couldn't get away without being responsible and I would say that that made it so that the Air Base didn't have too much trouble to get rental housing before they got done because they figured out an angle.

But I do have these comments. We talk about the health, welfare and morals and the good and bad effects. We live in a deteriorating society apparently and I would say that a good part of it is due to the gradual loss of our rights as human beings and citizens to gradually becoming an all powerful state. In other words, the encroachment of state socialism through the back door and I would say that its affect on the mind is gradually as people find their liberties going and see themselves sliding back into a type of slavery in which — instead of the government being their servant, the government is their master and they find that every step they make, there's frustration because of more and more regulations and so forth that we could tack up this ever increasing problem with mental health to the frustrations of an everly controlled society, plus I also think that its effected detrimental on the economies and I see two points that would come up through this thing.

The violation of your privacy, in other words to affect this thing and it doesn't specify any particular thing — that in order to find out if anything is wrong, there have to be inspectors go in. This, of course, would violate the things guaranteed to you in the Constitution

PUBLIC HEARING - continued

unless they get search warrants and they were very zealous of this particular right to privacy and we still find that the people feel that way because when they had the Water-gate thing we found out the violation of privacy of tapping of wires and so forth was quite offensive to the people in general and I would say the inspectors coming in saying they have the right to inspect your house from top to bottom is just as offensive and I believe completely contrary to the spirit of the Constitution and I would mention at this point something that I hope none of you forget, myself, or you folks who are in government, and that is that the Bill of Rights which we find in our Constitution was never written to protect me against my neighbor or my neighbor against me. It's written to protect both of us against the government. And the government has a tendency to edge in and gradually take one at a time and whatever you want to call it — erosion.

We find, all of a sudden, that we are shifting back to being slaves because we no longer control our own property or our own lines or the way we live them and the government encroaches on it. Then I find another little thing, the Bill of Rights . . ."

Supervisor Smith: "Mr. Tyte . . ."

Wickham Tyte: "Only another minute."

Supervisor Smith: "All right."

Wickham Tyte: "And that is in relation to these fines. We were guaranteed of not being against excessive fines or cruel and unusual punishment. Now for my money compared with the penalty for some very serious things like robbery, rape, and murder and stuff like that, this \$500 fine per day and the six months in jail thing mentioned in this thing have all earmarks in my mind of not only excessive fines, but cruel and unusual punishment and I think we should study over the freedoms that were guaranteed us and to every degree that we can, we un-complicate life by only having the barest most essential thing, so that people live more free and easier and mentally healthier and alot more ambitious and alot more prosperous and all these things have to be taken in. In other words, if the cure becomes more expensive than the disease, we better forget the cure. Thank you."

Supervisor Smith: "Thank you Sir. Anyone else?"

PUBLIC HEARING - continued

Mr. Miller, Wading River; "The biggest disaster in the United States is the city of New York. I lived there. However, as I mentioned the other day here, I've been a taxpayer of Riverhead for thirty years. The biggest disaster, again, is the borough of the Bronx and the basic cause is that the city never respected the landlord.

I'm not a landlord. I was always a tenant. But I respected the landlords property. If you are going to allow people on social welfare to destroy a man's property and then turn around and penalize the landlord, Riverhead will be the second Bronx. I don't mean to speak too long, but it's very important to realize that a man is in business to make a living, and if you want to give the money to social welfare, then be prepared.

You're digging a big grave for a beautiful town, a beautiful city, a beautiful area and lovely people that came down here tonight to express their feelings. But basically, you cannot give away these peoples money and take it away from the landlord and anybody else. And everybody deserves a decent home and the man who owns it needs protection so the tenants can live well and the landlord can re-invest his money and build more beautiful homes and that's what you have to bear in mind and I think the code is unnecessary. Use what you have and you got your answer right in — whatever you had before."

Supervisor Smith: "Thank you Mr. Miller. Anyone else?"

Ralph Quinton, Cutchogue; "I wanted to take exception to the remarks that the landlords or the managers do not care about their apartments. I do not own 821, but I've been managing the apartments for three years. It will be three years next month, and I want to tell you the owners are John Hancock Insurance in Boston and an European American Bank. And when I took over the operation, they told me to go in there and do what was necessary to put the place in order and stop the damn violations. And those were my orders and those we have done, and I have not received one single written violation from the Board of Health in I would say six months or more.

