

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

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

Also present: David P. Fishbein, Town Attorney

Absent: Alex E. Horton, Supt. of Highways

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

Supervisor Smith: "Ladies and gentlemen as we ended the meeting of last week, some of you know we were doing meetings back to back. I was somewhat tired and used the occasion to speak to those who were present, many of who were from Mobile Home Communities. I'm going to begin right where I left off last time. Last Monday early in the morning and last Tuesday early in the morning, we're talking about 2:00 A.M. to 4:00 A.M., our local Volunteer Fire Department was fighting housefires and house mobile home trailers. I'm sorry to inform you that this morning from the hours of 2:00 A.M. to 4:30 A.M. and again this afternoon at lunch time, again fought fires in mobile home trailers.

I hope that the press covers it as well as it did last time. Get heat and smoke detectors in those mobile homes. The one last night literally melted before we got there. They are dangerous, the type of construction rises to tremendous temperatures and somebody, if we keep up at this rate, we've lost four homes — mobile homes in seven days, somebody's going to get killed and I don't want it to be any of the citizens nor do I want any of the firemen to get hurt.

Tony, do you want to make mention of the EMT Meetings?"

Councilman Regula: "We have the meeting coming up March 13th, Saturday afternoon at 1:30 and we are in local newspapers and this is recruiting program for our new EMT Program that we are hoping to set up.

At the present time, we have roughly about 18 or 20 EMT'S in Town. We're hoping to have at least 40, or 50, or 60, and that will make the job a lot easier for everyone. You'll be hearing more about it. We're hoping to get a little plug on the radio next week. Our two local newspapers are going to mention it this week, and also next week, so tell your friends that we need the help and we're surely going to try to put this over in Riverhead. We have it going on in 43 other communities in Suffolk County and that means no cost to the taxpayers or residents."

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

RESOLVED, That the Minutes of the Town Board Meeting held on December 29, 1977, 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 March 7, 1978 as follows:

General Town	\$15,305.85
Special Districts	\$13,348.07
Capital Projects	\$19,019.86
Highway Item #1	\$ 6,411.87
Highway Item #3	\$ 5,191.93
Highway Item #4	\$12,791.94
Highway Item #1 1977 Enc.	\$ 944.08
Highway Item #3 1977 Enc.	\$ 3,861.95
Highway Item #4 1977 Enc.	\$ 8,297.07

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	\$15,305.85
Special Districts	\$13,348.07
Capital Projects	\$19,019.86
Highway Item #1	\$ 6,411.87
Highway Item #3	\$ 5,191.93
Highway Item #4	\$12,791.94
Highway Item #1 1977 Enc.	\$ 944.08
Highway Item #3 1977 Enc.	\$ 3,861.95
Highway Item #4 1977 Enc.	\$ 8,297.07

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

The resolution was thereupon declared duly adopted.

REPORTS

Building Department, for month of February, 1978.	Filed.
Tax Receivers, dated March 3, 1978.	Filed.
Police Department, for month of February, 1978.	Filed.

APPLICATIONS

Special Permit, variance appeal on Maple Avenue,
Chris Gumbrecht. Filed.

Supervisor Smith made the following statement: "This is for a one-family residence in a business area. It is to the south of the railway tracks and to the north of Second Street on the westerly side of Maple. It is a developed area and it is the opinion of the Town Board in examination of this particular application, that a referral to the Planning Board is not in order. We will, therefore, proceed with the notice and Mr. Fishbein if you might write on your notes authorizes publishing of a notice for that one."

Special Permit for two restaurants, Joseph Bartasi
(corner of Rte. 58 & Roanoke Avenue). Filed.

COMMUNICATIONS

David Fishbein, Town Attorney, dated 2/2/78 - copies of letters to Dept. of Transportation, Suffolk County Dept. of Planning, & Mr. Arnoff - relating to Riverhead Airpark. Filed.

Gov. Hugh Carey, dated 2/28/78 - acknowledging receipt of resolution in behalf of Grumman's. Filed.

Town of Riverhead Planning Board, dated 3/7/78 - copy of letter to Mr. Ben Karlin regarding resolution on "Wyl-Lyn Estates" at Baiting Hollow. Filed.

UNFINISHED BUSINESS

Franchise Amendment - Shorewood Water Corp.

Request for site plan review - Beacon Photo, Wading River.

Supervisor Smith then stated: "For those of you who are following the further progress of the Joe Brush Airport, the sense of Mr. Fishbein's letter is the matter is referred to the New York State Department of Transportation for their action under a particular statute and when we get the results, we should be in a position to act.

Under unfinished business, we have the Shorewood Water Corp. We are going to meet with the Attorney, the Principal and the Engineer on that particular matter in an attempt to reconcile some difficulties between the first grant of a franchise and the second. It appears that the surveys that have been submitted to us are not consistent and we'd like to iron those out before we vote on that.

PERSONAL APPEARANCESSupervisor Smith continues:

With reference to Beacon Photo in Wading River, we will pass a resolution later on in the evening authorizing that one, Mrs. Pendzick.

We now come to that portion of our agenda where we will recognize any of you in the audience who would choose to address the Town Board on any matter. Specifically, I would remind you that we have hearings this evening on Cablevision, application by Mr. Harten with reference to certain property up on Sound Avenue near Reeves Park, and the application of Agway Corp. with reference to its fertilizer facility in Polish Town. If you wish to talk on any of those three subjects, would you kindly wait till we call for the public hearings on those matters. However, if you wish to talk about any other subject, now's your time.

For those of you who have not been here before we ask you to please speak from this microphone over here and give Mrs. Pendzick your name and address before you begin speaking. Does anyone wish to address the Town Board on any matter other than those three set forth in the public hearing portion of our agenda?"

Richard Spanburgh, Union Avenue, Aquebogue; "At the meeting last week towards the end of the public hearing, I think Mr. Supervisor you brought forth a mention of a resolution being passed as to the advisability of the Superintendent of Highways plowing out private roads. We were questioning, he told us he couldn't go into the trailer parks, the mobile home, because they were private roads and then he said it was all right with him if the Town Board would pass a resolution regarding the plowing of private roads and I was under the impression that a resolution might be proposed at this meeting. I don't see it on the minutes and I don't know the status of that. I do see here on the minutes though resolutions authorizing overtime compensation for snow and ice removal. I thought if we were authorizing the overtime, what compensation is used to plow the private roads? Consequently, it's an economic issue as well as an issue of what should be done for one part of the Town and another part of the Town possibly."

Supervisor Smith: "Not to sound cute, but I mean what's your pleasure?"

Richard Spanburgh: "My pleasure really isn't important here. As to Mr. Horton saying that if the Board passed a resolution not to plow the private roads, that he would fulfill that obligation and I wanted to know what's the Board's position on that resolution?"

Supervisor Smith: "I don't know that we've voted on it."

PERSONAL APPEARANCES - continued

We are of diversive opinions. I think quite possibly that one or more of us might phrase a resolution in terms of the plowing of private areas at such time as the public roads are totally completed and or there is a state of emergency declared by the Police Agencies, who actually coordinate the rescue efforts - Police or Fire. I think that's a possibility. There are other views. They were here in the room last time, quite obviously the people that were in that particular mobile home park that showed up last time would just as soon be plowed before Union Avenue in Aquebogue."

Richard Spanburgh: "Well I'm not putting Union Avenue before any other street in Town, but what is the opposition against a resolution? Why are we plowing out the private roads or why are they designated as such private roads? And why are we spending the Town's money then on private roads or why are we failing to pass a resolution to one affect or the other?"

Supervisor Smith: "In a normal course of events, private roads are not maintained, plowed, sanded, oiled or anything else by the Town of Riverhead or any other jurisdiction for that matter. The only reason that they would be plowed or otherwise maintained in any sense, is where there is a condition of health or safety. It has been Mr. Horton's judgment if you will to this point, that during the severe snow storms that a condition of safety problems existed. I think what the problem is that his standards whatever they are, are not being applied uniformly. Doesn't that appear to be the problem?"

