

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, May 16, 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

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

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

RESOLVED, That the Minutes of the Town Board Meeting held on April 18, 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 May 16, 1978 as follows:

| | |
|-------------------------|-------------|
| General Town | \$41,403.06 |
| General Town, 1977 Enc. | \$ 120.00 |
| Parking Meter | \$ 189.60 |
| Ambulance | \$ 44.02 |
| Special Districts | \$ 517.70 |
| Community Development | \$71,268.07 |
| Capital Projects | \$ 7,715.25 |

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

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

| | |
|-------------------------|-------------|
| General Town | \$14,403.06 |
| General Town, 1977 Enc. | \$ 120.00 |
| Parking Meter | \$ 189.60 |
| Ambulance | \$ 44.02 |
| Special Districts | \$ 517.70 |
| Community Development | \$71,268.07 |
| Capital Projects | \$ 7,715.25 |

BILLS - continued

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

The resolution was thereupon declared duly adopted.

Supervisor Smith: "We have present the various department heads or their representatives. Should occasion arise during the evening that you have a question that pertains to their particular department, we will address the question to them. If we can't get the answer immediately, we'll try to get it to you with some dispatch."

OPEN BID REPORT - ONE (1) HEAVY DUTY SPREADER - Hwy. Dept.

After being duly advertised the following bids on One (1) Heavy Duty Spreader for the Highway Department were opened by the Town Clerk on Tuesday, May 9, 1978 at 11:00 A.M.

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

| | | | | | |
|--------------------------|-------------------------|------|-------------------|-------|-----------------|
| YEAR | <u>1978</u> | MAKE | <u>Good Roads</u> | MODEL | <u>10</u> |
| DELIVERY DATE: | <u>30 - 45 Days ARO</u> | | | | |
| DELIVERED BID PRICE FOR: | <u>\$4,479.00</u> | | | \$ | <u>-----</u> |
| LESS TRADE-INS: | <u>NONE</u> | | | \$ | <u>-----</u> |
| | <u>NONE</u> | | | | |
| NET PRICE DELIVERED FOR: | <u>\$4,479.00</u> | | | \$ | <u>4,479.00</u> |

Typed in Note: We are offering Good Roads Handy Spreader with truck attachment operators platform and agitator which meets the intent of your bid. Filed.

TRUIS INC
369 Duffy Avenue
Hicksville, New York 11802

| | | | | | |
|------|-------------|------|-----------------------|-------|------------|
| YEAR | <u>1978</u> | MAKE | <u>Wikel Mfg. Co.</u> | MODEL | <u>R-1</u> |
|------|-------------|------|-----------------------|-------|------------|

5/16/78

451.

OPEN BID REPORT - ONE (1) HEAVY DUTY SPREADER - continued

DELIVERY DATE: Four (4) Weeks after receipt of order

DELIVERED BID PRICE FOR: Wikel Model R-1 \$ 5,785.00

(OPTIONAL EQUIP) They typed in.
LESS TRADE-INS: (12" wide Block-off plates \$45.00)

(24" wide Block-off plates \$55.00) \$ -----

NET PRICE DELIVERED FOR: (1) Wikel Model R-1 \$ 5,785.00

Filed.

OPEN BID REPORT - TWO (2) NEW 1978 DUMP TRUCKS FOR HIGHWAY DEPARTMENT

After being duly advertised the following bids on Two (2) New 1978 Dump Trucks for the Riverhead Highway Department were opened by the Town Clerk on Monday, May 15, 1978 at 11:15 A.M.

TRYAC TRUCK & EQUIPMENT CO. INC.
Route 58
Riverhead, New York 11901

YEAR 1978 MAKE International MODEL S-2524

DELIVERY DATE: September 1978

DELIVERED BID PRICE FOR: Two (2) New 1978 Dump Trucks \$ 39,000.00

LESS TRADE-INS: One (1) 1964 International Dump Truck

One (1) 1968 G.M.C. Dump Truck \$ 1,700.00

NET PRICE DELIVERED FOR: \$ 37,900.00

Filed.

OTIS FORD, INC.
Montauk Highway
Quogue, New York 11959

YEAR 1978 MAKE L800 MODEL FORD

OPEN BID REPORT - TWO DUMP TRUCKS FOR HIGHWAY DEPT.-continued

DELIVERY DATE: ASAP or 60 - 100 days

DELIVERED BID PRICE FOR: Two (2) New 1978 Dump Trucks \$ 36,980.00

LESS TRADE-INS: One (1) 1964 International Dump Truck

One (1) 1968 G.M.C. Dump Truck \$ 4,000.00

NET PRICE DELIVERED FOR: _____ \$ 32,980.00

Filed.

Two (2) New Dump Trucks

Bid opened Tuesday, May 16, 1978 at 11:15 A.M.

J.J. HART INC.
Route 58 (Cor.) Osborne Avenue
Riverhead, New York 11901

YEAR 1978 MAKE FORD MODEL F-800

DELIVERY DATE: As soon as possible

DELIVERED BID PRICE FOR: Two (2) New Dump Trucks \$ 38,734.00

LESS TRADE-INS: One (1) 1964 International Dump Truck

One (1) 1968 G.M.C. Dump Truck \$ 4,000.00

NET PRICE DELIVERED FOR: _____ \$ 34,734.00

Filed.

OPEN BID REPORT - ONE (1) NEW 2 DR. SEDAN - 1978 -
HIGHWAY DEPARTMENT

After being duly advertised the following bids on One (1) New 2Dr. Sedan - 1978 for the Riverhead Highway Department were opened by the Town Clerk on Monday, May 15, 1978 at 11:00 A.M.

OPEN BID REPORTS - ONE (1) NEW 2 DR. SEDAN - continued

OTIS FORD, INC.
 Montauk Highway
 Quogue, New York

YEAR 1978 MAKE FORD MODEL LTD 2Dr.

DELIVERY DATE: 60 Days

DELIVERED BID PRICE FOR: One (1) New 2Dr. Sedan - 1978 \$ 5,910.00

LESS TRADE-INS: One (1) Used 1975 Ford LTD Sedan

\$ 1,111.00

NET PRICE DELIVERED FOR: One (1) New 2Dr. Sedan - 1978 \$ 4,799.00

FILED.

Bid received approximately one hour after bid opening due to confusion of day.

J.J. HART INC.
 Route 58 (Cor.) Osborne Avenue
 Riverhead, New York 11901

YEAR 1978 MAKE FORD MODEL LTD 2 Dr.

DELIVERY DATE: As soon as possible

DELIVERED BID PRICE FOR: One (1) New 2 Dr. Sedan - 1978 \$ 5,747.00

OPEN BID REPORT - ONE (1) NEW 2 DR. SEDAN - continued

LESS TRADE - INS: One (1) Used 1975 Ford LTD Sedan

\$ 1,000.00

NET PRICE DELIVERED FOR: One (1) New 2Dr. Sedan-1978 \$4,747.00

FILED.

REPORTS

Recreation Department - Monthly attendance report for April, 1978. Filed.

Building Department - for the month of April, 1978. Filed.

Receiver of Taxes, dated May 11, 1978. Filed.

Supervisor - Financial Statement for the month of January 1978 & February 1978. Filed.

COMMUNICATIONS

New York State Department of Transportation, 5/4/78 - asking Local Police Department to increase emphasis on enforcement of Right-Turn-on-Red Law. Filed.

Mrs. Barbara Watson, Riverhead, 5/9/78 - asking that LILCO replace cover on street light. Filed.

Mrs. George Thorne, Jamesport, 5/4/78 - objects to proposed changes in zoning on Sound Avenue.

COMMUNICATIONS - continued

Planning Board, 5/11/78 - recommends granting special permit, with conditions - Leo Bekermus. Filed.

Holzmacher, McLendon & Murrell, 5/8/78 - copy of letter to Mr. Scheiner re: West Aquebogue Water Main. Filed.

Grumman Corporation, 5/5/78 - urges Town Board to approve Riverhead Airpark. Filed.

Department of Army Corps of Engineers, 5/3/78 - public notice Re: dredging in Flanders Bay. Filed.

Town of Southold, 5/10/78 - copy of proposed Local Law. Filed.

Governor Hugh Carey, 6/9/78 - acknowledging receipt of resolutions adopted May 2, 1978. Filed.

Riverhead Elks, 5/11/78 - inviting Town Officials to Flag Day Ceremony on June 11, 1978. Filed.

Walter Flanagan, 5/11/78 - asking Town Board to consider placing benches outside Town Hall. Filed.

Peter S. Danowski, 5/5/78 - copy of memorandum of Law Re: Haugaard v. Town of Riverhead. Filed.

Holzmacher, McLendon & Murrell, 5/1/78 - copy of letter to Mr. Scheiner Re: West Aquebogue Water Main. Filed.

Planning Board, 5/5/78 - copy of resolution adopted 5/4/78 on certain additions and amendments to sub-division regulations. Filed.

Town of Southampton - Notice of Adoption of amendment to Southampton Zoning Code #26. Filed.

Peter Danowski, Jr., 5/12/78 - regarding Timber Park. Filed.

UNFINISHED BUSINESS

Special Permit, Joseph Brush - (airport).

Application for renewal of franchise & rate increase - Cablevision.

Special Permit, Joseph Bartasi - (restaurant at Rte. 58 & Roanoke).

Special Permit, Leo Bekermus - (oil tank on West Main St.)

Proposed amendments to Town Code.

Supervisor Smith: "Again under unfinished business, we have the application of Mr. Brush with reference to the airport. We are still waiting for a recommendation from the Department of Transportation.

The application for renewal of franchise and rates with reference to Cablevision Corporation is the subject of a resolution later this evening.

The special permit application of Mr. Bartasi awaits Mr. Bartasi's further submission of some amendments to what he proposes.

Special Permit of Bekermus, I think I'll have to defer on that one until a little later on in the evening.

Proposed Amendments to the Town Code will be held in abeyance until such time as we discuss the matter at the next Joint Board Meeting.

I might add that I stepped over the application of Mrs. Gail Ambrose with reference to a special permit to an auto equipment establishment on East Main Street and the application of Suffolk County National Bank for the re-opening of the Evans Kileen Building as an electrical supply outlet. These two matters have been discussed by the Town Board and we feel in that these are existing buildings, that we will proceed to schedule the Town Board Hearings for the next meeting of the Town Board without the recommendations of the Planning Board and there is a resolution to that affect later on this evening.

That brings us to the portion of the agenda where we will listen to anyone choosing to address the Town Board on any matter. I would ask that if you happen to be here to speak for or against the application of Mr. Duda that relates to the Rickey's drive-in on East Main Street, that you hold those comments until 8:00 when we will open a public hearing on that particular matter. If, however, you wish to address the Town Board on any other matter, I invite you to do so now and I do ask that you use the microphone to our left, your right and give Mrs. Pendzick your name and address before you speak. Would anyone like to address the Town Board on any matter?

Mr. Eck, before we get going this evening, you and I sort of locked horns a little bit at the last meeting . . ."

PERSONAL APPEARANCES

Ronald Eck: "I know we did."

Supervisor Smith: "And what I would suggest is that we observe this evening, the five minute rule. So if you would please, Sir, try to keep your comments to five minutes."

Ronald Eck: "It seems the last time we had this little meeting, you misunderstood me. I was trying to help you. So I have something to say tonight and I'm going to say it and then I'm going to give you the letter."

Ronald Eck proceed to read his letter.

"Dear Mr. Smith,

On Tuesday evening, May 2nd last, you stated that you have let me speak in the past. Yet you also stated everything I have said, you found to be unfounded. You also said these things have been working on my mind.