Let me say this, I feel sorry for the people at 414 for this reason. They are getting the people we are throwing out of 821. That's exactly what's happening. This whole question is a problem of trying to house social service tenants. Social service tenants do not come in from Patchogue or from the west end or some other place mostly they are people that came here to work on the farms and they found out they can have an easier living by going on social service and this is precisely where you get them. Most of them come from Virginia, North Carolina, Georgia and so forth. They've

PUBLIC HEARING - continuedRalph Quinton continues"

been here for many years, and this is your real problem if you're going to have social service people in Riverhead town, you're going to have this problem because these are the people that are given money of \$250-\$300 a month for rents and the average working person cannot pay these rents and as a consequence, you can, if you have an apartment complex like 821 and you cannot rent to the average working person, you have to rent to social service and you get \$300 per month or you get \$250 per month, but you have tenants who cause you a great deal of problems.

So I say if the Board wants to come up with some rules and regulations to overcome this problem, they will simply have to bar social service tenants from the Town of Riverhead."

Supervisor Smith: "And that's your suggestion then."

Henry Fioto: "I'd like to verify basically what I said about being opposed to this health code. I didn't mean it in the way some of the people opposed. I feel this way, if the Town Board, if they go for a health code that will protect the landlord as well as the tenant, I'm 100% in favor of it. But always go after the landlord. It was brought up over here about garbage. It reminded me of the story in Connecticut. The same basic thing when they had the zoning, the housing codes and so forth in Connecticut. There was a tenant who was a so-called slum lord and they were talking about the garbage in his hallway, the garbage in his alleyways and the garbage in his basement and this was going on and on for twenty minutes. So finally this guy got up and said, all right I admit it, I admit it. I have people that go out in the middle of the night and get all the garbage from the rest of Connecticut and bring it all to my houses and put it in my basement. I have nothing else to do.

This is basically what they're talking about. The landlord whether he's in Dix Hills or something else, he doesn't go get this garbage. He doesn't throw the hypodermic needle over the back yard or take the gun and shoot it. This is an element of people that you're working with that you're stuck with, and my going after the landlord and making it harder for the landlord, it's not going to cure nothing. You come up with something that will protect the landlord and I think you'll find better housing. I don't mind fixing something, but you fix it once, you fix it twice, you say hey forget about it, it's not worth the aggravation."

PUBLIC HEARING - continued

Supervisor Smith: "Well Mr. Fioto, it appears that the situation as it exists at the moment without this law, isn't working too well and that's why we're here."

Henry Fioto: "Everything that's in the basic code, is in the health code. Like we brought up before, if you want — if you're going to here a doctor . . ."

Supervisor Smith: "Mr. Fioto I heard somebody say — Mr. Podlas is a friend — say to me get one the County. They hate me. I mean every time they turn around, I land one them with cleats. It's in the press. It's when I go to see John Klein. It seems that we have all sorts of health inspectors to trip over Paul when he's building a house. It seems that when the restaurant tours in the Town of Riverhead, you want to slice meat in their deli's that we got health inspectors — hey do you have water there to do your hands."

Henry Fioto: "I know about that too, because I had to go through school."

Supervisor Smith: "When we apply pesticides on the farm fields, we have a county guy that trips over us out there. How come they can't see the garbage between 414 and Mr. Dusenbury's house?"

Henry Fioto: "Very, very simply what happens here is, like you say by appointing — Southampton Town basically had the same thing. They started out with a Building Department, now they have a special one for signs, they have a special one here. Now that they've incorporated, they have fire inspectors. They incorporated their fire inspectors which was more jobs. Now they took their fire inspectors and some of their other inspectors and they made them constables so they can carry a gun. Now they have the same power as a what do you call it. Probably as you said, if you have to go into these places like 821 or some of these places you might have to have a gun, maybe two guns.