Richard Spanburgh: "I don't know the over all problem, but I mean Mr. Horton did say that if the Town Board would propose the resolution, he would follow it through. So consequently, the problem and put it on the Town Board's table, and I'm just wondering what the Town Board's going to do about it, if anything."

Supervisor Smith: "Among other things, we've been trying to listen to, as part of what was good that happened the last time there is a general discussion in the community of this issue. Maybe there are people here this evening that will address what has been said either for or against one half of this proposition or another. Maybe some people don't want us in private roads, period. Let's let them have their say."

Councilman Young: "Can I say something on this. I own a trailer - a mobile home park. I also live on a private road. The Town Board, if I don't maintain my mobile home park so that people can get in and out of there, this Town Board

PERSONAL APPEARANCES - continuedCouncilman Young continues:

can yank my permit. Now they can't do that on the private road that I live on. They don't have that power. Now the private road that I live on is, I can't restrict anybody from going on this private road, it's a public right-of-way. I can't say to you, you can't come down my private road you can. Anyone can because even though it's privately maintained, it is publicly - the public can use it, publicly accessible. So when you're talking about mobile home parks and private roads you're talking about oranges and apples. You're not talking about the two same things. It's entirely different, and I don't think it's right to compare the two or to use one to make open the other. I think we have two entirely different situations."

Richard Spanburgh: "Well why are they designating them private roads?"

Councilman Young: "Because the Town hasn't taken them over as public roads. The Town doesn't maintain them."

Richard Spanburgh: "Because they didn't meet the standards?"

Councilman Young: "For various reasons, some people didn't want the Town to take them over. They'd like to have private roads. They want to maintain them themselves because if the Town takes them over, they got to be 50 feet wide, you got to have curbs and gutters. You got to have sidewalks, they have to be very expensively built and so forth. And perhaps the developer didn't want to do it and he sold the property under those conditions and the guy bought his lot a little bit cheaper because of this and he's happy to put up with the inconvenience. There's various reasons why it's done."

Richard Spanburgh: "But the overall bottom line is that the taxpayers than paying this overtime compensation for snow and ice removal which is a general term. Were we specifically asked how much was spent for snow and ice removal on overtime."

Councilman Young: "That's true, but the taxpayer is also the guy who is living on the private road and he's paying just as many road taxes as you are, because he uses public roads as well as private roads."

Richard Spanburgh: "I'm not here to state that they shouldn't plow out the roads. I mean to private roads or what have you. But I think we should have an overall system of some type of set up for private roads if they're going to be plowed by the Town that maybe there should be some compensation made to the Town for this work."

PERSONAL APPEARANCES - continued

Councilman Young: "I agree. You have no argument with me on that."

Supervisor Smith: "I think we've got the issue clear cut."

Richard Spanburgh: "I give you the issue, now you can give me back the resolution. Thank you."

Supervisor Smith: "Anybody else on this or any other topic?"

Carl Mortensen, Treasurer of Fresh Pond Civic Association of Thurm's Estates, Calverton; "Relating to the private road, our road up there has never been plowed by anybody but Thurm's Estates. In fact, sometimes we're plowed out before the main roads and we're not looking for the Town to come up and plow our roads."

Supervisor Smith: "All right. Anybody else?"

Marie Hoff, Wading River: "At the last meeting, I was very impressed with the preponderance of comment with regard to the plowing of roads, the activities in mobile home parks, on private roads and as an individual who has no particular personal acts to grind or any interest or vested interest in this matter. Only an interest in so far as the community and totality of Riverhead and every area of Riverhead is concerned.

I was very disturbed by the entire sense of comment at that last Town Board Meeting. Not in so far as the individuals who made the comments for concern, I believe they all acted honestly in so far as they were concerned with their own interests. Ramblewood Park, Mr. Hyman Block made statements regarding the plowing of that park during a very severe time. Frankly, I don't think all of the comments that were made last time, should have taken place when we had a severe and really a disaster situation.

If you were evaluating conditions with regard to the plowing of private roads with regard to the clearing of private roads, with regard to getting people out of a mobile home park in an emergency situation, and if you were doing that at a time when you did not have the kind of disaster snow storm, flood conditions, icing conditions that we had this winter, I think you would be doing it objectively. But when you evaluated — if anyone were to, I didn't say you are doing it that way, I say the comments were made and you have to evaluate them.

Private roads in many areas and Mr. Spanburgh eluded to some of this, are plowed on a low priority basis, as an emergency measure, I believe, so that vehicles and emergency

PERSONAL APPEARANCES - continuedMarie Hoff continues:

vehicles can get through and they are done after all other roads are done. Only if they are roads that are open to the public. This has been my impression over the years I have lived here. The mobile home parks, I do not believe all of them have roads that are through roads and open to the public, and possibly this is the distinction — the critical distinction between private roads per se and mobile home park roads per se."

Supervisor Smith: "Thank you Mrs. Hoff. Anybody else choosing to address the Town Board on any matter that is not the subject of a public hearing this evening?"

Dorothy Voelger, Jamesport: "I want to know, we've been here a short time just since last May, but I'd like to know if there is a Town Ordinance or some kind of a law to require the merchants of Riverhead to plow the front of their stores. With the kind of weather we've had, I fell once in Riverhead, but that isn't why I'm here. It just seems, where we came from if you didn't plow the front of your store within 24 hours, you got a ticket and they were very strict about it and you could make sure that everyone of those, the front of those stores were plowed. I think Riverhead and the front of the stores, not the road, was a complete disgrace. You couldn't get to the stores you wanted to get to, nor could you walk along the sidewalks."

Supervisor Smith: "Thank you Ma'am. I don't believe that we have such an ordinance. We do. Doctor Menendez, you seem to know more about this than I."

Councilman Menendez: "There is an ordinance requiring people to keep their sidewalks clean."

Dorothy Voelger: "Excuse me. I don't believe it is carried out by anyone in Riverhead."

Councilman Menendez: "No it's not enforced, but it's there."

Dorothy Voelger: "Well why isn't it enforced? I'm sure there were many people other than myself that fell and I had a real bad fall. I went over on my side and cracked my head against the stone buildings. But you couldn't get into any of the stores if you wanted to and where I fell, there was a path like this with ice on both sides. I think it was a complete disgrace for a Town like Riverhead."

Councilman Menendez: "You're right. I had to call up a couple of merchants and ask them to open paths in front of their stores. Most of the time in years past . . ."

PERSONAL APPEARANCES - continued

Dorothy Voelger: "Well why don't they enforce the law that they must do this or be fined?"

Councilman Menendez: "We'll probably have to, if we have any more snows like we had before where everything is swamped under. Maybe these guys didn't want to exert all the effort."

Dorothy Voelger: "Not only this guy, but the whole Town of Riverhead, because we really made a survey of it and nobody had their sidewalks clean and again, I say it was a complete disgrace for a Town like Riverhead."

Councilman Menendez: "You're absolutely right."

Supervisor Smith: "All right, if the object is prosecution of the downtown merchants, then maybe we'll have to do that."

Mrs. Hoff: "Mrs. Voelger commented on the clearing of the sidewalks in the Town of Riverhead and I must admit that when I came into Town possibly a week after, we had a large amount of snow. The difficulties in many instances is where do you put what you shovel and I know the certain merchants in the area had shoveled small paths in front of their stores. I was able to walk through.

Where I found the most difficulty, ironically was in front of the Social Security Office and the Internal Revenue Bureau and I had to leave my car in the middle of the street and walk down right in the middle of Main Street, because there was no possibility of getting into either one of those buildings unless you tried right through the center of the street. So I say at least, and I argue there were difficulties, but in some instances, the merchants tried. They cleared some paths, but the Internal Revenue Bureau had but one single little entrance just from the middle of the street to the doorway."

Supervisor Smith recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 8:00 P.M.

Town Clerk had affidavits of publishing and posting of public notice on public hearing regarding renewal of the Cablevision Franchise and an amendment of its rate schedule, and an expansion of its service area.

The affidavits were ordered to be placed on file.