Now I say unto you, Mr. Smith, no, these things have not been on my mind, but they are now on yours. Also, I say unto you that you bear false witness, because, I never spoke to you about many of these things and you, therefore, went by what someone else has told you.

On Holy Thursday, last, I tried to get to see you twice. I even left word that you may call me on the telephone and you denied me this right also. For I say unto you, Mr. Smith, you are not your Father's son, as you do not walk in his foot steps.

Also, Mr. Smith, if this is unfounded, how come none of these people I talk of has not taken me to court. I'll tell you why, because I have witnesses who have seen these things which I speak of. The Bible says two or more are witnesses, (even though I do not read the Bible, only when the Lord wishes me to do so, in the House of the Lord).

No, I say again, you thought you spanked my donkey on the eve of May 2nd and sent me on my way. I say unto you, no, you have not because I returned the same evening and one of your puppets, for there is only one who sits on your left, told you I was back. I had left for two reasons. One was personal, the other was because many things have come to pass. For this I do not even understand.

For I know the four freedoms. I had typewritten on the paper was there and they had all disappeared. Yet I could only remember three. Freedom of Speech, for which you cannot take, but tried. Freedom of Religion, for you cannot take my Freedom of Religion from me. Freedom of Wont, for you cannot take my Freedom of Wont from me, because all I stated I want is what belongs to me. For you, Mr. Allen M. Smith, all I want is my Castle back, which because of you I have lost. So I want for you to build me a new Castle.

PERSONAL APPEARANCES - continued

Ronald Eck continues:

For I shall leave this Town of Riverhead soon, but when I come back, my Castle will be built. For Sir Wickham Corwin Tyte, Esq., knows where the Castle will be built. When I return, we all will take on in the voting polls a New County, "The County of Peconic". For I have asked many things, but there is one thing I have asked for is yet to come. For I say unto you Sir Wickham, knows of that also.

Now, last but not least, Freedom of Fear. For I, fear no man and it has been proven. But Mr. Smith, I say unto you I can remove you from that seat, and you will never hold another high seat in government, but I am not here to hurt you, but to try to help you.

I also say to you, Allen, you have committed four of the eleven commandments, possibly more. Thou shall not kill, for you have killed the love that the tax payers have given you, as they thought you were your Father's son and would walk in his foot steps.

Thou shall not steal, for you have taken the tax payers money and spent it foolishly. Thou shall not bear false witness, as you have done unto me, because you have listened to others and did not check on facts and figures. Last, but not least, thou shall not covet they neighbors possessions, for you have done this to many a tax payer. A new commandment, I give you, that you love one another, as I have loved you, saith the Lord.

I say unto you, abide by these three for I had lost them all and gained them back. Faith, Hope and Love, for Love is the greatest of them all. (End)

Very truly,

Ronald J. Eck"

This letter is filed in the Office of the Town Clerk.

Councilman Regula: "Mr. Eck, if I may have a few words. Mr. Eck I'm the junior member on this Board and I realize and I've heard you say many times that you're a Conservative and I know I'm a Conservative because the Conservative Party backed me. But I think at this point in time, I think our Supervisor has been very patient. We've had you many evenings and we feel that we have given you the time.

I know I spoke to you before the meeting tonight and all I said to you as an individual, I'm trying to tell you that we're a Town Board here, whether we're Democrats or Republicans. We're trying to run this Town of Riverhead and we feel, or I feel that we're getting flack. I said to you

PERSONAL APPEARANCES - continuedCouncilman Regula continues:

before the meeting, if you have something to bring before this Board and it's something to help this Town or help the Board. We're always available every Tuesday, I know our Supervisor is available just about every day, so I wish that you would heed these works because we're being very patient. I know, especially the Supervisor has, and we've spoke of this a few times now and I feel that I just have to say these few words to see if it will do any good."

Mr. Eck: "I believe I stated, that I was in the Supervisor's outer office and I sat there waiting twice, Holy Thursday. I even left word that he could call me up for I wanted to speak to him of many things and if you want me to remove you from that chair tonight, Tony, I could, but I don't wish to do so. Would you answer me one question Tony?"

Supervisor Smith: "Mr. Eck, we've been over . . ."

Councilman Regula: "Mr. Eck I've only been here on this Board for four months and I'm sure you don't have too much on me, yet. I'm sure you have something on everyone on this Board and most of our Police Officers and all this. Now we're at that point."

Ronald Eck: "I could ask you one question Tony that you could not answer a yes or no answer, but I won't do it, for it would embarrass you."

Supervisor Smith: "Mr. Eck."

Councilman Regula: "Ask it."

Supervisor Smith: "Let us not debate. Why don't you sit down. Thank you.

We have just a few moments before we come to the public hearing if there is someone that would like to use these next four minutes to address the Town Board on any new matter."

Mary Jane Ambrose, Peninsula Path, Riverhead; "I'm only coming to the Town Board tonight to let you know that our Dog Warden, Mr. Gatz, has been very cooperative in my husband and I receiving a dog from the Dog Pound here in Riverhead. And I just want you to know that he has bent over backwards and his wife has been fantastic. And because of the two of them, we do now have a new dog.

And I would like to ask the Town Board why we do not advertise the dogs in the Dog Pound. There are some beautiful animals up there right now."

PERSONAL APPEARANCES - continued

Supervisor Smith: "We thank you for your kind words and we'll take it as a suggestion. Part of our problems are the Agriculture and Markets Law that requires certain holding periods and things like that, but we'll consider what you say and maybe we will run an advertisement for people interested in animals might stop by the pound."

Mary Jane Ambrose: "Thank you."

Supervisor Smith: "Thank you Ma'am. Anyone else?"

Wayne Braunskill, 615 Osborne Avenue, Riverhead; "I came into the Town Hall about two weeks ago to apply for an application for a trash removal permit and I was told because they were in the process of something I was denied at the time. What was up?"

Supervisor Smith: "There will be a resolution on later this evening and if yours is a local trash removal — you're a resident and it's local trash — have you had one before?"

Wayne Braunskill: "No."

Supervisor Smith: "Would you speak with us during the break and we'll go over specifically what you're trying to do."

Wayne Braunskill: "Thank you."

Supervisor Smith recessed the meeting to hold the public hearing.

PUBLIC HEARING - 8:00 P.M.

Town Clerk submitted affidavits of publishing and posting that a Public Hearing will be held on May 16, 1978 at 8:00 P.M., at the Town Hall, to hear all interested persons in the matter of the application of John Duda for a special permit to operate a drive-in restaurant at the northwest corner of Main Street & Philip Street, Riverhead, formerly the site of "Rickey's", being located in the Business "C" District.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Ladies and gentlemen it is the site on East Main Street formerly Rickey's and essentially

PUBLIC HEARING - continuedSupervisor Smith continues:

Mr. Duda would like a special permit of the Town Board to re-open that drive-in restaurant.

Is there anyone in the room that chooses to address the Town Board on this application?"

No one wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:01 P.M.

Supervisor Smith: "This again brings us back to that portion of the agenda where we will recognize anyone wishing to be heard. Does anyone choose to address the Town Board on any matter?"

No one wished to be heard at this time.

RESOLUTIONS#231 TOWN BOARD GRANTING JOHN DUDA SPECIAL PERMIT

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

WHEREAS, John Duda has made application to the Town Board pursuant to Riverhead Code Section 108-39 (A.) (13), for a special permit in Business C Zoning Use District for a drive-in restaurant at the site commonly known as "Rickey's" drive-in restaurant located at East Main Street near Philip Street in Riverhead, and

WHEREAS, A duly authorized and noticed Public Hearing was held and all persons wishing to be heard, were heard, and

WHEREAS, Said application was referred to the Town Planning Board, which on April 6, 1978, recommended approval of said application, in that this would be a continuation of previous use of the property, it is hereby

RESOLVED, That the application of John Duda for a special permit for a drive-in restaurant at the site commonly known as "Rickey's" at East Main Street, Riverhead, be granted subject to the plans and specifications filed in the Town Clerk's Office.

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

The resolution was thereupon declared duly adopted.

#233 DESIGNATED BUILDING INSPECTOR AND BUILDING & ZONING ADMINISTRATOR AS CONSTABLES

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

WHEREAS, Historically every two years, the Town Board of the Town of Riverhead has appointed and designated Building

RESOLUTIONS - continued

Inspectors of the Town of Riverhead as constables; and
 WHEREAS, Said designation is necessary for the proper enforcement of violations issued by the Building Department; and

WHEREAS, The said Building Inspectors receive no additional compensation for such designation; and

WHEREAS, The Town's insurance representative has indicated that, if such appointment and designation is made, the Building Inspectors as constables are sufficiently bonded under the current blanket coverage,

NOW, THEREFORE BE IT RESOLVED, That Raymond Wiwczar & James V. DeLuca be appointed constables for the Town of Riverhead; and

BE IT FURTHER RESOLVED That said persons be properly bonded in accordance with our current blanket insurance coverage.

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

The resolution was thereupon declared duly adopted.

#234 AUTHORIZES TOWN CLERK TO ATTEND SEMINAR AT CORNELL
 Councilman Young offered the following resolution which was seconded by Councilman Menendez.

BE IT RESOLVED, That the Town Clerk, be and is hereby authorized to attend a one day seminar for Town Clerks at Cornell University on Monday, June 5, 1978, and

FURTHER RESOLVED, That all expenses in connection with attendance at the workshop are hereby authorized.

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

The resolution was thereupon declared duly adopted.

#235 AUTHORIZES TOWN CLERK TO PUBLISH NOTICE OF RESOLUTION
AUTHORIZING EXECUTION OF CONTRACT FOR DOCTORS PATH
SITE

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

WHEREAS, Section 90 of the Town Law provides, in part, that resolutions subject to permissive referendum shall be published within ten (10) days of said resolution, and

WHEREAS, This Board has received a discretionary grant from the Department of Housing and Urban Development for Three hundred thousand and 00/100 (\$300,000.00) Dollars, part of which is allocated for slum clearance, and

WHEREAS, This Board has determined 500 Doctors Path to be a proper site for acquisition, has appraised the same, and has negotiated a contract for said site,

NOW, THEREFORE, be it

RESOLUTIONS - continued

RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish and post the notice, pursuant to the provisions of the Town Law and such other applicable statutes and ordinances as may be proper, and

BE IT FURTHER RESOLVED, That prior resolutions of this Town Board authorizing the Supervisor to execute said contract are hereby ratified and confirmed.

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

The resolution was thereupon declared duly adopted.

Supervisor Smith then stated: "This program is very similar to the program that we have instituted with reference to the Raspberry Hilton and we have selected the old, now slum on 500 Doctor's Path as target area and the granting of this grant by the Federal Government will enable us to clear out that particular problem. We will get busy on some others shortly."

#236 TERMINATED SERVICES PART-TIME CLERK - RECEIVER OF TAXES

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

BE IT RESOLVED, That the employment of Cornelia Gatz, Part-time Clerk in the Office of the Receiver of Taxes, be and is hereby terminated, effective May 15, 1978.

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

The resolution was thereupon declared duly adopted.

#237 APPOINTS PART-TIME CLERK - RECEIVER OF TAXES

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

BE IT RESOLVED, That Barbara Grattan be and is hereby appointed Part-time Clerk in the Office of the Receiver of Taxes, and is to be compensated at a rate of \$3.50 per hour, effective May 16, 1978.

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

The resolution was thereupon declared duly adopted.

#238 AUTHORIZES OVERTIME PAY FOR SERGEANT

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

BE IT RESOLVED, That the following Sergeant be paid overtime pay from April 1, 1978 to and including April 30, 1978, as per P.B.A. Contract.