But passing more ordinances — we have the same laws and as far as you're saying it cannot be enforced, I said before and I said right here, in this Town of Riverhead the Health Department did come in here and the only time complaints were made is when I had finally got disgusted that I wasn't collecting the money. They were not paying

PUBLIC HEARING - continuedHenry Fioto continues:

their rent. After fixing the place two or three times and every one of these places were inspected before the people moved in. When the people start inspecting they say we can't go after these people, we got to go after you. And you have these fines in here. It's the same thing. You can't — you're not going to get \$500 from a welfare recipient. All you're going after is the landlord. You come into this thing — you show me an ordinance where there's guaranteed protection for both. I'm not saying I'm looking to walk away from my responsibility as a landlord, all I'm saying is I have the same rights as a landlord, as a tenant should have and that's all I want. I don't mind fixing something — if somebody says look this is broken, but when I fix it and they break it again, don't come back to me and say he look — I said I fixed it. And they said you're the landlord, fix it again. There's no protection for any landlord."

Supervisor Smith: "All right Mr. Fioto, that's so noted."

Pat Perella, 420 East Main Street, Riverhead; "I've heard quite a few people here this evening say that the landlords are out to make — not a buck, but they're in for business and it's the tenants who destroy the place. Well when the people tonight leave the premises, I ask maybe they drive down Main Street and look at 414 East Main. Just look at the outside. I, myself, don't know what's going on in the inside and wouldn't go back there, but the outside — the grass hasn't been cut in four months. There's been four or five owners in there in the four years I've been there and the situation has always been the same way. This is the landlord. This is not the tenants that are supposed to be taking care of that.

I know in Southampton, if a property owner doesn't cut their grass, the Town notifies them and then if it still isn't done, they'll cut the grass and bill them for it. Maybe just for this one aspect of it, we need something like that incorporated also, but the landlord at 414, I think there is a problem. There is a need for a health code. There is a need for attention from the Town if that's the only way we can get it."

Supervisor Smith: "Thank you."

Paul Podlas, Meadow Lane, Riverhead; "In reference

PUBLIC HEARING - continuedPaul Podlas continues:

to the remark about four of five owners of the apartment, I think that proves what we're talking about. Naturally, from my side, that the landlord cannot make a buck on the place and he's abandoning it and keeps selling it because no matter what he does with the type of people who are there, it's impossible to keep the place up. Now I know the motel when it was first built years ago, it was in good shape. The landlord didn't come out there and wreck the place, but I'm not going to get involved.

What I want to say, when I came back the second time, Mrs. Dusenbury said about the garbage and somebody mentioned about the shots and everything I believe we have laws for that. I know we have laws. You can't go shooting a gun off in Riverhead. I mean what do we need a health code to prevent that for. Let's get after the police. Let's enforce the laws we have. Let's get them in there. If it's a criminal or civil offense, I am not that familiar with it. But I assume that it can't be done."

Supervisor Smith: "We're not incognizant of some of the criminal problems there and we do the best we can."

Paul Podlas: "And I would also like to make the comment to you, Mr. Smith, that you say you are after the Health Department all the time and possibly you're standing alone, I don't know how much support you have, but maybe some of these people who are in the room tonight that live very very close to this complex or both complexes or to any place that's in bad shape, maybe they should come up and offer you support — their support to you. And maybe numbers would count a little more."

Supervisor Smith: "Paul some of them have tried. We'll again pursue that course as best we can."

Paul Podlas: "But I am still opposed to the Town of Riverhead having its own health code because I still say we have enough laws properly enforced, would solve the problems."

Supervisor Smith: "Thank you Sir. Anyone else on the health code?"

PUBLIC HEARING - continued

Frances Vitollo, Wading River: "I am a land lady and I'm opposed to a lot of the real estate people who are renting some of the homes in our area. They are collecting money. The people aren't in the state and they're not keeping up with watching as their collecting the rents every month. They're bringing undesirable people into my area and I feel that we should get after these real estate people. They're the ones that are bringing in all the garbage."

Supervisor Smith: "Thank you Ma'am. Anybody else that would choose to address the Town Board on this particular issue?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 9:35 P.M.

Supervisor Smith then recessed the meeting for a few minutes after which the meeting reconvened.

Supervisor Smith: "We've come to the conclusions of the hearings. We have listened to people who wished to be heard. We will recognize anybody that has anything to be heard of a general nature at this point?"

No one wished to be heard at this time.

There being no further business on motion and vote, the meeting adjourned at 9:45 P.M.

Irene J. Pendzick

Irene J. Pendzick, Town Clerk

IJP/vlv