COMMUNICATION

Robert Cianchetti, Wading River, dated 2/25/78 requests

PUBLIC HEARING - continuedCOMMUNICATION - continued

that renewal be contingent on service to subscribers be equal to that of other TV cable franchises, and increased quality of service with appropriate refund policies if service is interrupted. Filed.

PETITION

Subscribers in the Riverhead service area of Cablevision opposing any rate increase - 1,250 names. Filed.

Supervisor Smith: "I would call upon a representative of Cablevision, if they would, to please come forward and address what we have before us. I would appreciate it if you would keep it to five minutes and then we'll let people address questions to us and we'll in turn address them to you and or receive any comments."

Peter Jones, General Manager & Vice President of Long Island Cablevision; "Mr. Supervisor, Members of the Town Board, ladies and gentlemen, the Company has requested the Town Board to renew its operating franchise and within the franchise, it has included a request for an increase in it's service rates. The Company has started business in the Town of Riverhead in August of 1963 with a 15 year franchise which terminates in October of 1978. The State of New York and it's regulation of television requires us to make the application for a renewal of franchise six months before the termination of it and with the view towards the capital expenses, the Company was anticipating in 1978 we have included with the application for a new franchise, an increase in our service rates.

The Company has provided the Town with it's proposed franchise which will replace the one that presently exists within that franchise there are conditions and terms that presently to not exist in the current franchise. One of those is the line extension formula which will provide for those persons who are not in house but which may be served using the formula contained in the franchise. This would be a cost-sharing type of formula that would be applied to those areas that are less dense in nature and therefore, if they wish the service, they could be served with some cost-sharing formula there."

Supervisor Smith: "Mr. Jones would you briefly and as best you can in lay terms, describe that line extension formula."

Peter Jones: "The Company's practice and one that has been approved by the State for use in its other franchise area is that it would build a cable plant for every \$1,000 invested by the Company in that extension. There would be eight annual

PUBLIC HEARING - continuedPeter Jones continues:

subscribers to its service. Anything less than that amount we have classified as being unserviceable because the service, the monthly service charge paid by the subscribers would not meet our expenses. Therefore, it would be unfeasible. But at that level, we would deem it feasible and therefore build it.

The line extension formula provides that at a lesser amount than eight subscribers per thousand dollars invested, those subscribers would then anticipate in that difference. If the area was built at a later date, if subscribers wished to subscribe to that cable that has been build with funds provided from the residents, those new subscribers would re-charge that similar rate and those funds would be returned to the original subscribers."

Supervisor Smith: "You mention other aspects of what you propose this evening?"

Peter Jones: "The Company has — in its present franchise, there is not a condition that would provide for us providing free service to the government agencies and Fire Departments. We have done that as a practice and we have stated it in the franchise. The Federal Government has allowed the local municipalities and regulatory agencies are empowered to charge a franchise fee to cable television companies not to exceed 5% in total. Presently the Company pays 2% of its gross to the State of New York and the remaining 3% is included in the franchise to be paid to the Town of Riverhead in the form of a franchise fee. Presently, I believe we're paying \$25.00 in the form of a license. We also pay property taxes, as you know.

There are many other aspects to the franchise document upon those that are subscriber complaint procedures which would clearly establish the Company's responsibility in regard to answering service complaints and how those complaints should be handled."

Supervisor Smith: "Would you state some of those Sir?"

Peter Jones: "Essentially, we indicate that we will respond to any subscriber complaint within 24 hours. The State indicated that it would — the State's law requires us to service a subscriber, I believe within 48 hours and we've tightened up that regulation for ourselves in a company policy. There are refund procedures that the State has and we have also formed as a company policy were a subscriber that is without service over 24 hours would be refunded an appropriate amount based on the time he was out of service. This, of course, has provided the subscriber contacts of some excide plant. The rates that the Company is asking for essentially provide for

PUBLIC HEARING - continuedPeter Jones continues

the Company to maintain the present level of service to the subscribers and to continue an on-going construction program that would allow service to several areas not now served among those would be Hawks Road, Delores Avenue, Cranberry Street, Griffing Path, Telephone Street, Tuttle Lane, Apollo Drive, north, south and west, Shade Tree Lane, Pine Crest Apartments and Roanoke Garden Apartments. That is some of our construction plans for 1978 that would be based on the new rates that we're asking for.

In addition to that, the new rate would provide funds that would allow us to up-grade the electronics in the cable system that presently were limited to 12 channels a carriage in our distribution system, it would allow us to go out to over 20 channels of service. That also is a plan the Company has for 1978 which would cost in excess of \$42,000. We would replace the active electronics in the cable system in the trunk line which would then give us the option of expanding the service to the subscribers by adding various channels that are now not — the difficulty is that the channels are now available to us in various ways from satellites or other distribution sources. Our channel carriage is limited by the cable system itself which is limited to 12 channels which are now in use, so any further channels that we would be wished to place or be required to place could not be replaced based by the limitation of the cable system as it exists.

The Town of Riverhead has a program, the downtown beautification project which will put us in a position of having to expend approximately \$50,000 to re-route our cables and place those cables underground that are now down Main Street. The rate that we're asking for includes the amount necessary to offset that cost, but it also allows that this amount would be placed in escrow with the Town of Riverhead. We would not be able to use it for any other purpose. It's a designated amount, I believe it's 30¢ of that rate that we're asking is allocated for the Riverhead beautification project, that the funds would be provided to the Town quarterly based on our billing and would be expended on approval by the Town only on that project.

The Federal Government has enacted regulation on cable television companies that provides that we pay a copyright fee for all the programming that we carry or some of the programming and the rate also includes that copyright fee. The franchise fee, as I mentioned before, is a part of the rate that we're asking."

Supervisor Smith: "Mr. Jones it's been asked of us earlier, could you tell us what your pole attachment fees are? How that works in here?"

PUBLIC HEARING - continued

Peter Jones: "The second highest up-rating cost that we have is pole attachment. The rates that we pay to the utilities are both the same to Long Island Lighting Company and the Telephone Company for each time we contact a pole to attach cables, we pay \$5.00 per year for that pole. In addition, we pay for any of the construction required by the utility to make space for us if the pole needs to be replaced or their equipment needs rearranging on that pole. The cost is borne by the cable company."

Supervisor Smith: "And this \$5.00 per pole attachment is part of your rate?"

Peter Jones: "Yes. Sir."

Supervisor Smith: "All right. And when you make provision in your proposed rate for a franchise fee as is permitted by the State Law 3%, can that equate into a number of cents figure in the proposed rate?"

Peter Jones: "Our calculator that the proposed rate contains the 3% number and it calculates to 25¢ of that proposed rate."

Supervisor Smith: "All right. So if the Town of Riverhead — then we're not to charge you that 3% franchise fee, the rate as proposed would fall by 25¢?"

Peter Jones: "That's correct."

Supervisor Smith: "All right. Is there anything else you wish to add? You've been up a little more than five minutes."

Peter Jones: "Just in general terms, I think the Company has been a good neighbor in the business community and in the Town of Riverhead are expenditures, for instance, in three categories which would be wages, fees in property taxes that we pay communities that we do business in and just the cost of operating our motor vehicles alone, we've placed \$2,100,000 into the local economy.

We feel that we have shown in the past 15 years that we're a responsible Company that has provided a good and worthwhile service to the community. We have maintained our service standards and the equipment in the field and exceed the service standard set by law which as you are well aware that we're regulated by the State of New York and inspected by the State from time to time in regard to service. We have made available our facilities to the Town of Riverhead in terms of attachment to the radio towers and things of that nature and in general have earned the right to ask this Board to renew our franchise."

PUBLIC HEARING - continued

Supervisor Smith: "Thank you Mr. Jones. We will throw it open to the public and listen to whatever questions they have and if there are questions that are addressed to you, we will ask you to come back."

Peter Jones: "I have with me a Mr. Young, who may not necessarily speak this time, but is prepared to answer questions based on a rate or any financial data that the company be required."