Seaman, J.

4-20-78

2 3/4 hrs.

\$41.33

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#239 AUTHORIZES RECALL PAY FOR DETECTIVE

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

BE IT RESOLVED, That the following Detective be paid overtime from April 1, 1978 to and including April 30, 1978, as per P.B.A. Contract at time and one-half his regular salary.

| | | | |
|------------|---------|--------|---------|
| Palmer, W. | 4-14-78 | 4 hrs. | \$60.00 |
|------------|---------|--------|---------|

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

The resolution was thereupon declared duly adopted.

#240 AUTHORIZES COURT PAY FOR POLICE OFFICERS

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

BE IT RESOLVED, That the following Police Officers be paid court pay from April 1, 1978 to and including April 30, 1978, as per P.B.A. Contract.

| | | | | |
|----|---------------|---------|----------|----------|
| 1. | Alexander, F. | 4-27-78 | 4 ½ hrs. | \$ 60.75 |
| 2. | Troyan, P. | 4-24-78 | 6 hrs. | 81.00 |
| | | | TOTAL | \$141.75 |

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

The resolution was thereupon declared duly adopted.

#241 AUTHORIZES OVERTIME PAY FOR POLICE OFFICERS

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

BE IT RESOLVED, That the following Police Officers be paid overtime pay from April 1, 1978 to and including April 30, 1978 as per P.B.A. Contract at time and one-half their regular salary.

| | | | | | |
|----|----------------|---------|----------|--------------|-------------|
| 1. | Mickoliger, L. | 4-20-78 | 2 ¼ hrs. | \$30.38 | |
| | | 4-27-78 | 2 hrs. | <u>27.00</u> | \$57.38 |
| 2. | Psaltis, J. | 4-25-78 | ½ hr. | | <u>6.75</u> |
| | | | TOTAL | | \$64.13 |

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#242 AUTHORIZES OVERTIME PAY FOR POLICE OFFICER

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

BE IT RESOLVED, That the following Police Officer be paid overtime from April 1, 1978 to and including April 30, 1978, to be paid from Federal Revenue Sharing.

| | | | | |
|----|--------------|--------|------------|-------------|
| 1. | Cheshire, D. | 4-5-78 | 4 3/4 hrs. | \$56.15 |
| | | 4-9-78 | 31 min. | <u>6.10</u> |
| | | | TOTAL | \$62.25 |

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

The resolution was thereupon declared duly adopted.

#243 PUBLISHING AND POSTING OF PUBLIC HEARING FOR NUMBERING RIVERHEAD CODE SECTION 58-4

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

RESOLVED, That the Town Clerk be, and is hereby authorized to publish and post a Notice of Public Hearing for numbering Code Section 58-4.

NOTICE

PLEASE TAKE NOTICE, That a Public Hearing will be held on June 6, 1978, at 8:05 P.M. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons regarding the numbering of Riverhead Code Section 58-4, Redemption of impounded dogs to read Section 58-4, A., a full copy of which is available for public inspection in the Town Clerk's Office during normal business hours.

Regarding §58-4., Redemption of impounded dogs, which currently reads as follows:

Redemption of impounded dogs shall be pursuant to Sections 114 and 114-a of the Agriculture and Markets Law

shall be amended to read as follows:

§58-4. Redemption of impounded dogs.

A. Redemption of impounded dogs shall be pursuant to Sections 114 and 114-a of the Agriculture and Markets Law.

(Underline denotes change or additions, deletions by ~~strikeouts~~)

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#244 PUBLISHING AND POSTING OF PUBLIC HEARING
FOR LOCAL LAW NO. 1-1978

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

RESOLVED, That the Town Clerk be, and is hereby authorized to publish and post a Notice of Public Hearing for Local Law No. 1 of the year 1978, pertaining to payment for redemption of impounded dogs.

NOTICE

PLEASE TAKE NOTICE, That a Public Hearing will be held on June 6, 1978, at 8:00 P.M., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to Local Law No. 1 of the year 1978 pertaining to payment of fees for redemption of impounded dogs:

Be it enacted by the Town Board of the Town of Riverhead, as follows:

Section 1. In addition to any fees imposed by Sections 114 and 114-a of the Agriculture and Markets Law, a fee of three dollars (\$3.00) per day shall be paid to the dog warden for the redemption of an impounded dog. This local law is not subject to referendum and shall take effect immediately upon filing in the Office of the Secretary of State.

Before the vote Supervisor Smith made the following statement: "In part to accommodate some of the problems we have at the pound is that when owners leave their animals beyond the fifth day, which is specified by the Agricultural and Markets Law that they must pay a boarding fee to redeem them after that time."

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

The resolution was thereupon declared duly adopted.

#245 AUTHORIZES ASSESSORS ATTEND CORNELL UNIVERSITY SEMINAR

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

RESOLVED, That Charles Crump, Chairman Board of Assessors and Joseph F.X. Loughlin, Assessor, be and are hereby authorized to attend Seminar in appraising for Tax Assessors held at Cornell University, Ithaca, New York, on June 26th through 30th, 1978, and

FURTHER RESOLVED, That all expenses incurred thereto

RESOLUTIONS - continued

be charged to the Assessors' Expense Account. Payment must be prepaid prior to the date of seminar, tuition enrollment for two assessors at \$125.00 each in the total amount of \$250.00.

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

The resolution was thereupon declared duly adopted.

#246 ADOPTION OF AMENDMENTS AND ADDITIONS TO CODE OF
THE TOWN OF RIVERHEAD

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

WHEREAS, The Town Board of the Town of Riverhead had duly published in its entirety proposed amendments and additions to the Code of the Town of Riverhead, and

WHEREAS, A public hearing was held on April 18, 1978, at 8:15 P.M. to hear all interested persons with regard to said proposed amendments and additions, and

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

NOW, THEREFORE, BE IT,

RESOLVED, That the following amendments and additions of ordinances to the Code of the Town of Riverhead are hereby adopted:

- 1) New Reserved sections to be added to Chapter 108. Section 108-99. (Reserved) through Section 108-109 (Reserved).
- 2) For all of the new Sections stated below, 2a) through 2e), prior to issuing a building permit each application together with the accompanying site plan shall be referred by the Zoning Officer within seven (7) days to the Town Board for its review and recommendation within sixty (60) days. New Sections also allow the applicant to subsequently modify and obtain a building permit without further submission to the Town Board.
 - 2a) New Section to be added to Article VII, Business A District (Resort Business), Section 108-33.1. Review of site plan.
 - 2b) New Section to be added to Article IX, Business C District (Neighborhood Business). Section 108-41.1. Review of site plan.
 - 2c) New Section to be added to Article XI, Industrial District (General Business). Section 108-44.1. Review of site plan.

RESOLUTIONS - continued

- 2d) New Section to be added to Article X, Business D District (Light Industry). Section 108-50.1. Review of site plan.
- 3) Chapter 108, Article 15, Supplementary Area Regulations, Section 108-67.(B.), Lot Area, is amended to delete any lot shown on a subdivision map filed in the Suffolk County Clerk's Office, leaving the other exceptions as is.
- 4) Amending Section 108-97(F.) (5.), Engineering fee, to have twenty five dollars (\$25.00) due when submitting the Preliminary Plat and twenty five dollars (\$25.00) due when submitting the final plat.
- 5) Amending Section 108-97(A.) (1.) Major subdivision, Procedure, Sketch Plan, to read that three (3) alternative sketch plans, one of which may be required to be a cluster, may be required.
- 6) Addition of the following new Chapter 63 on Grading.
 - 6a) Section 63.1., Legislative intent, is to minimize erosion and provide adequate drainage for surface water run-off.
 - 6b) Section 63.2., Definitions, describes and defines terms used in said Chapter.
 - 6c) Section 63.3., Minimum standards, provides in detail how land shall be developed and regraded in all zoning use district classifications and structures constructed thereon so as to meet certain minimums designated therein.
 - 6d) Section 63.4., Applications for building permit and certificate of occupancy, are to be referred to Building Inspector or Zoning Administrator for their review and approval, and a topographical survey may be required.
 - 6e) Section 63-5., Violations and penalties of Section 63-3., of this Chapter have a maximum fine of five hundred dollars (\$500.00) and/or a maximum of six (6) months imprisonment.
- 7) Chapter 52., Building Construction, Section 52-4.(E.) Duties and powers of Building Inspector, enables the Building Inspector to receive and act upon applications pursuant to new Chapter 63, Grading.
- 8) Chapter 108., Zoning, Section 108-73.(K.), Permits, enables the Zoning Officer to receive and act upon applications pursuant to new Chapter 63., Grading.

RESOLUTIONS - continued

BE IT FURTHER RESOLVED, That copies of the aforementioned amendments and additions of ordinances are available for inspection at the Office of the Town Clerk during normal business hours.

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to publish and post this adopting resolution in its entirety.

BE IT FURTHER RESOLVED, That these amendments and additions of ordinances shall take effect ten (10) days after publication and posting.

NEW RESERVED SECTIONS TO BE ADDED TO
CHAPTER 108

- §108-99. (RESERVED)
- §108-100. (RESERVED)
- §108-101. (RESERVED)
- §108-102. (RESERVED)
- §108-103. (RESERVED)
- §108-104. (RESERVED)
- §108-105. (RESERVED)
- §108-106. (RESERVED)
- §108-107. (RESERVED)
- §108-108. (RESERVED)
- §108-109. (RESERVED)

New Section to be added to Article VII, Business
A District (Resort Business)

- §108-33.1. Review of site plan.

Before issuing a building permit, each application, together with the accompanying site plan, shall be referred by the Zoning Officer within seven (7) days to the Town Board for its review and its recommendation. Within sixty (60) days of receipt of said application, the Town Board shall

RESOLUTIONS - continued

approve, modify or disapprove said site plan and shall state its reason for any modifications or disapproval. If the Town Board takes no action within sixty (60) days of receipt of the application from the Zoning Officer, the plan shall be deemed approved. The Zoning Officer shall not issue a permit for any plan which does not have Town Board approval; however, if the applicant consents to any modifications made by the Town Board, the Zoning Officer may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

New Section to be added to Article IX, Business C District (Neighborhood Business):

§108-41.1. Review of site plan.

Before issuing a building permit, each application, together with the accompanying site plan, shall be referred by the Zoning Officer within seven (7) days to the Town Board for its review and its recommendation. Within sixty (60) days of receipt of said application, the Town Board shall approve, modify or disapprove said site plan and shall state its reason for any modifications or disapproval. If the Town Board takes no action within sixty (60) days of receipt of the

RESOLUTIONS - continued

application from the Zoning Officer, the plan shall be deemed approved. The Zoning Officer shall not issue a permit for any plan which does not have Town Board approval; however, if the applicant consents to any modifications made by the Town Board, the Zoning Officer may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

New Section to be added to Article X, Business D District (General Business):

§108-44:1. Review of site plan.

Before issuing a building permit, each application, together with the accompanying site plan, shall be referred by the Zoning Officer within seven (7) days to the Town Board for its review and its recommendation. Within sixty (60) days of receipt of said application, the Town Board shall approve, modify or disapprove said site plan and shall state its reason for any modifications or disapproval. If the Town Board takes no action within sixty (60) days of receipt of the application from the Zoning Officer, the plan shall be deemed approved. The Zoning Officer shall not issue a permit for any

RESOLUTIONS - continued

plan which does not have Town Board approval; however, if the applicant consents to any modifications made by the Town Board, the Zoning Officer may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

New Section to be added to Article XI, Industrial
A District (Light Industry):

§108-47.1. Review of site plan.

Before issuing a building permit, each application, together with the accompanying site plan, shall be referred by the Zoning Officer within seven (7) days to the Town Board for its review and its recommendation. Within sixty (60) days of receipt of said application, the Town Board shall approve, modify or disapprove said site plan and shall state its reason for any modifications or disapproval. If the Town Board takes no action within sixty (60) days of receipt of the application from the Zoning Officer, the plan shall be deemed

RESOLUTIONS - continued

approved. The Zoning Officer shall not issue a permit for any plan which does not have Town Board approval; however, if the applicant consents to any modifications made by the Town Board, the Zoning Officer may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

New Section to be added to Article XII, Industrial B District (General Industry):

§108-50:1. Review of site plan.

Before issuing a building permit, each application, together with the accompanying site plan, shall be referred by the Zoning Officer within seven (7) days to the Town Board for its review and its recommendation. Within sixty (60) days of receipt of said application, the Town Board shall approve, modify or disapprove said site plan and shall state its reason for any modifications or disapproval. If the Town Board takes no action within sixty (60) days of receipt of the application from the Zoning Officer, the plan shall be deemed

RESOLUTIONS - continued

approved. The Zoning Officer shall not issue a permit for any plan which does not have Town Board approval; however, if the applicant consents to any modifications made by the Town Board, the Zoning Officer may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.

With respect to Chapter 108, Article 15, Supplementary Area Regulations, Section 108-67. Lot area. (B.):

B. Prior to the adoption of this chapter, if any lot held in one (1) ownership or if any lot devised by will, has a frontage or area less than that required by this chapter, such lot may have buildings or structures erected on it, provided that all other requirements are met.

RESOLUTIONS - continuedWith respect to section 108-97(F.) (5.)

- (5.) Engineering Fee. Prior to final subdivision being granted, the applicant must post engineering fees in the amount of fifty dollars (\$50.) per lot to cover any potential expense to the Town for engineering services, as follows: twenty five dollars (\$25.) at the time of submission of the Preliminary Plat, and twenty five dollars (\$25.) at the time of submission of the Final Plat. Said fee shall be retained by the Town until such time that the Town Board, by resolution, agrees to release any portion of said fees not expended by the Town. Any portion of the fee expended for engineering services with regard to the subdivision in question shall not be refundable.

With respect to section 108-97(A.) (1.), Major subdivision, Procedure, Sketch Plan.

- (1) Sketch plans. Three (3) alternative sketch plans prepared in accordance with §108-96B may be required to be submitted. One (1) of the three (3) sketch plans may be required to be a cluster development. The subdivider shall submit seven (7) copies of each sketch plan, clearly marked "Sketch Plan." The subdivider will be advised of the time and place of the meeting when the Planning Board will consider the sketch

RESOLUTIONS - continued

plans, and the subdivider or his agents shall be present at this meeting or request an adjournment thereof. The Planning Board shall determine whether any of the sketch plans meet the purposes of this Article and shall, where it deems necessary, make specific recommendations so that the subdivider or his agents may proceed with the preparation of a preliminary plat.

Addition of the following new Chapter:

Chapter 63. Grading.

§63-1. Legislative intent.

§63-2. Definitions.

§63-3. Minimum standards.

§63-4. Applications for building permit and certificate of occupancy.

§63-5. Violations and penalties.

§63-1. Legislative intent.

It is the purpose of this ordinance to regulate and control the regrading of land throughout the town in all use district classifications in order to prevent serious and irreparable damage to our natural resources, to minimize and retard the erosive effects of wind and water, to prevent the

RESOLUTIONS - continued

depreciation of property values, to prevent the removal of lateral support for abutting streets, lands and structures, to prevent damage to natural watersheds, to provide adequate drainage for surface water run-off, and in general to protect the health, welfare and safety of the residents of the town.

63-2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

DRAINAGE FACILITIES--Shall include gutters, swales, pipes, conduits and superstructures for the collection and conducting of stormwater to an adequate facility for the storage and disposal of the stormwater.

RESOLUTIONS - continued

GROUNDWATER TABLE--Is the elevation of the top of the water stored in the highest aquifer in the subsoils, at the location of the proposed structure; including but not limited to, so-called "perched water"; except that where it is demonstrated that removal of the impervious layer underlying the perched water will substantially lower the level of the water, the lower water surface shall be considered the "groundwater table." In locations where the groundwater is subject to tidal action the mean high elevation of the groundwater surface shall be considered the "groundwater table."

HABITABLE--The "habitable" portion of a building is any enclosed area including cellars and basements except the following:

- A. Those areas which are used primarily for storage, repair or access of vehicles and which contains no electrical, mechanical or heating equipment lower than twelve (12) inches above the floor.
- B. Crawl spaces not exceeding four (4) feet in height in which no electrical or mechanical equipment is or is to be installed.

RESOLUTIONS - continued

LATERAL SUPPORT--The resistance to active horizontal pressure of soils provided by either the passive pressure of the adjoining soils or by a retaining wall or structure.

NATURAL DRAINAGE--The stormwater runoff resulting from topographical and geographical surface conditions, prior to clearing, regrading or construction.

NATURAL WATERSHED--An area of land which in its natural state and prior to any man-made change, and due to its topography and geography, drains to a particular location within that area.

ONE-HUNDRED-YEAR FLOOD LEVEL--The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years [i.e., that has a one-percent chance of occurring each year], as said level is shown on the Housing and Urban Development Flood Insurance Administration Flood Insurance Rate Maps on file with the Town Clerk of the Town of Riverhead.

REGRADE--To change the elevation of the ground surface, either temporarily or permanently.

STABILIZATION--Treatment of subsoils to increase ability to resist lateral pressures and/or treatment of surface to resist wind and water erosion.

RESOLUTIONS - continued

STORMWATER RUNOFF--The amount of rainwater which due to topographical surface conditions and geology of the upstream land, drains to a particular location, or the rate at which the rainfall passes through a particular location.

§63-3. Minimum standards.

The following standards for the development of land or the regrading thereof, or both, shall apply in all use district classifications as set forth in Chapter 103 of the Code of the Town of Riverhead. In all use district classifications wherein site plan review and approval is required, the site plan submitted shall indicate compliance with following standards. In all other use district classifications the procedure required by §63-4 of this ordinance shall be followed.

- A. Stormwater runoff or natural drainage shall not be diverted so as to overload existing drainage systems, create flooding, cause erosion or the need for additional drainage facilities on other private or public real property.

RESOLUTIONS - continued

- B. Adequate drainage facilities for stormwater runoff shall be provided.
- C. Proposed slope embankments along adjoining property lines and street frontages shall have a slope not steeper than one (1) foot on three (3) feet [thirty-three and one-third percent (33 1/3%)] unless an adequate stabilization or retaining wall is provided as approved by the Planning Board. All slopes shall be adequately stabilized with topsoil and seeding or other approved planting.
- D. The finished grade at a point not less than ten (10) feet from the building shall be at least one (1) foot below the lowest exterior opening in the foundation of the habitable portion of the structure, except that the finished grade may be no less than six (6) inches at a point no less than ten (10) feet opposite open porches, patios and pedestrian ramps.
- E. Floor elevation.
- (1) No habitable floor area shall be less than three (3) feet above the groundwater table, and the lowest opening to that habitable floor area shall not be less than seven and five-tenths (7.5) feet above the datum established by the United States Coast and Geodetic Survey.

RESOLUTIONS - continued

- (2) Notwithstanding Subsection E(1) above, in a floodprone area as above defined, any structure shall be constructed so that the lowest floor, including basement, is elevated to at least one (1) foot above the one-hundred-year flood level. In addition, in a coastal high-hazard area designated as Zone V on the H.U.D.F.I.A. Flood Insurance Rate Maps on file with the Town Clerk of the Town of Riverhead, any new construction or substantial improvements must be located landward of the reach of the mean high tide; must be adequately anchored to piles or columns; and the area beneath the lowest floor, including basement, must be free of obstructions so that the impact of abnormally high tides or wind-driven water is minimized.
- F. Front and rear yards shall have a grade of not more than five per centum (5%) for a distance of twenty-five (25) feet as measured in a horizontal plan from the structure. Side yards shall have a grade of not more than ten per centum (10%) for a distance of ten (10) feet as measured in a horizontal plane from the structure. All finished grades within ten (10) feet of the building shall pitch away from the buiding at a grade rate of not less than two percent (2%).

RESOLUTIONS - continued

- G. Where roof run-off from any building or structure will produce erosion or drainage problems with respect to adjoining properties, dry wells of adequate capacity shall be installed as an outfall for rainfall roof run-off.
- H. The driveway apron shall be at least one (1) foot below the garage floor unless natural topography dictates grading away from the street and protective grading is provided for in the construction of the driveway with respect to adjoining structures and property.
- I. Notwithstanding the foregoing provisions of this section, the appropriate Board, may waive or modify compliance with any of the foregoing minimum standards, subject to appropriate conditions, as in its judgment are not warranted by the special circumstances of any application or matter before it, or required in the interest of the public health, safety and welfare.

RESOLUTIONS - continued

§63-4. Applications for building permit and certificate of occupancy.

All applications for a building permit and a certificate of occupancy shall be referred to the Building Inspector or Zoning Administrator for their review and approval pursuant to this chapter. The Building Inspector or Zoning Administrator may approve, disapprove or approve with modification the application for a building permit and/or a certificate of occupancy and specify its reasons for taking such action based upon the standards set forth in §63-3. The applicant may be required to submit a topographical survey prepared by a registered land surveyor or registered professional engineer showing:

- A. The existing topography.
- B. Proposed regrading plan.
- C. Test borings.
- D. The proposed structure or other on-site improvements in sufficient detail along with any other information which may be required to determine compliance with this chapter.

§63-5. Violations and penalties.

A. No persons shall regrade or cause to be regraded any property which when regraded shall be in violation of the standards set forth in §63-3 of this chapter. Any person violating this section shall be guilty of an offense punishable

RESOLUTIONS - continued

by a fine not to exceed five hundred dollars (\$500.)
or by imprisonment for a period not to exceed six (6) months
or both.

B. No person shall erect or alter any building or structure which violates or causes a violation of the minimum standards specified in §63-3 of this chapter. Any person violating this section shall be guilty of an offense punishable by a fine not to exceed five hundred dollars (\$500.) or by imprisonment for a period not to exceed six (6) months or both.

With reference to new Chapter 63, Grading, the following addition to Chapter 52, Building Construction.

§52-4. Duties and powers of Building Inspector:

E. He shall receive and act upon applications pursuant to Chapter 63, Grading, of the Code, as applicable.

RESOLUTIONS - continued

With reference to Chapter 63, Grading, the following addition to Chapter 108, Zoning.

§108-73. Zoning:

K. The Zoning Officer shall receive and act upon applications pursuant to Chapter 63, Grading, of the Code, as applicable.

With reference to Chapter 63, Grading, the following addition to Chapter 52, Building Construction, §52-4. Duties and powers of Building Inspector.:

E. He shall receive and act upon applications pursuant to Chapter 63, Grading, of the Code, as applicable.

With reference to Chapter 63, Grading, the following addition to Chapter 108, Zoning, §108-73. Permits:

K. The Zoning Officer shall receive and act upon applications pursuant to Chapter 63, Grading, of the Code, as applicable.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#247 AUTHORIZES BIDS FOR RECEIPTING MACHINE

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

RESOLVED, That the Town Clerk is hereby authorized to advertise for sealed bids for a Receipting Machine and be it

FURTHER RESOLVED, That the specifications be prepared by the Receiver of Taxes, and the Riverhead Water District and

FURTHER RESOLVED, That the Town Clerk is hereby designated to open publicly and read aloud on Monday, June 5, 1978 at 11:00 A.M., at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation "BID FOR RECEIPTING MACHINE".