Supervisor Smith: "Should occasion warrant in a very few minutes, we'll ask Mr. Young to stand up. I'm going to take a guest for a moment ladies and gentlemen with your kind sufferance we have a hearing scheduled for 8:15. I don't know that anyone wishes to talk other than Mr. Harten who is the applicant. I'm not cutting anybody off on Cablevision, just bare with me for just a second. Mrs. Pendzick read the notice first on Harten and let's see if anybody other than Mr. Harten wants to get into this particular matter."

Supervisor Smith recessed the public hearing to hold the next public hearing.

PUBLIC HEARING 8:15 P.M.

Town Clerk submitted affidavits of publishing and posting of public notice on public hearing regarding the matter of the proposed change of Zoning Use District from Agricultural A to Business C, of lands of Robert Harten, found on southerly side of Sound Avenue.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Mr. Harten, I see you back there. Don't over try your case for just a second. Let me state it for you.

This is a structure that is on the southerly side of Sound Avenue for those of you that are familiar with the area, it is sort of diagonally opposite the intersection of Sound Avenue and Park Road it is just to the west of the right-of-way that we call Zdunko Lane. Mr. Harten's problem is that it's partially split in half or it's 60-40 or something like that between two zones he wishes to establish that particular location a furniture retailing establishment. Has anyone showed up this evening to speak in favor or in opposition to Mr. Harten's proposed zone change?

Mr. Harten you're here, I assume that you're in support of the application? Does anybody else have any questions or any member of the Board have any questions for Mr. Harten?"

PUBLIC HEARING - continued

No one wishing to be heard and no communications having been received, Supervisor Smith declared the hearing closed at 8:16 P.M., and re-convened the Public Hearing on Cablevision.

Ronald Eck, 984 East Main Street, Riverhead: "I understand the manager said that there would be an increase of approximately 25%, am I correct?"

Supervisor Smith: "Your present rate is \$7.25. The proposed rate is \$8.55 on a monthly charge."

Ronald Eck: "I for one, would have my cablevision disconnected then, for one reason. I heard him also state that he's going to put service on Cranberry Street and also on Telephone Street and also on Delores Avenue. Now Delores Avenue has approximately six houses on there and all the people that live in them houses are on Welfare or Social Security Insurance. So that means if they're going to have cablevision in there, the taxpayer's going to wind up paying for their cablevision one way or another. And also on Telephone Street, you have approximately five or six houses on Telephone Street, and on Cranberry Street, I believe most of the houses on Cranberry Street are being ripped down."

Supervisor Smith: "Thank you Mr. Eck."

Dorothy Voelger, Jamesport: "Anybody on Social Security still has to pay their rates on Cablevision, that's why we're here tonight so I disagree with the gentleman."

Supervisor Smith: "What we'd like you to do, we'll evaluate what anybody says whether their picking on Social Security or Veterans or whatever and you aim your comments at us and we'll take each thing as much salt or lack thereof as is necessary."

Carl Mortensen, Thurm's Estates; "Our people at Thurm's Estate are all retired or practically all retired and all on, as the lady said Social Security or Pensions, whatever. And that rate increase means quite a bit. Since cablevision took over, this will be our second rate, prior to that we never had a raise in rates."

Supervisor Smith: "Thank you Sir."

Cathie Miller, Riverhead: "I'm a cablevision subscriber and I'm also a home box office subscriber which I pay \$9.95 a month for, above the \$7.25. Now in calling other cable TV companies to find out their fees, I found out that most of them charged between \$7.00 and \$7.50 for a cable

PUBLIC HEARING - continuedCathie Miller continues:

hook-up. But with that cable hook-up, you usually get either more channels or something additional.

Huntington cablevision offers Madison Square Garden Productions as well as just a cable hook-up. Teleprompter charges \$8.00. You get UHF and VHF with the \$8.00 home box office and all these Towns charge between \$6.50 and \$7.50 for just home box office service and that means I pay \$17.20 a month. Now this \$1.30 they want to raise, will bring me up to paying I think \$18.50 a month for the service. I will no longer continue to pay that and I think most people will no longer continue to pay it because it just — I took home box office because I wanted it and we do use it.

Then this year they took away sports from it from our cablevision. Now I'm paying \$9.95 for what everybody else on Long Island is paying between \$6.50 and \$7.50 and all — Brookhaven cable charges \$7.00 for their cable hook-up and all paying between \$7.00 and \$7.50 for their cable service. And I'm also with the gentleman, in the area of Cranberry Street and Telephone Street where there are so few houses. Why we have to pay to hook-up in these areas where if you have six or seven or eight maybe subscribers, maybe you'll be lucky."

Supervisor Smith: "Thank you Mrs. Miller. Anyone one else on this particular proposal?"

Bill Cody, Glenwood Park; "I've listened to people, I've listened to this fellow whisper to the people. He's afraid to talk to the people. They can't hear him. Well I'm going to tell you something this way. We have cable TV and we have over 300 people in our park that have cable TV. We have paid originally and have lines underground in our park as it is now. Why should we start working on their raise to put underground in other sections? I don't see why we should pay double.

Now another thing, as far as the TV stations, they mention about their putting in two or three other stations that we have — at least that we haven't got, that we will have on this raise, that's a lot of baloney.

First off, we have their own station, channel 6 and this week we've had wonderful stuff on channel 6. We've had a picture of an affair that they're going to have on St. Patrick's Day and the same picture is there all day long, nothing else. That's their service.

Originally, you have dials telling you the weather, the temperature and so forth. Now we haven't got it. When we had a little storm here, all the lights went out, all the people were without television. We didn't squawk, but they will say we have to pay for the television even though we didn't sue it.

PUBLIC HEARING - continuedBill Cody continues:

Now they'll come along and say well it was -- LILCO had the same troubles that we had, but when LILCO had the same trouble, the meter shut off, you didn't pay for electricity that you don't use, but we pay for cable TV that we don't use. Now if we see a program on and it's got a flashing in it, we're not getting a good picture, or we're not getting a good voice. They say well it was just that station. It isn't that station, it was just the weather, but all the other stations are good, but the one or two stations. They give you all these excuses they got up there, but when it comes up to raising the rates, we're not supposed to have any excuses, we're just supposed to take it laying down.

Now the people of that park are not laying down. It's about time they got together with over 300 televisions in that park, it's about time we got together and told them off and let them come down and do the right thing for us."

Supervisor Smith: "Thank you Mr. Cody."

Dominic Schiavo, Stark Mobile Home; "I've been having plenty of trouble with that damn cable TV. I came from the city, I didn't pay for it. Now I'm paying \$7.25 and I've had trouble for three years since I've been there. And they've been having trouble with their cable TV which is underground, which is all rotten wires. We have a new section where I am. These people took a lot -- the old section. I'm in a new section, it's only built up one year, two years now. Three years in July, and our cable TV wires are all rotten. They've been there rotting.

We keep calling them up. The service men, in fact, I had a box in front of my place, it looks like a tree. I had to call them up 14 times and then they woke up. They put the box down where I don't have to look at it like a tree. They made a big fuss about it. It's going to cost them \$1500. It's going to cost them \$900, in the meantime, I wasn't getting any results, till I went to Doc. I said Doc, if you don't get results, I'll go over your head, and that's how we got results. Then they came down and asked me what I wanted done. They told me what to do, they didn't do it. I was out. They were supposed to put my cable TV in the back. They still put it in my front. The Company can't afford it. It's going to cost them \$1500 to put a piece of wire in the back. 50 foot piece of wire is going to cost them \$1500. Do you see any sense in that? I don't see any. I don't feel like having that thing in front of my house and they don't want to do anything about it. They talk about bookkeeping. They want us to pay every two months -- envelopes, bookkeeping and stamps, for every two months you got to pay.

Before we used to pay every year so you were saving \$6.50. One months payment for the payment. It was worth it

PUBLIC HEARING - continuedDominic Schiavo continues:

because the bank don't give that kind of money. Now they cut that off too, and they talk about bookkeeping. They talk about all this — it's a lot of nonsense. I think we're paying too much money. I come from the new section, these people come from the old section. The wires are all rotten. Every piece of wire, it falls out of your hands. It falls apart.

Supervisor Smith: "Thank you Sir."

Antonio DeGrasse, 8 Legend Lane, South Jamesport;
"I've come to praise cablevision, not to bury it. I don't have cable. It costs too much money because the cables are underground. After listenting to that gentleman, maybe it's not a good idea, I came to say something positive about cable TV because sometime last fall I got involved with some public relations in my regular job. What I did, I went down to cable and I met Mr. Peter Jones and some of the other people and we got involved in talking about something called "Local Origination." We have since formed a company and we plan to provide local tv shows, local news, shows on personal safety, personal health, game instructions. Already we've arranged to have someone do a tennis thing at the bubble in Westhampton Beach and maybe we're going to do gardening camps.

Anyway when Mr. Jones mentioned the twenty cables, twenty new channels, I'm sorry. I think it's the way of the future and I looked around the room and lot of people here didn't see TV until 1948, Milton Berle and whatever. And my kids don't care if they watch color or black and white, or if the quality of the picture, as long as they watch Starsky and Hutch. But the rest of us who sort of watch television come about have to realize that things have changed, and I think that if we — the particular effort that I would have made with local news. We're going to have interesting things like Duryea and who's going to run for Otis Pike's seat etc. And if we can cover that in a local level on television, I think the total community or the east end or the \$25,000 homes we have cablevision in or 100,000 people or 75,000 if you consider three in a home that it will be something that we've never had before and I think that Eastern Long Island is unique in that people are very provincial.

I grew up in New York City and there was so much going on we didn't worry about anything happening in the next street. But out here the people drain the News-Review from front to back or the Mattituck Watchman, etc. So therefore, I really think that cable is in a position to offer the Eastern End of Long Island something that they've never had before and if there are different rates, I'm sure in Huntington if you think about it is much more dense and if it's \$5.00 a pole and it's

PUBLIC HEARING - continued

Antonio DeGrasse continues:

consolidated, it's cheaper to operate and in the end, if you try to drive out at the other end there are a lot of poles between here and Montauk Point and Orient Point and whatever. So if the rates are different, I'm sure it's based on physical size rather than gouging on the part of cable TV.

I'm not an employee, but I'm just speaking because I think that the wisdom of the Board and the people in this Town we have to kind of move one and at the home box office I know when I take my wife and two kids between the popcorn, the hamburgers, and everything else, I drop \$20.00 to go to a movie. And they're still hungry when they get home. So if you get home box office for \$9.95 or whatever, I consider that a best buy and if you get cable TV for \$7.55 I would also consider it the best buy.

And I would like to say one more thing, I, too, will one day be a Senior Citizen and I understand and when I get there, there may not be any more Social Security, so I have another problem. I think there is a problem with Senior Citizens and people on a fixed income. And I want to acknowledge that I'm not trying to take one side against the other. However, if we're going to deal with beautification and try to make some progress in the Town we have to kind of pull together and see what we can do to work it out."

Supervisor Smith: "Thank you Mr. DeGrasse."

Supervisor Smith recessed the Cablevision public hearing to hold the next public hearing.

PUBLIC HEARING - 8:30 P.M.

Town Clerk submitted affidavits of publishing and posting of public notice on public hearing regarding on the matter of the Application of Agway, Inc. for a special permit for an additional storage tank on certain premises on southerly side of Pulaski Street.

Supervisor Smith: "I'm going to hold any testimony with reference to the Agway application. Those of you that are here in this particular hour for that hearing. You will please wait until we are finished hearing all those that are interested in speaking with reference to the Cablevision franchise."

Supervisor Smith recessed the Agway public hearing to go back to the Cablevision public hearing.

PUBLIC HEARING - continued

Vic Prusinowski, Lockitt Drive, South Jamesport:

"I, too, am opposed to rate increases. You get it all the time in LILCO, the telephone Company, your gas bill, as you know we pay a lot of taxes in this Town, too, but, and I was disappointed too in the home box office. They dropped Madison Square Garden Productions, but that wasn't really Long Island Cablevision's fault, that was because Time Life who negotiates the contract with Madison Square Garden Productions, they had a problem because Madison Square Garden Productions raised the rates. But I think there was a couple of points that are forgotten here.

I can remember back in 1963 when there was no cable television, and my grandfather had a 100 foot pole by his house and spent hundreds of dollars that averaged out to \$80 a month of \$80 a year, what you pay in service that sometimes you got channel 2. If you had an atmospheric conversion, you got channel 4, 5, and 11 like you do today. You'd always get channel 3 and 8, but the quality of program on the east end was poor. And I can remember when they first moved into Town, there was a real jump to get cable television.

Now the reception, I think is generally good and people say well gee why not since the systems up, why doesn't it cost less. And I worked at ABC Television Net Work when I was in College and I also worked for the television station, and it's a tremendous course in maintaining electronics. It's sophisticated equipment. They have 125 miles of lines in the Town and it's things from fittings cost of \$5.00 which you can buy in a hardware store for \$2.00.

But the other thing here, too, is that in working with Pete Jones, I've known him in contrast, and the operation they have now to the former general manager and there's a world of difference. They've tried to improve the system and I understand there are problems with the Senior Citizens and maybe there should be some allowance, a discount for this service. The mobile home parks, that's a different problem in itself. But I think generally, people have to go back and record, you know in 1963 when there was no cable television, there was no reception. You got a few Connecticut Stations, you got a few local. We have twelve channels, probably twenty. When you get on the telephone, you have to make a call to Queens, which costs you 60¢. When you call Patchogue, it costs you 10¢.

And I don't know if 18% is justified, but I don't think the cable company deserves a barrage of criticism that they're getting tonight, because it's a technical field and the money we're paying, I think, we get pretty good quality. Thank you."

Supervisor Smith: "Thank you Mr. Prusinowski. Anyone else? Mr. Eck, let's let everybody have their first bite of the apple. Anybody else for firsts?"

PUBLIC HEARING - continued

Mary Jane Ambrose, Peninsula Path, Riverhead: "I believe with the petition that I have presented, the Town Board now knows how a great deal of people feel about the rate increases. I am totally against the rate increases, but I have come before you tonight to bring out some points on some matters that should be looked into before the Board makes their decision on the increases in franchise renewal. It has been less than two years since cablevision has received an increase.

In July of '76, our service went up an additional 75¢ per month on the first outlet and this time cablevision is seeking \$1.30 per month increase for the first outlet. That would mean a total increase of \$2.05 per month in less than two years. Putting the \$1.30 per month on a broader scale with the subscribers in the Riverhead system it would mean over \$82,000 a year additional income to cablevision and that figure, you must remember would not be the total income Cablevision would derive from the increases they are seeking. Since second sets would be increased 50¢ per month reconnection charges, additional outlets, relocation of outlets would also be going up an additional \$5.05 each and installation charges an additional \$10.00

I would like to know if the Town Board has looked at the financial statements of the company? Does the Town Board know the total dollar amount that cablevision needs to complete their projects of expansion in viewification? Right now we have a figure of \$92,000 and we're talking about in one year obtaining \$82,000 just on a first set basis. Does the Town Board, because I do not know what the total revenue will be to cablevision with the total of all the increases? Remember, if rate increases are granted and when projects are completed this additional revenue from the rate increases will be profit to cablevision.

Now on the franchise, I have not seen one, and I would like to know what are the requirements for a franchise to be granted from this Town. Are we going to use the original franchise, has it been altered from 1963 or 1964 when it was originally signed? And does the Town Board have any enforcement powers if cablevision doesn't live up to their agreement? For instance, right now they want increases for service area expansion and other projects. Now if cablevision decides to postpone, delay indefinitely or drop them altogether. What can the Town Board do? Thank you."

Supervisor Smith: "Thank you Mrs. Ambrose. Anyone else choose to address the Town Board?"

Ronald Eck: "I just wanted to clarify one thing here which I believe the lady in the front row misunderstood me before. I didn't say Social Security, I said Social Security Insurance. Social Security Insurance that comes out

PUBLIC HEARING - continued
of the County Welfare System and people live on Cranberry Street and on Delores Avenue which are on Social Security Insurance and are on Welfare."