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

The resolution was thereupon declared duly adopted.

#248 TRANSFER OF FUNDS

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

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

| | | |
|---|-------------|-------------|
| A.3008 State Anti-Recession (Revenue) | \$15,953.00 | |
| A.7110.410 Contractual Expenses | | |
| Parks (appropriation) | | \$ 4,595.00 |
| A.7110.130 Part-time Laborers | | |
| Parks (appropriation) | | \$11,358.00 |
| | | |
| A.1410.400 Office & Travel - Town Clerk | \$ 152.91 | |
| | | |
| A.1410.200 Equipment - Town Clerk | \$ 152.91 | |

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

The resolution was thereupon declared duly adopted.

#249 APPOINTS J. BAGSHAW, JR., AND EDWIN F. TUCCIO, APPRAISORS FOR JESSIE GOODALE'S PROPERTY, SOUTH OF KINGS DRIVE

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

WHEREAS, Jesse Goodale has applied to several Boards of the Town of Riverhead for a subdivision of certain property he owns to the south of Kings Drive, and

WHEREAS, Mr. Goodale might entertain the grant of said parcel to the Town of Riverhead, depending upon the appraised value of same,

NOW, THEREFORE, be it

RESOLUTIONS - continued

RESOLVED, That John Bagshaw, Jr., and Edwin F. Tuccio be, and are hereby, appointed to appraise said parcel, and that they shall be paid a reasonable fee for their services.

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

The resolution was thereupon declared duly adopted.

#250 APPOINTS CHARLES E. GRAVES, SPECIAL COUNSEL, FOR
PBA MEDIATION

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

WHEREAS, The Town Board has negotiated with the Riverhead PBA for a contract to commence January 1, 1979, and

WHEREAS, Said negotiations have resulted in the declaration of an impasse, and

WHEREAS, A mediator has been appointed, and

WHEREAS, It is the Twon Board's opinion that the presentation of this matter should be handled by outside consel,

NOW, THEREFORE, be it

RESOLVED, That this Town Board does hereby appoint Charles E. Graves, of Wainscott, New York, as special counsel to the Town Board for the purposes of conducting further negotiations and possible arbitration with the Riverhead PBA, and that he be paid at the rate of Sixty and 00/100 (\$60.00) Dollars, per hour, in accordance with his letter agreement, dated May 16, 1978.

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

The resolution was thereupon declared duly adopted.

#251 AUTHORIZES SALARY INCREASE FOR ROBERT SCHEINER

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

WHEREAS, Robert Scheiner was appointed to his position as Community Development Director, approximately one year ago, and

WHEREAS, The aforesaid employee is paid fully from the Community Development Program, and

WHEREAS, An evaluation of Mr. Scheiner's performance in his position warrants an incremental increase in conformity with the Salary Administration Program on his anniversary date,

NOW, THEREFORE, be it

RESOLVED, That the rate of compensation for Robert Scheiner be adjusted to reflect Group 10, Step 1, on the Administrative Schedule, at an annual rate of pay of Eighteen

RESOLUTIONS - continued

thousand three hundred and eighty-five and 67/100 (\$18,385.67) Dollars, effective May 8, 1978.

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

The resolution was thereupon declared duly adopted.

#252 AUTHORIZES RETENTION OF HOLZMACHER, McLENDON & MURRELL FOR ENGINEERING STUDY OF SEVERE FLOODING CONDITIONS

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

WHEREAS, This Town Board has undertaken to examine the problems created by the severe flooding conditions which occurred during this past winter, and

WHEREAS, The firm of Holzmacher, McLendon & Murrell have submitted to this Town Board a proposed Schedule of Work, dated May 10, 1978, setting forth the areas to be studied and the fees to be earned in said studies,

NOW, THEREFORE, be it

RESOLVED, That this Town Board does hire the firm of Holzmacher, McLendon & Murrell to conduct engineering studies as the same are set forth in "Phase A" and "Phase B" of its letter of May 10, 1978, and that upon the completion of their services in these matters, they shall be paid the sums stated therein.

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

The resolution was thereupon declared duly adopted.

#253 RETAINS SERVICE OF SCDC

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

WHEREAS, This Town Board has previously contracted with Suffolk Community Development Corporation to provide services to the Town of Riverhead in conjunction with the renovation and relocation of persons displaced by Community Development activities, and

WHEREAS, By letter, dated April 18, 1978, the Suffolk Community Development Corporation has offered to continue its services in this capacity,

NOW, THEREFORE, be it

RESOLVED, That the Town Board does agree to contract with SCDC in conformity with its letter of April 18, 1978, and authorizes the Supervisor to execute a contract in conformity with said agreement.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#254 AUTHORIZES CONTRACT WITH SUFFOLK COUNTY BOARD OF ELECTIONS

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

WHEREAS, The Board of Elections wishes to use certain Town facilities as polling places,

NOW, THEREFORE, be it

RESOLVED, That the Town Supervisor be, and he hereby is, authorized to execute a contract with the Suffolk County Board of Elections for use of municipal buildings as polling places.

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

The resolution was thereupon declared duly adopted.

#255 AWARDS BID FOR SPREADER TO HIGHWAY DEPARTMENT

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

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

WHEREAS, Bids were received for the aforesaid spreaders, and

WHEREAS, The Highway Superintendent has examined the low bid of Municipal Machinery Company, Inc., dated May 9, 1978, and has advised this Town Board in writing that the spreader offered by Municipal Machinery Company, Inc., has previously proved to be defective, and has resulted in loss of many man-hours because of its frequent breakdowns,

NOW, THEREFORE, be it

RESOLVED, That this Town Board does hereby reject the bid of Municipal Machinery Company, Inc., on the grounds that the items bid by said bidder cannot and do not perform adequately, and that the bid be awarded to TRIUS, INC., for a contract sum of \$5,785.00 Dollars, in conformity with the bid specifications, documents, etc., on file with the Town of Riverhead.

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

The resolution was thereupon declared duly adopted.

#256 INCREASES SALARIES OF ARTHUR DANGLEMAIER AND LAWYER JACKSON, SR.

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

WHEREAS, Arthur Danglemaier and Lawyer Jackson, Sr., were hired as temporary laborers more than one year ago, and

WHEREAS, Said employees have remained employed by the Town of Riverhead for more than one year, and

RESOLUTIONS - continued

WHEREAS, This Town Board finds that the evaluation of their positions is in order and that they should be paid in accordance with the Salary Administration Schedule, at the Labor Group, Step 2,

NOW, THEREFORE, be it

RESOLVED, That effective May 8, 1978, Arthur Danglemaier and Lawyer Jackson, Sr., shall be compensated at a rate equal to an annual salary of Ten thousand two hundred thirty and 23/100 (\$10,230.23) Dollars.

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

The resolution was thereupon declared duly adopted.

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

#232 MORATORIUM OF ISSUANCE OF WASTE DISPOSAL LICENSES
FOR COMMERCIAL DUMPING

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

WHEREAS, The Waste Disposal Ordinance and the issuance of licenses for waste collection and disposal thereunder in the Town of Riverhead is to protect and promote the health, safety and welfare of the Town and its citizenry, and

WHEREAS, This interest of the Waste Disposal Ordinance is in danger of being circumvented by commercial dumping entities, it is hereby

RESOLVED, That there be a sixty (60) day moratorium as to the initial issuance of waste disposal licenses by the Town Clerk as to commercial dumping entities take effect immediately, it is further

RESOLVED, That this moratorium shall not apply to:

1. Non-commercial dumping entities.
2. Commercial dumping entities previously licensed by the Town of Riverhead.
3. Commercial dumping entities performing pursuant to a contract with the Town of Riverhead.
4. Land clearing, cesspool cleaning and demolition waste disposal.

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

The resolution was thereupon declared duly adopted.

#257 RESOLUTIONS - continued
PARTIALLY GRANTS MONTHLY AND SERVICE CHARGES OF
LONG ISLAND CABLEVISION CORPORATION

Before the resolution was offered, Supervisor Smith made the following statement: "In advance of Mr. Young reading this particular resolution, we've had a series of hearings with reference to Long Island Cablevision request on rates. This was the subject of a hearing and extensive discussions subsequent to the hearings. In part, these discussions on this resolution and the one that will follow involved the New York State Cablevision people.

The resolution that Mr. Young is about to read does not grant the request of Long Island Cablevision as it was requested and he will explain by reading it, if you follow closely, you will see how the thing gets changed."

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

WHEREAS, Long Island Cablevision Corporation has applied to the Town of Riverhead to amend the rates charged to subscribers, as follows:

| | |
|--------------------------|---------|
| Installation Charge | \$40.00 |
| Reconnection Charge | 15.00 |
| Relocation Charge | 15.00 |
| Additional Outlet Charge | 15.00 |
| Monthly Primary Rate | 8.55 |
| Monthly Secondary Rate | 2.40 |

and

WHEREAS, The "monthly primary rate" can be broken down as follows:

| | |
|------------|--|
| \$7.95 | Base rate necessary for operation of existing facilities, improvement of plant (i.e., Satillite service) and line extension policy |
| .05 | copyright charges |
| .30 | reserve for undergrounding |
| <u>.25</u> | franchise fees |

TOTAL \$8.55

and

WHEREAS, The Town Board is considering the requested amendment to rates in conjunction with an application to renew Long Island Cablevision Corporation's franchise within the

RESOLUTIONS - continued

Town of Riverhead, and the aforesaid "monthly primary rate" can be reduced by the elimination of the franchise fee from the franchise agreement, the addition of a late charge for accounts which are delinquent more than sixty (60) days, and a revision of a pole attachment agreement between Long Island Cablevision Corporation and the Town of Riverhead to provide for a monthly rental resulting in a monthly fee, as follows:

| | | |
|-------|------------|----------------------------------|
| | \$8.55 | requested "monthly primary rate" |
| LESS | <u>.25</u> | franchise fee |
| | \$8.30 | |
| LESS | <u>.05</u> | late charges |
| | \$8.25 | |
| LESS | <u>.10</u> | pole attachment rental |
| TOTAL | \$8.15 | |

and

WHEREAS, Due notice of Long Island Cablevision Corporation's request to amend its rates was published in the News-Review and a public hearing was held thereon before this Town Board on the 7th day of March, 1978, and all persons wishing to speak were afforded the opportunity to do so, and this Town Board having considered said matter,

NOW, THEREFORE, be it

RESOLVED, That incorporated herein by reference is a resolution of this Town Board bearing the same date as this resolution, extending the franchise of Long Island Cablevision Corporation in the Town of Riverhead, and be it

FURTHER RESOLVED, That the application of Long Island Cablevision Corporation for the approval of an increase in rates in the Town of Riverhead under the existing franchise is hereby partially granted and rates charged by the company shall be, as follows:

| | |
|--|---------|
| Monthly Service - Primary Outlet | \$ 8.15 |
| Monthly Service - Each Additional Outlet | \$ 2.50 |
| Installation Charge | \$40.00 |
| Reconnection | \$15.00 |
| Relocation Charge | \$15.00 |
| Add Outlet Charge | \$15.00 |

RESOLUTIONS - continued

This rate increase shall be effective no earlier than on the first day of the month following the approval hereof by the New York State Commission on Cable Television.

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

The resolution was thereupon declared duly adopted.