Supervisor Smith: "Thank you Mr. Eck. Does anyone else wish to get into this hearing with reference to cablevision?"

Gregory Blas, Jamesport; "What I think will happen if the Town Board adopts or approves the increase as been requested, the cablevision situation will be to help cablevision become even more of a monopoly than it already is, and if that happens, we're going to make sure for the future as far as we're concerned that there'll be no competition in the cablevision industry in this area and in other areas.

Now the significance of that is when there's no competition, we really don't know whether the prices that they're charging, the rate levels that have incorporated in this area are fair and unless we have some competition to keep control of the price levels that they charge, we have to lie on their financial statements. Now financial statements applied by an organization that's trying to present a picture of itself is a very tricky business.

We saw that with, well the most prominent example is New York City which for many years convinced the public that they were in a very solvent financial situation. They not only fooled the public, in fact, they fooled officials on the State and Federal level and they fooled the officials in many banks. I'm not saying that the cablevision people have or are presenting false financial records, but I am saying that the Town is putting the public in even more relying position in relying upon the financial statement of cablevision to find out how cablevision is really doing. I don't think that's good business. I don't think it's good idea to force the public to rely strictly on what cablevision said it's financial position is. There should be a better check and balance than that.

But my question is this, in so far as the area of expansion is concerned, would it be possible for cablevision like all the rest of us to save for their plans? And instead of expanding, now as they're desiring to do, would it be more possible and more appropriate to set up a reserve account of some sort and at some point in the future when this reserve account is sufficient to finance their capital expansion, would it then not be appropriate to spend the money that they have rather than spending the public's money that they want. Thank you."

Supervisor Smith: "Thank you Mr. Blas. I would assume, Mr. Blas, then you would recommend whatever franchise be given, be non-exclusive."

PUBLIC HEARING - continued

Gregory Blas: "Just briefly, I think the word non-exclusive is really unnecessary now with the cablevision company we have here now is probably going to have no competition in the near future. Any company it's size, which can expand with the approval of the municipalities in the areas in which it serves is going to be a very formidable opponent for any potential competitor. But whether it's exclusive or not, I think it would be a good idea to cause cablevision to set up in it's capital structure by amendment to its bylaws or its corporate charter, the reserve account that I was talking about and then tell cablevision that until you set that up in your own internal situation, we will continue the re-negotiations of this contract.

As a condition to a new contract, we want you to set up a reserve account or a savings account or whatever you want to call it from which you will finance your own future capital expansion. Thereafter, when you have that in your corporate charter or your bylaws then and only then will be to undertake to negotiate a contract that you're asking for."

Supervisor Smith: "You're suggesting Mr. Blas with reference to what rate on return on capital investment might be."

Gregory Blas: "The return on capital investment, I would suggest that the return on capital investment should be whatever is equitable not only for cablevision, but for the public that it serves."

Supervisor Smith: "Anybody else on Cablevision?"

No one else wishing to be heard and no further communications having been received thereto, Supervisor Smith declared the hearing closed at 8:45 P.M.

Mr. Cody: "All I wanted to say is that party that just mentioned about the Senior Citizens, that Glenwood Park and the mobile homes here have more Senior Citizens in them than this fellow has ever seen."

PUBLIC HEARING

Supervisor Smith re-opened the public hearing on Agway.

Supervisor Smith: "There is a proposal before the Town Board for a special permit with reference to an additional storage tank for, I believe it's nitrogen, which is part of the chemical fertilizer industry that provides fertilizers

PUBLIC HEARING - continued

for our area farms. Is there anyone present who wishes to speak on that particular matter?"

No one wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:46 P.M.

PERSONAL APPEARANCES

Emma Karch, Riverhead: "This gentleman has just spoke about telling cablevision how to run its business. I don't think any of us can tell any of these businesses, you don't save money today to expand. But I do think that cablevision is trying to better their public relations. I think you're aware of the fact they've had this drive going on to have all the people turn in their sales tax refunds for charitable cause. You gentlemen know about that, right?"

Supervisor Smith: "Yes ma'am I do."

Emma Karch: "Well somehow or other I don't think I'd like to be told what to do with my money, and I think most people felt that way. They could be commended for that. I think they were trying to put themselves into very good light with the people by doing that. I don't know what the reason was, but at the time when the sales tax, when the court decided that the sales tax was illegal or unconstitutional and the refunds would be made, Long Island Cablevision stated in an announcement in the paper that they would not take care of it, it would cost too much money and so forth. I agreed with that because I'm for one cutting down expense so you don't have to raise your prices right? So we're supposed to go ahead with that.

The next thing people start getting telephone calls from an employee of cablevision asking to donate this refund to this charitable organization. If you did that, they would either send you the form, they would fill it out for you, and all that. But if you didn't want to donate it, you had to write to Albany, and they would give you the address. I didn't think this was right. I called up the one day, I spoke to the young lady at cable television and she said they weren't obligated to do anything. But I still don't think it's right and I think we do have a few people in Glenwood who agreed to giving that donation. But an awful lot didn't. And I don't think it was a nice thing for cablevision to do. If Mr. Jones can give an answer to that? We talk so much about senior citizens, if you younger people would learn how to treat senior citizens a little better, maybe it would be better all around."

Supervisor Smith: "Thank you."

PERSONAL APPEARANCES - continued

Emma Karch: "Do you get what I'm saying?"

Supervisor Smith: "Yes Ma'am. That's why I put you on the certain Advisory Committees."

Emma Karch: "And if Mr. Jones can give an answer I really feel that it would do them good. It would put them in the good light and then they would say aren't they wonderful. We'll pay the raise. I don't know if that was the reason. I did call him up last fall when we had the budget thing. I wanted to know how much franchise tax they pay to the Town of Riverhead and he didn't know."

Supervisor Smith: "\$25.00."

Emma Karch: "\$25.00, and two years ago, when he came to me, I'm not going to talk against him, but I hate to be ripped off. And he said to me one of the reasons to get that raise that time, two years ago or whenever it was, he was in my house he said well we pay a franchise tax. Well I assumed that was big enough to cause this raise. I came up here and I asked one or two of you gentlemen do they pay a franchise tax? And you knew yes I thought it wasn't that important so, I didn't know it was \$25.00. That's why at the last public hearing for your budget, I asked you how much they paid and you said it wasn't much."

Supervisor Smith: "It isn't much. They do, in fact, pay taxes."

Emma Karch: "Than don't come along and say that you need a raise, because you're paying a franchise tax. \$25.00 a year out of all these . . ."

Supervisor Smith: "Hang on. What the gentleman is saying is if the community charges a franchise tax of 3% as is possible under the law, that portion of the rate — the request is 25¢ and that if the Town does not charge that figure, that that is not necessary in his rate structure and I think the last time you and I discussed it, that there is a question of whether or nor you charge a franchise fee and the franchise fee gets cranked into the rate and you pay it one way or another or whether you would just assume not charge franchise fee in the first place and get 25¢ less per month. Got me?"

Emma Karch: "No I don't."

Supervisor Smith: "I'll try to explain it to you afterwards."

PERSONAL APPEARANCES - continued

James Beebe, Riverhead: "I got a list of about 18 reasons why at the present time, I don't think Cablevision should have a rate increase. However, my reason for coming up here is to try to clear some of the muddy waters, I think created by the sales tax situation that Cablevision is undergoing. Just to clarify, the New York State Sales Tax Bureau has levied that tax on Cablevision. In course of time, they found that that was illegal. During that time, to my understanding, and I'm not a part of Cablevision or a part of the Children's Ranch. However, Cablevision did participate in the Telethon for the Timothy Hills Children's Ranch and during that time, became sympathetic. It was only their cooperation that involved them in the rate rebate. The ordinary process would have each individual apply to the state for whatever tax they thought would do then. This is not Cablevisions prerogative, nor is it their duty. So in this, I think they were only participating in a civic endeavor. Thank you."

Supervisor Smith: "Thank you Mr. Beebe. We're still in that portion of our agenda where we will recognize anyone wishing to be heard on any topic. I guess we got all the snow out of our system. Last time around a week ago. Anyone else?"

Richard E. Young, Representative of Long Island Cablevision; "It seems appropriate to respond to some of these questions. I think we owe it to both the people here because there are gross misunderstandings and I would like for you gentlemen to hear, in many of these things I think they are very basic to the operation of cable television. I'd like to get a chance just to clear the air. I'll try to do it. The people got about thirty minutes, I'll see if I can do it in five. There are about ten people. I don't know if I can go through it that fast, but I'll try."

Supervisor Smith: "Try five."

Richard Young: "Okay. The issue of retired people is a social question that I don't think the cable company really has anything to do with. We operate on the public's money. All the money we get comes from our subscribers.

If one segment of the public is to pay less, I guess if the balance is going to say avoid hitting bottom, then some other segment of the public will have to pay more. I'm almost a senior citizen myself and I'm sure I'll have the same problems as they do. If you or if they would like to identify which segment of public should pay that portion of the rates that they don't pay if it's reasonable and we think that portion of the public will stand that. We'll give senior citizens discounts. I think the senior citizens get a break.

PERSONAL APPEARANCES - continuedRichard Young continues:

They watch television a great deal more. And if you charge by the hour, you can make an argument for them to pay more. I think they get a lot of benefit from Cable and television in general. I will not really try to answer the other part of the question, but if the Council wanted to talk about it that's certainly your . . ."

Supervisor Smith: "Why don't you proceed to some of the other things that you set up to address?"

Richard Young: "Our costs of operation are obviously higher than they would be in Town. We have a microwave system that gets the signals from Town here. That's an expensive system. Again the public paid for that system. After we collected from them, we invest money, we try to collect and get it back.

A gentleman asked why they should pay for the cable while the cable's off. They don't pay for LILCO when it's off. I think the public pays for everything LILCO does. If LILCO goes out in a storm and fixes it, it doesn't appear on your bill as a separate item, but it's in the rates next year. All of the funds as LILCO gets, just as our operation comes from the subscribing public. We are in a metered service so it looks different and appears that they are paying for something they are not receiving. If I gave refunds and spent money correcting the trouble and raise the rates, I think comes out the same in the end,

A gentleman complains he has an amplifier cabinet in his yard. Statistically we have an amplifier cabinet every 200 feet in underground plant. Somebody has to have an amplifier cabinet in their yard and it is unfortunate, rather obtrusive. And in a mobile home park, it would be especially so because the lots are small and crowded.

I appreciate a couple gentlemen speaking in our behalf. Our offering service to extend into an area that is primarily welfare as far as the gentleman is concerned. I don't discriminate. If somebody's got \$7.25 per month, we hook them up and supply cable. It's none of my business where he got — if he's a bank robber, that's somebody else's problem not ours.

There's heavy capital investment in the front end. The young gentleman, I think, he denies economics in general and I think that's what you were asking when you asked what perhaps should a proper rate of return be. We welcome competition. If somebody else wants to build another cable system along side, we get about 60% of the people subscribing. — we each have 30 than per cent and I wonder what would happen to the rates. I don't think if we each had half as many subscribers as we do now, the two evolving cable companies, the rates would go down. If that were true, we'd have to have a car — train running the profits out of Town.

PERSONAL APPEARANCES - continuedRichard Young continues:

If it was that kind of property, the two companies could take half the subscribers at lower rates. Each having the same amount of capital infused there are no dual cable operations in the United States today. There are no cities, no areas where two companies both operate. The financial data provided to the Board March of 1976 indicated that with the raise that we requested last time from \$6.50 to \$7.25, the companies rate of return on an investment would go from a little over 1% to 3.45% in the middle threes. Data at this point says we were pretty close, and subscribers have been about the same way anticipate increase costs about properly, and we're very close on '76 actuals to the '76 estimates. Reserve fund, I don't know, I have no idea what he's talking about a reserve fund. I think this system is fortunate. It was purchased from private investors who did not have the money to continue to expand the system and it was purchased by a company which is, I call it cash-rich, they don't make any more profits than is typical in the industry that they are in but did they have business that's been off cash and they have cash to spend for capital investments like cable television, and they spend a bundle out here.

Emma, I guess public relations is damned if you do, damned if you don't. Certainly the effort that has gone forth as far as the tax rebate is in the interest of the public relations. We have no requirement what-so-ever.

First the tax was repealed because Peter Jones and the industry here in the State fought hard and brought suit against the State for levying an illegal tax. Again, it doesn't come from our pocket. It came from the subscribers pocket. We didn't want to make our product more difficult to market. If you make a 50% franchise fee, if I'm going to get it anywhere, I'm going to get from the subscribers, but don't want that because it'll make our product difficult to market. You heard people say they'll quit if we raise the rates. When we raise the rates, some people quit, but I think that the industry is to be commended for having attacked tax and reduced costs to the public.

The cable company has not requirement what-so-ever to assist our subscribers in recovering the tax, but they're calling subscribers and offering to either send them the forms or suggesting that they might as an alternative contribute to seven or eight dollars, whatever it is to a worthwhile charity. I hope that's not bad. Thank you."

Supervisor Smith: "Thank you Sir."

Mae Schubert, Glenwood Mobile Park; "Gentlemen of the Board, Mrs. Pendzick and ladies and gentlemen, most people tonight I would say gave a pretty good talk-around for or against or whatever. They spoke on what they believe in.

PERSONAL APPEARANCES - continued

Mae Schubert continues:

This Mr. Young that got up here made one of the most stupid statements I've ever head. If he represents Cablevision, they have my sympathy, believe me. He made a statement that the people that get the most out of watching television, the senior citizens and they should, if they were charged by the hour well that's a stupid ridiculous statement.

Is he under the impression or has he not stopped to think how many people are on unemployment and are home. He's going to charge them by the hour too? That's the most stupid statement I have ever heard made from a man of intellect. I don't get it. He just made a statement, also he's nearing senior citizenship, hallelujah, bully for him. Let me say this, he made a statement also that he's going to have to pay the raise, the way senior citizens do. I wonder what kind of a pension he's going to retire on. Let him see what he can do. Can we do it? We sure can. We don't have that kind of a pension. He represents Long Island cable television, they have my sympathy, believe me. Thank you."

Supervisor Smith: "Thank you Mrs. Schubert."

Carl Mortensen, Thurman's Estates: "I just want to say that we did not complain about that. We were paying as senior citizens. We've been paying our bills right along. The only — we object to is to have them raise 18%, that's all."

Supervisor Smith: "Thank you Sir. Anyone else on any other matter?"

No one else responded at this time.

RESOLUTIONS

#103 AUTHORIZES OVERTIME COMPENSATION FOR SNOW & ICE REMOVAL -
HIGHWAY DEPARTMENT

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

RESOLVED, Subject to approval by Town Accountant, that the Superintendent of Highways be and is hereby authorized to pay time and one-half compensation for snow and ice removal for the period from February 1, 1978 to February 19, for a total of 1,695 hours in the amount of \$14,458.52 as per abstract submitted (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.

RESOLUTIONS - continued

#104 CALLING FOR PUBLIC HEARING FOR SPECIAL PERMIT OF GUMBRECHT

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

RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish and post the following notice of public hearing.

PUBLIC NOTICE

PLEASE TAKE NOTICE That a Public Hearing will be held on March 21, 1978, at 8:00 P.M., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons in the proposed variance to Chapter 108, Article XV, Section 108-67 of the Code of the Town of Riverhead, requesting permission to divide one lot into two, neither of which would have the required lot area (the structure now on the lot would not have the required yard dimensions): on the property of John and Geraldine Bagshaw, Maple Avenue, Riverhead, New York.

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

The resolution was thereupon declared duly adopted.

#105 CALLING PUBLIC HEARING FOR ZONE CHANGE, PALMIERI

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

RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish and post the following notice of public hearing:

PUBLIC NOTICE

PLEASE TAKE NOTICE That a Public Hearing will be held on March 21, 1978, at 8:15 P.M., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons in the Petition of Doris Nagel Palmieri, for a change of certain property from the classification of Residence "C" Zoning Use District to Business "C" Zoning Use District, in accordance with the Zoning Code of the Town of Riverhead; at the property owned by petitioner at 952 Roanoke Avenue, Riverhead, New York.