#258 AUTHORIZES SUPERVISOR TO EXECUTE FRANCHISE AGREEMENT WITH LONG ISLAND CABLEVISION CORPORATION, AND TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE

Before the following resolution was offered Supervisor Smith made the following statement: "On resolution #258, the franchise, Long Island Cablevision submitted to us a proposed franchise agreement which we have declined to use. Their proposed franchise agreement was approximately a dozen or so pages. We have amplified that agreement now after consulting with the New York State Cablevision Commission to a document of some 26 pages. Every word and syllable, of course, might be of interest to lawyers, but probably not of great interest to you.

The sense of the document is that the Long Island Cablevision Corporation is granted a right to continue the franchise. There are certain definitions of what they can do and what they cannot do. One of the points to be made is that it is a non-exclusive franchise. They may not assign or transfer the franchise. We have added provisions with reference to the operation service and maintenance of the system that refer it to the quality of the signal and also refer that all complaints with reference to equipment shall be attended to by the Corporation within 24 hours. There are non-discrimination clauses. There are provisions with reference to the approval of the franchise by the State Cablevision Commission. We have some rather detailed information in it about what happens when they open streets or use other public rights-of-way and what they must do to repair the same and the fees charged are set forth as they were explained by Mr. Young.

A procedure is established whereby any future rate increases will be considered and the standards. They agreed to provide cable service to the Schools, Libraries, Police Departments, Fire Departments and other Governmental Buildings. There is a line extension policy. The line extension policy as it was first granted — discussed with the Town Board at the public meeting provided for a capital expenditure of \$1,000 for every eight subscribers. That figure now becomes — that the lines will be extended where eight subscribers equal \$1,400 of capital expenditure.

RESOLUTIONS - continuedSupervisor Smith continues:

There is, of course, provisions for insurance. There is a provision that reflects the fact that in that basic rate request is the downtown undergrounding project. There are provision for the annual reporting of income, profit and loss statements. There are statements with reference to a minimum of service that no service will be abandoned without prior consent of the Town Board.

The last thing is that we do have in a public access provision in this franchise that we'll make available on a demand basis on Channel 6 to the public for the airing of public oriented programs.

For anybody that wishes to read it, we will have a copy on file with the Town Clerk."

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

WHEREAS, LONG ISLAND CABLEVISION CORPORATION has petitioned this Town Board for an extension of its franchise to operate a cable television system within the Town of Riverhead, and

WHEREAS, The Town Board, upon due notice, held a public hearing on said petition and hear all persons for and against the same,

NOW, THEREFORE, This Town Board does find as follows:

FIRST: That Long Island Cablevision Corporation has operated and maintained a cable television franchise within the Town of Riverhead since 1963, and

SECOND: That the existing franchise of Long Island Cablevision Corporation will expire in August of 1978, and

THIRD: That no other cablevision corporation has shown any interest in competing with Long Island Cablevision Corporation in the Town of Riverhead, and

FOURTH: That renewal of the franchise of Long Island Cablevision Corporation, pursuant to the terms and conditions of the proposed franchise agreement which follows hereto, is both fair and equitable to the subscriber, the Town, and Long Island Cablevision Corporation, and be it

RESOLVED, That the Supervisor be and he hereby is authorized to execute a true copy of the following proposed franchise agreement with Long Island Cablevision Corporation and be it

FURTHER RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish and post a public notice hereof within ten (10) days, in accordance with Section 90, et al., of the Town Law.

RESOLUTIONS - continued

C A T V FRANCHISE

A FRANCHISE OF THE TOWN OF RIVERHEAD, NEW YORK, GRANTING TO LONG ISLAND CABLEVISION CORPORATION (LICC), ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE RIGHT, PRIVILEGE AND NON-EXCLUSIVE AUTHORITY TO CONSTRUCT, ERECT, OPERATE AND MAINTAIN IN, ALONG, UPON, ACROSS, ABOVE, OVER AND UNDER THE STREETS, ALLEYS, PUBLIC WAYS AND PUBLIC PLACES NOW LAID OUT OR DEDICATED, AND ALL EXTENSIONS THEREOF, AND ADDITIONS THERETO, IN THE TOWN OF RIVERHEAD, NEW YORK, POLES, WIRES, CABLES, UNDERGROUND CONDUITS, MANHOLES, CONDUCTORS, AND FIXTURES NECESSARY FOR THE MAINTENANCE AND OPERATING IN THE TOWN OF RIVERHEAD, NEW YORK, OF A COMMUNITY ANTENNA TELEVISIONS SYSTEM AND SETTING THE TERMS AND CONDITIONS OF THE FRANCHISE

WHEREAS, a public hearing concerning the application of LICC for the franchise herein granted was held on March 7, 1978, at the Town Hall, 200 Howell Avenue, Riverhead, New York. Public notice of said hearing was given in the official Town newspapers which notice invited interested parties to participate in said hearing and comment upon the legal, character, financial, technical, and other qualifications of LICC to construct and operate a cable television system in the Town and the adequacy and feasibility of its arrangements for the construction of such a cable television system in the Town. Notice was also given of the consideration of the line extension policy of this franchise. Said hearing has been held on the date and at the place stated hereinabove, and said hearing having been fully open to the public, and the Town having received at said hearing all comments regarding the qualifications of LICC to receive this franchise, and

RESOLUTIONS - continued

WHEREAS, the Town hereby finds that LICC possesses the necessary legal, technical, character, financial and other qualifications and that LICC's construction arrangements are adequate and feasible, and

WHEREAS, LICC has provided cable television service to the Town of Riverhead under an agreement which began August 19, 1963, and

WHEREAS, LICC desires to continue to construct, maintain and operate a cable television system in the Town of Riverhead, and

WHEREAS, the construction, maintenance and operation of said cable television system involves the use and occupancy by LICC of the streets, highways, and public places of the Town, and

WHEREAS, the proposed franchise complies with the New York State Commission on Cable Television standards, and FCC franchise standards,

NOW, THEREFORE, the Town of Riverhead ordains and grants to Long Island Cablevision Corporation, its successors, heirs, and assigns a franchise to construct, own and operate a CATV system pursuant to the following terms and conditions:

Section 1 : Short Title

This franchise shall be known and may be cited as the "Town of Riverhead CATV Franchise."

Section 2 : Definitions

For the purpose of this franchise, the following terms, phrases, words, abbreviations and their derivations shall have the meaning herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the

RESOLUTIONS - continued

singular number; and vice versa. The word "shall" is always mandatory and not merely directory.

(a) "Town" shall mean the Town of Riverhead, organized and existing under the laws of the State of New York.

(b) "CATV" shall mean cable television.

(c) "Cable Television system (or CATV system)" shall mean any facility that, in whole or in part, receives directly, or indirectly over the air, or from origination equipment, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations, and distributes such signals by wire or cable to subscribing members of the public who pay for such service.

(d) "Franchising Authority" is the Town Board of the Town of Riverhead, New York.

(e) "Grantee" is Long Island Cablevision Corporation, a corporation organized and existing under the laws of the State of New York, and having its address and principal place of business at Route 58 and Osprey Avenue, Riverhead, New York.

(f) "FCC" is the Federal Communications Commission.

(g) "Franchise" shall mean and include any authorization granted hereunder in terms of a franchise, right, privilege and non-exclusive authority to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways, public places now laid out or

RESOLUTIONS - continued

dedicated, and all extensions thereof, and additions thereto in the Town, a system of poles, wires, cables, underground conduits, manholes, and other conductors and fixtures necessary to maintain and operate a CATV system in the Town.

(h) "Person" shall mean any person, firm, partnership, association, corporation, company or other organization of any kind.

(i) "Subscriber" shall mean any "Person" so described in part (h) who purchases or receives service from the Grantee.

Section 3 : Grant of Non-Exclusive CATV Franchise

(A) There is hereby granted by the Town of Riverhead to Long Island Cablevision Corporation the non-exclusive franchise, right, privilege, authority, easement and license to construct, erect, suspend, install, renew, maintain and operate throughout the entire Town in, upon, along, across, above, over and under the streets, alleys, easements, public ways and public places as now laid out or dedicated, and all extensions thereof, and additions thereto, in the Town, a system of poles, wires, cables, underground conduits, ducts, trenches, conductors, amplifying equipment, manhole fittings and any and all other fixtures, appliances and appurtenances necessary for the installation, maintenance and operation in the Town of a CATV system either separately or in conjunction with any public utility maintaining the same in the Town. This franchise shall further include the franchise, right, privilege, easement, and authority to construct, erect, suspend, install, lay, renew, repair, maintain and operate such poles, wires, cables,

RESOLUTIONS - continued

underground conduits, manholes, ducts, trenches, fixtures, appliances and appurtenances for the purpose of distribution to inhabitants both within and beyond the limits of the Town. Without limiting the generality of the foregoing, this non-exclusive franchise shall and does hereby include the right, in, over and upon the streets, sidewalks, alleys, easements (including public utility easements) where such easements have been granted by the Town, public grounds and places in the Town for the purpose of installing, erecting, operating or in any other way acquiring the use of, as by leasing or licensing, all poles, lines and equipment necessary to operate a CATV system and the right to make connections to subscribers, the right to repair, replace and enlarge and extend said lines, equipment and connections, and to maintain and use the same for the purpose of transmitting and distributing television, radio and/or other audiovisual, radio frequency or data signals. The right granted for the purposes herein shall be non-exclusive.

(B) This franchise is for the corporate limits of the Town of Riverhead and for any areas henceforth added thereto during the term of this franchise, which hereinafter shall be known as the franchise area.

Section 4: Assignment of Franchise

LICC shall not sell, assign or transfer its system to another, transfer, assign or sell any rights under this franchise to another nor transfer control of the Company without prior written

RESOLUTIONS - continued

approval by the Town Board, and provided further that no sale or transfer shall be effective until the vendee, assignee or lessee has filed with the Town Clerk an instrument duly executed, reciting the fact of such sale, assignment or lease accepting the terms of this franchise and agreeing to perform all conditions thereof.

Section 5 : Operation, Service and Maintenance System

(A) The Grantee shall so maintain and operate the CATV system and render efficient service to subscribers during the term of this franchise as to insure that all work involved in construction, installation, maintenance and repair of the system shall be performed in a safe, thorough and reliable manner. The construction, maintenance and operation of the CATV system for which this franchise is granted shall be done in conformance with the National Electrical Code, the National Electrical Safety Code, and the rules and regulations of the FCC and the State of New York as the same exist or as same may be hereafter changed, amended or adopted. Further, the Grantee shall install and maintain its wire, cable, fixtures and other equipment in accordance with the requirements of the ordinances of the Town as may be amended, and in such manner which shall not interfere with any installations of the Town or any public utility serving the Town. In the event that any municipal property is damaged or destroyed in the course of operations or construction by the Grantee, such property shall be promptly repaired or replaced by the Grantee and restored to serviceable conditions.

(B) All structures and all lines, equipment and connections in, over, under and upon streets, sidewalks, alleys and public ways and places of the Town, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition and in good order and repair.

(C) The signal of any television or radio station carried on the system shall be carried without material degradation in quality within the limits imposed by the technical state of the art, and as set forth by the FCC. The system shall be operated so that there will be no interference with television reception, radio reception, telephone communications, or other installations which are now installed and in use by the Town or any person in the Town.

(D) The Grantee shall maintain an office in the Town with one or more agents or employees at all times and shall have sufficient employees to provide safe, adequate and proper service for its facilities. Upon notice the Grantee shall expeditiously investigate and resolve complaints regarding the quality of service, equipment malfunctions and similar matters. The Grantee's office shall be open at least from 9:00 A.M. to 5:00 P.M., Monday through Friday, and Grantee shall have a listed local telephone so operated that complaints and requests for repairs or adjustments may be received 24 hours a day. All customer complaints must be handled promptly and in no case shall go unanswered for over one (1) business day. LICC shall keep a maintenance service log which will indicate the nature of each service complaint, the

RESOLUTIONS - continued

date and time it was received, and disposition of said complaint and the time and date thereof. This log shall be made available at all times for inspection by the Town. The Grantee shall provide notice to each subscriber upon installation and at intervals of no more than one year of the procedure for reporting and resolving subscriber complaints. Such notice may be written or by such other means as The New York State Commission on Cable Television may, from time to time, approve upon application by LICC. LICC shall not discontinue service to any subscriber, for any cause, unless five (5) days' prior written notice is given to the subscriber.

Section 6 : Non-Discrimination.

In the performance of this franchise, LICC shall not refuse to hire or employ, nor bar or discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges of employment because of age, race, creed, color, national origin or sex.

Section 7 : Effective Date, Term, and Renewal Option

(A) This franchise shall take effect and be in full force from and after the final execution of this franchise by the parties, and subject also to approval of all franchising terms by the New York State Commission on Cable Television, and said franchise shall continue in full force and effect for ten (10) years after date of final execution.

RESOLUTIONS - continued

(B) Grantee is hereby given an option to renew this franchise for an additional five (5) years upon notice given to the Franchising Authority of Grantee's intention to exercise such Option, provided such notice is given in accordance with the requirements of applicable Federal and State laws, rules and regulations. Notice of the grantee's exercise of this Option shall be made in writing at least six (6) months prior to the expiration of the ten (10) year term.

Section 8: Approval of Franchise. It is understood by the parties herein that the terms and conditions hereof are subject to the approval of the New York State Commission on Cable Television. Accordingly, LICC does hereby agree that, within sixty (60) days from the date hereof, it will file all necessary applications for operating authorization with all regulatory agencies and will diligently prosecute the same.

Section 9: Compliance with Applicable Law and Police Powers

The work done in connection with the construction, reconstruction, maintenance, service or repair of said CATV system shall be subject to and governed by all laws, rules and regulations of the Town now in force or that may be hereafter passed and adopted for the government and regulation thereof and not inconsistent herewith. Further, the construction, maintenance and operation of the Grantee's CATV system and all property of Grantee subject to this franchise shall be subject to all lawful police powers and regulations by the Town. The Town shall have the power, at any time to

RESOLUTIONS - continued

order and require Grantee to remove and abate any pole, tower, wire, cable, electronic conductor or other structure or facility that is dangerous to life or property upon reasonable demonstration thereof and giving of appropriate written notice, and in the event Grantee, after written notice, fails or refuses to act, the Town shall have the power to remove or abate the same at the expense of the Grantee, all without compensation or liability for damages to Grantee.

The Town shall have the right to adopt, in addition to the provisions contained in this franchise and existing applicable ordinances, such additional regulations as it shall find necessary from time to time in the exercise of its police power; provided, however, that such regulations are not materially in conflict with the privileges granted in this franchise.

Section 10: Conditions of Street Occupancy

(A) Any work which requires disturbance of the surface of any street or which will interfere with traffic shall not be undertaken without the permission and approval of the manner of doing the work by the appropriate Town official or body.

(B) No poles, underground conduits or other wire-holding structures shall be erected by the Grantee without the prior approval of the appropriate Town official or body through established permit procedures to the extent that same now or thereafter may exist, with regard to the location, height, type and any other pertinent aspect of such wire-holding facilities; however, such approval may not

RESOLUTIONS - continued.

unreasonably be withheld. The Grantee shall have the right to attach its wires to existing poles owned by the Town or any agency of the Town without payment of additional annual rental fees to the Town, provided Grantee shall pay, in advance, for all costs of rearrangement of existing wires necessary to achieve clearness as specified by the National Electrical Safety Code.

(C) All structures, lines and equipment erected by the Grantee within the Town shall be so located as to cause minimum interference with the proper use of streets, alleys, easements and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who join any of the said streets, alleys, or other public ways and places. Existing poles, posts and other such structures of the electric power company or any telephone company or any other public utility which may be available to the Grantee shall be used to the extent practicable in order to minimize interference with travel. Where both power and telephone utilities are placed underground, CATV cable shall also be placed underground.

(D) The Grantee shall have the right and authority to remove, trim, cut and keep clear trees and bushes upon and overhanging all streets, alleys, easements, sidewalks and public places in the Town so as to keep same clear of its poles, wires, cables, conduits and fixtures. Before commencing any tree trimming, Grantee will inform the Town Board.

RESOLUTIONS - continued

(E) In the case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Grantee shall, at its own cost and expense in a manner provided and approved by the Town official designated by the Town Board, replace and restore all paving, sidewalk, driveway or surfacing so disturbed in as good condition as before said work was commenced.

(F) If at any time during the term of this franchise, the Town shall lawfully elect to alter or change any street, alley, easement, or other public way requiring relocation of the facilities of Grantee, then, in such event, the Grantee, upon at least forty-five (45) days' written notice by the Town, shall remove, relay and relocate the same at the Grantee's expense.

(G) Grantee shall, upon the request of any person holding a building moving permit issued by the Town or other appropriate agency, temporarily raise or lower its wires to permit the moving of buildings, the expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given no less than seventy-two (72) hours' advance notice to arrange for such temporary wire changes.

RESOLUTIONS - continuedSection 11: Fees and Charges

(A) Rate Schedule

Installation: Residential

| | |
|---|------------|
| First Outlet | \$40.00* |
| Additional Outlet (within same structure) | 15.00 each |
| Relocation (within same structure) | 15.00 each |
| Reconnection | 15.00 each |

* Aerial in excess of 150 feet from existing distribution lines shall be charged at time and material costs. All underground installation will be charged at time and material costs.

Installation: Other Than Private Residences

Will be charged at time and material costs

Service: Residential

| | |
|--------------------|-------------------------|
| First Outlet | \$8.15 per month each |
| Additional Outlets | 2.40 per month each |
| Hotel/Motel | 3.00 per month per unit |

Bulk service to Mobile Homes, Parks, Apartments and Condominiums where all units have service are all billed to one account - 80% of residential first outlet rate per unit served.

(B) The Grantee is given the right hereunder to charge a late charge or fee for delinquent accounts.

RESOLUTIONS - continued

(C) In the event that cable television service to a subscriber interrupted by equipment malfunction except when caused by circumstances outside of Grantee's control, such as fire, hurricane, riot, power failure and other similar circumstances, or any other reason not caused by the subscriber, or the subscriber's equipment, and such interruption continues for a period of one (1) day after notice to LICC, then the subscriber shall be entitled to a pro rata credit from the time of such notice until service is restored to such subscriber.

(D) LICC agrees to provide free cable service (standard primary installation) to all schools, libraries, police departments, fire departments and all other government buildings in the Town when their buildings are passed by the cable system.

(E) Changes in Rates

(1) No change in initial rates shall be permitted unless authorized by the Franchising Authority.

(2) No change in rates will be permitted until a copy of proposed new rates are filed with the Franchising Authority which shall convene a public hearing on such rates within thirty (30) days after such new rates are filed.

(3) No change in rates shall take effect until after such hearing, and then only after approval of those rates by the Franchising Authority, and certification of the new rates by the New York State Commission on Cable Television.

RESOLUTIONS - continued

(4) In acting upon any request for change in rates, the Franchising Authority shall consider the interests of CATV subscribers as well as the necessity of Grantee to earn a reasonable return on investment and approval of such rate changes shall not be unreasonably withheld if the Grantee provides evidence of the need for the increase. In the event the Franchising Authority and the Grantee cannot agree on rates, then the rate request shall be referred to the New York State Commission on Cable Television, which shall establish new rates.

Section 12: Construction

(A) The Town recognizes that service is not presently provided in certain areas of the Town due to low population density, adverse terrain and other factors making service impracticable and economically infeasible. LICC shall have the right to construct an additional cable television plant in such areas and will undertake to do so when such construction is economically compensatory. In furtherance of its obligations to provide maximum feasible service, LICC shall extend service to areas not presently being served in accordance with the following procedures and formula:

Line Extension - Upon the request of any householder in the Town for cablevision service which requires an extension of the cable system, LICC will conduct a survey of the area requested, including cost estimates for such extension. In the event that such survey indicates that there

RESOLUTIONS - continued

will be at least the equivalent of eight (8) annual subscribers for each \$1,400.00 of capital cost of such extension who will agree in writing to subscribe to the system for a minimum of five (5) years, LICC agrees to construct such extension at its own cost and expense. For the purposes hereof, capital costs shall include cable, electronics, and labor, but shall exclude installation costs. In the event, however, that such survey indicates that there will be less than the equivalent of eight (8) annual subscribers for each \$1,400.00 of capital cost of such extension, LICC shall construct such extension if the subscribers in the area of such extension agree to contribute to the capital cost of such extension in accordance with the following table, to wit:

| <u>Number of Subscribers</u> | <u>Capital Participation Per \$1,400.00 Invested</u> | | |
|----------------------------------|--|--|---|
| | <u>LICC Contribution</u> | <u>Total Subscriber Contribution</u> | <u>Individual Subscriber Contribution</u> |
| 8 and over | \$1,400.00 | None | None |

RESOLUTIONS - continued

It is the intention of the above-subscriber capital contribution plan to return subscriber capital contributions to the subscribers, as, if and when additional subscribers connect to the cable system in the area of such extension. Therefore, LICC agrees that it will, during the term of this agreement, collect subscriber contributions from each new subscriber in the area of such extension and disburse the same equitably to all subscribers in the area of such extension. Such disbursement shall be made to each subscriber or to an association designated by such subscriber. LICC shall prepare an account of such capital contribution fund which will be made available to each subscriber in the extension area or to the area association upon request.

(B) Notwithstanding the foregoing provisions of paragraph (A) LICC shall extend its cable facilities throughout the Town of Riverhead in accordance with the requirements of any rules, regulations or line extension orders hereafter promulgated or adopted by the New York State Commission on Cable Television, and the Federal Communications Commission.

(C) LICC shall construct its cable system using materials of good and durable quality and all work involved in construction, installation, maintenance and repair shall be performed in a safe, thorough and reliable manner.

RESOLUTIONS - continuedSection 13: Underground Conversion - Main Street Project

LICC shall bill each basic cable TV subscriber thirty cents (\$.30) per month for each primary residential outlet served by LICC within the Town. LICC shall submit to the Town all amounts collected from such a billing on a quarterly basis. Said sums will be held by the Town in a trust and agency account.

The Town of Riverhead shall disburse from such funds collected and submitted to the Town, amounts necessary to reimburse LICC for the actual costs incurred by LICC in converting its facilities to underground trenches in connection with the Town of Riverhead's Main Street Beautification Project. Said reimbursement shall be made within thirty (30) days of receipt of an invoice from LICC. Said reimbursement shall only be due and owing to LICC upon collection by the Town. When necessary for the completion of the Beautification Project, LICC shall complete undergrounding in advance of collection of the sums necessary to reimburse LICC for said expense

Section 14: Liability and Indemnification.

By its acceptance of this franchise, LICC expressly agrees that it will pay all damages and penalties which the Town may legally be required to pay as a result of LICC's negligence in the installation, operation or maintenance of the Cable Television System authorized herein. The Town shall notify LICC's representative in the Town within three (3) working days after the presentation of any claim or

RESOLUTIONS - continued

demand to the Town either by suit or otherwise, made against the Town on account of any negligence or contract as aforesaid on the part of LICC. LICC shall procure and pay the cost of the following liability insurance in support of its undertaking to hold the Town harmless from loss sustained by either on account of the negligence of LICC, in at least the amount indicated below for injury to or death of persons and injury to or destruction of property:

- (1) \$100,000.00 for property damage to any one person
- (2) \$200,000.00 for property damage in any one accident
- (3) \$300,000.00 for personal injury to any one person
- (4) \$500,000.00 for personal injury in any one accident
- (5) LICC shall maintain excess liability insurance coverage in excess of the above-stated amounts up to the amount of \$5,000,000.00

LICC shall maintain, and by its acceptance of this franchise specifically agrees that it will post within thirty (30) days after receipt of final operating authority and maintain throughout the term of this franchise a faithful performance bond of Ten thousand and 00/100 (\$10,000.00) Dollars, running in favor of the Town, written by an approved corporate surety in a form and amount satisfactory to the Chief Legal Officer of the Town conditioned

RESOLUTIONS - continued

LICC shall well and truly observe, fulfill, and perform each term and condition of this franchise and that, in case of any breach of condition of the bond, the amount thereof shall be recoverable from the principal and sureties thereof by the Town for all damages resulting from the failure of LICC to observe and perform any provisions of this franchise. LICC will have fifteen (15) days after receipt of written notification from the Town Attorney to correct such defect or remedy such violation of. The Town Board may, in its discretion, extend the time of LICC to correct such defect or remedy such violation upon good cause being shown. LICC shall pay all premiums chargeable for the bond and shall keep the same in full force and effect at all times throughout the term of this franchise and during the removal of all poles, wires, cables, underground conduits, manholes, and other conductors and fixtures incident to the maintenance and operation of the Cable Television System as defined in this franchise. The bond shall contain a provision that it shall not be terminated or otherwise allowed to expire prior to sixty (60) days after written notice to that effect is given to the Town Board. Any Town property damaged or destroyed by LICC shall be promptly repaired or replaced and restored to serviceable condition by LICC. Certificates of all insurance policies required herein shall be filed with the Town Clerk.

RESOLUTIONS - continuedSection 15: Town Property

Any property of the Town damaged or destroyed by reason of any activity of LICC undertaken pursuant to this franchise shall be promptly repaired or replaced by LICC and restored to the condition in which it existed prior to such activity. LICC further agrees that it will, at its expense, remove and/or relocate any of its facilities required to be removed and/or relocated by the Town in connection with work being performed by the Town on Town property.

Section 16: Reports and Information

(A) The Grantee shall furnish to the Town one copy of any and all petitions and applications submitted by Grantee to FCC, or any other State or Federal Regulatory Agency, commission or agency having jurisdiction and in respect to any matters affecting CATV operations pursuant to this franchise.

(B) The Town shall have the right to inspect the revenue records, maps, plans, tax returns and financial statements of the Grantee upon reasonable notice during normal business hours.

(C) The Grantee shall submit to the Town Clerk, the following reports:

(1) An annual report due January 31 of each year certified by an officer of the Grantee showing how it calculated the fees paid during the year.

(2) An annual report due January 31 of each year showing all revenues, all expenses in standard categories, interest charges, depreciation, corporate General

RESOLUTIONS - continued

and Administration costs, and pre-tax profit and/or loss. The Grantee may, at its own discretion, substitute a copy of its income tax statement in lieu of the annual report. These reports and/or tax returns must be adjusted or foot-noted to reflect operations in the Town of Riverhead only.

(3) The Grantee shall furnish annually to the Town on or before May 1, a general written review of CATV operations for the year past, outlining the progress of the system, the count of subscribers, the number of homes passed, miles of system, the effect of new regulatory actions on the system and such additional data as to keep the Town abreast of Grantee's over-all business.

(4) The Grantee shall keep complete and accurate records of subscribers and subscribers' revenues in its local office, together with records on service calls and troubles which shall be made available on twenty-four (24) hours' notice for inspection by a designated representative of the Town at the Grantee's office.

(5) The Town shall have the right to examine any of Grantee's officers under oath with respect to the accuracy of any of Grantee's reports or records upon written fifteen (15) days' notification.

Section 17: Termination

Upon termination of the period of this franchise or any renewal thereof by passage of time or otherwise, Grantee shall remove

RESOLUTIONS - continued

its supporting structures, poles, transmission and distribution systems and other appurtenances from the streets, ways, lanes, alleys, parkways, bridges, highways, and other public places in, over, under or along which they are installed and shall restore the areas to their original condition. If such removal is not completed within one (1) year of such termination, the Town may deem any property not removed as having been abandoned.

Section 18: Abandonment of Service

The Grantee is expressly prohibited from abandoning any areas served under this franchise or any portion thereof without the written consent of the franchising authority. In the event the Grantee makes a showing of financial loss without any reasonable expectation of terminating such losses, such written consent shall not be unreasonably withheld.

Section 19: Costs

LICC agrees to assume and to pay the costs of all expenses incurred by the Town for the publication of all notices required for the granting of this franchise. Such costs shall be paid by LICC within thirty (30) days of the approval of this franchise by all regulatory agencies having jurisdiction hereof.

Section 20: Construction

This franchise shall be construed and enforced in accordance with the laws of the State of New York, and shall be subject to all present or future New York State laws.

RESOLUTIONS - continuedSection 21: Administrative Officer

The Supervisor shall be responsible for the continuing administration of this franchise.

Section 22: Severability

If any section, subsection, sentence, clause, phrase or portion of this franchise is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, or Regulatory Agency, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 23: Indemnification

(A) The Grantee shall indemnify and save the Town harmless from all losses sustained by the Town on account of any suit, judgment, execution, claim, damage or demand whatsoever occasioned by or arising out of the construction, after erection, maintenance, repair or operation of Grantee's CATV system in the Town and from any suits, liabilities, obligations for liabilities, obligations for libel, slander, unfair competition, or obligation of suits of any kind or nature whatsoever by a third person, arising out of an incident to the exercise by the Grantee of the franchise rights herein granted.

(B) The Grantee shall pay, and by its acceptance of this franchise, specifically agrees that it will pay all expenses incurred by the Town to defend itself in regard to all damages and penalties

RESOLUTIONS - continued

mentioned in this Section. These expenses shall include out-of-pocket expenses such as reasonable attorney's fees and shall include the reasonable value of any service rendered by the Town Attorney or his assistants or any employees of the Town

Section 24: Public Access

(A) The Grantee shall provide access to Channel 6 for public access programming on a demand basis.

(B) Access to the separate channel shall be provided on a first-come, first-served basis within the following priorities:

- (1) Local live programming access
- (2) Public access
- (3) Education access
- (4) Government access

(C) Users of the Public Access Channel shall reserve their time at least four (4) weeks in advance of their desired broadcast time; this provision may be waived in a particular case by LICC in its sole discretion.

(D) The administration of public access broadcasting shall remain with the LICC.

(E) The Town Board shall resolve disputes between the LICC and public access users in the Town of Riverhead.

RESOLUTIONS - continued

(F) Video tapes to be shown on the public access channel shall be delivered to the studio at least two (2) working days in advance of airing.

(G) Public access studios shall be maintained at the Company's headquarters on Route 58, Riverhead, New York, and will include television cameras, recording and playback equipment, switching equipment and an editing capability.

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

The resolution was thereupon declared duly adopted.

#259 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF HEARINGS

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

WHEREAS, Gail Ambrose and the Suffolk County National Bank have applied for two separate special permits pursuant to the provisions of Chapter 108 of the Code of the Town of Riverhead, and

WHEREAS, Both applications related to existing structures previously occupied for similar uses, and

WHEREAS, This Board does hereby find that these applications do not warrant a decision on the same by the Planning Board prior to the scheduling of Town Board hearings.

NOW, THEREFORE,

BE IT RESOLVED, That the Town Clerk be and she hereby is directed and authorized to publish and post the following public notice for hearings on these applications for this Board's meeting of June 6th, and

BE IT FURTHER RESOLVED, That this Board does hereby request the Planning Board to consider these applications at its meeting to be held on June 1st and to advise the Town Board of its comments or recommendations thereon if that Board finds comments or recommendations are in order.

PUBLIC NOTICE
SPECIAL USE ZONING PERMITS
EAST MAIN ST. and GRIFFING AVE.

RESOLUTIONS - continued

PLEASE TAKE NOTICE, That pursuant to the provisions of Chapter 108 of the Code of the Town of Riverhead relating to Zoning and pursuant to applications filed with the Town Board of the Town of Riverhead, New York, public hearings will be held by and before the Town Board of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York, on the 6th day of June, 1978 at the times and upon the applications more fully set forth below to hear all those persons interested in said applications for Special Permits of the Town Board as follows:

FIRST: At 8:15 o'clock P.M., the application of Gail Ambrose for a Special Permit to use a certain existing building and land on the north side of East Main Street, Riverhead, New York, owned by Alfred Grossklaus, said building being approximately 950 feet west of the intersection of Elton Avenue with East Main Street, for the purchasing and selling of automotive equipment as a non-nuisance industry in an Industrial A Use District pursuant to Section 108-45 of the Code of the Town of Riverhead.

SECOND: At 8:30 o'clock P.M., the application of the Suffolk County National Bank for a Special Permit to use a certain existing building and land on the west side of Griffing Avenue, Riverhead, New York, owned by said bank and being the building and land immediately to the north of the Long Island Railroad right-of-way for the use of said premises as a wholesale (non-nuisance) business to sell electrical supplied and equipment with related retail sales in an Industrial B Use District pursuant to Section 108-48 of the Code of the Town of Riverhead.

All persons wishing to be heard by the Town Board on these applications should appear at the times and place set forth above and they will be heard.

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

The resolution was thereupon declared duly adopted.

#260 RESOLUTION AUTHORIZING NOTICE OF PUBLIC HEARING FOR PROPOSED CODE AMENDMENTS

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

RESOLVED, That the Town Clerk be and is hereby authorized to publish and post a Notice of Public Hearing regarding proposed amendments to the Code of the Town of Riverhead.

NOTICE

PLEASE TAKE NOTICE, That a Public Hearing will be held on June 6, 1978, at 8:45 P.M., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to amending Chapter 108,

RESOLUTIONS - continued

Zoning, of the Code of the Town of Riverhead, to allow a professional building by special permit of the Town Board in Agriculture A Zoning Use District and Residence A, B and C Zoning Use Districts. The full text of said proposed amendments are available for public inspection in the office of the Town Clerk during normal business hours.

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

The resolution was thereupon declared duly adopted.

#261 AUTHORIZE TOWN CLERK TO RE-ADVERTISE FOR BIDS ON 2DR. SEDAN & 2 DUMP TRUCKS FOR HIGHWAY DEPARTMENT
Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The legal notice for the acceptance of bids with reference to a 2Dr. Sedan and 2 Dump Trucks for the Highway Department contained ambiguous language as to the Bid Opening date, and

WHEREAS, This has resulted in the filing of late bids,

NOW, THEREFORE, BE IT RESOLVED, That all bids for the 2Dr. Sedan and 2 Dump Trucks be rejected and that the Town Clerk be authorized to re-advertise bid openings for said vehicles.

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

The resolution was thereupon declared duly adopted.

Supervisor Smith then stated: "We should thank the good efforts of Mr. Regula and the good efforts of Mr. Gene Reyer for the frame. I hope that you have noticed the fine work that Mr. Reyer has done with reference to the frame, maybe Gene as you think about it, maybe you could get some of the students to take a shot at this other wall."

There being no further business on motion and vote, the meeting adjourned at 8:55 P.M.

Irene J. Bendzick

Irene J. Bendzick, Town Clerk