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

The resolution was thereupon declared duly adopted.

#106 CALLING FOR PUBLIC HEARING - SPECIAL PERMIT, PICONE

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

RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish and post the following notice of public hearing:

RESOLUTIONS - continuedPUBLIC NOTICE

PLEASE TAKE NOTICE That a Public Hearing will be held on March 21, 1978 at 8:30 P.M., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons in the request of Joseph Picone to change an Industrial "A" Zoned plot to allow the manufacture of Commerical Soap as a non-nuisance industry.

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

The resolution was thereupon declared duly adopted.

#107 CALLING FOR PUBLIC HEARING - SPECIAL PERMIT, PICONE

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

RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish and post the following notice of public hearing.

PUBLIC NOTICE

PLEASE TAKE NOTICE That a Public Hearing will be held on March 21, 1978, at 8:45 P.M., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons in the request of Joseph Picone to change an Industrial "A" Zoned Plot to allow the Manufacture of Stucco and Stucco Products as non-nuisance industry.

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

The resolution was thereupon declared duly adopted.

#108 GRANTS PERMISSION TO ERECT TENT FOR 50TH ANNIVERSARY CELEBRATION

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

WHEREAS, Conservation Gas has acquired permission to use the property on Route 58 and Mill Road (Cauliflower Block) for a Fiftieth Anniversary of service, and

WHEREAS, Permission is sought to erect a tent for the celebration planned for a five day period; June 7th, 1978 through June 11th, 1978,

THEREFORE, BE IT RESOLVED, That permission is hereby granted as requested, to erect a tent at the above mentioned site for the period of five days, June 7, 1978 to June 11, 1978. Subject to compliance with existing parade and public assembly ordinances.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#109 REAPPOINTS MEMBERS OF CONSERVATION ADVISORY COUNCIL AND
FILLS ONE VACANCY

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

WHEREAS, The Town Board did create the Town of Riverhead Conservation Advisory Council by resolution on April 4, 1972, and

WHEREAS, The Town Board on April 18, 1972 did appoint a nine member board to the said named Council,

THEREFORE, BE IT RESOLVED, That the following members of The Conservation Advisory Council be hereby appointed to serve terms not to exceed two years, expiring September 2, 1980:

Michael Velys, Jr.
Horace D. Wells
Charles Lawrence
Charles Thrall
Joseph H. Baier
Gordan Danby
Leslie Corwin
Gilbert Raynor

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

The resolution was thereupon declared duly adopted.

#110 RETAINING LAW FIRM IN JOHN HANCOCK V. ASSESSORS AND EUROPEAN
AMERICAN V. ASSESSORS

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

WHEREAS, Mr. Francis Yakaboski, Esq., of the law firm Smith, Finkelstein, Lundberg & Yakaboski, was originally retained by the Town to defend the Town Assessors in John Hancock v. Assessors of Riverhead, Index No. 77-19729 and European American Bank v. Assessors of Riverhead, Index No. 77-19722, and

WHEREAS, Mr. Yakaboski indicated that there might be a potential conflict of interest by retaining his firm, and

WHEREAS, He has indicated that it would be in the Town's best interest to retain another counsel to represent the Town in the above pending actions, it is hereby

RESOLVED, That John J. Munzel, Esq., be retained pursuant to an agreement negotiated by the Town Supervisor on behalf of the Town, to continue the Town's defense in the above matters.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Supervisor Smith recessed the meeting for five minutes at 9:20, after which the meeting resumed at 9:25 P.M.

#111 CALLING FOR PUBLIC HEARING FOR SPECIAL PERMIT OF BARTASI

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

RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish and post the following notice of public hearing:

PUBLIC NOTICE

PLEASE TAKE NOTICE that a Public Hearing will be held on March 21, 1978, at 9:00 P.M., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons in the application of Joseph Bartasi, requesting permission to erect a drive-in restaurant in a Business "C" Use District, at the property located at the southeast corner of Route 58 and Roanoke Avenue, currently owned by Paul and Alan Sweezy.

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

The resolution was thereupon declared duly adopted.

Before the following resolution was offered, Supervisor Smith made the following statement: "With reference to this one gentlemen, we haven't discussed it before, but we are increasingly asked by foundations as Kreskys, Sears Roebuck, etc., that we get grants from all sorts of different projects for a tax exempt status letter. These things have to be filed for, and obtained this particular young attorney who is someone that specializes in tax and tax related matters and can obtain the same for us."

#112 RETAINING TAX COUNSEL FOR I.R.S. STATUS DETERMINATION

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

WHEREAS, Now as in the past the Town of Riverhead has sought and obtained millions of dollars in grants from various sources, and

WHEREAS, The Community Development and Grants Department is expanding their search for funds to various private foundations, and

WHEREAS, Said private foundations request assurances from the Town of Riverhead as to Riverhead's tax exempt and private foundation status pursuant to Internal Revenue Code sections 105(c) (3) and 509, which could include the necessity of application pursuant to Internal Revenue Service determination letters and revenue rulings, it is hereby

RESOLVED, That the Town Board instruct the Town

RESOLUTIONS - continued

Attorney to negotiate an agreement and retain tax counsel, Keven Danow, for the purposes of issuing an advisory opinion as to the Town's tax exempt status, to undertake the preparation and filings of necessary documentation with the Internal Revenue Service and to obtain the appropriate aforesaid determination letters and revenue rulings.

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

The resolution was thereupon declared duly adopted.

#113 AUTHORIZES POLICE TO ATTEND SEMINARS; AND COMMUNITY DEVELOPMENT SUPERVISOR TO ATTEND SEMINAR

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

RESOLVED, That Lt. Robinson be authorized to incur those expenses including registration, Hotel fees, and Travel fees, for the attendance to a seminar with reference to obtaining grants; specifically when oriented toward Law Enforcement, in Washington, D.C., and

BE IT ALSO RESOLVED, That Patrolman Robert Quinn, or his substitute be authorized to attend a seminar, including the costs of registration, travel and housing at the University of Delaware, with reference to Police Communications, and

BE IT ALSO RESOLVED, That Robert Scheiner, Community Director, be authorized to attend a seminar with reference to Section 8; Housing and registration fees at a cost of \$120.00, together with necessary expenses.

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

The resolution was thereupon declared duly adopted.

#114 AWARDS BID TRAFFIC RADAR AND ECM MODULE

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

RESOLVED, That the bid for Traffic Radar and Ecm Module for use of the Town of Riverhead Police Department, be and is hereby awarded to M.P.H. Industries, Inc., 15 South Highland, Chanute, Kansas 66720, as follows:

Cost per unit is \$2,735.00, less \$1,100 trade-in; and the bid is awarded on the basis of the special allowance for two units:

Tow (2) K-55	-	\$4,970.00
One (1) ECM	-	250.00
		<u>\$5,220.00</u>
Less Trade-in		-1,850.00
Net Cost		<u>\$3,370.00</u>

RESOLUTIONS - continued

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

The resolution was thereupon declared duly adopted.

#115 REQUESTS POLICE PATROLMAN LIST FROM CIVIL SERVICE

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

WHEREAS, Patrolman Richard Schmersal has filed with the Supervisor the necessary papers to begin his retirement, and a vacancy will be created in the ranks of patrolman;

NOW, THEREFORE, BE IT RESOLVED, That the Supervisor be, and is hereby authorized to request the local list for that position from the Suffolk County Civil Service.

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

The resolution was thereupon declared duly adopted.

#116 REQUIRES CANDIDATES APPOINTED TO POLICE DEPARTMENT FROM CIVIL SERVICE LIST TO BECOME RESIDENT OF THE TOWN OF RIVERHEAD

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

WHEREAS, The rules of the Suffolk County Department of Civil Service do not permit the Town of Riverhead to call for a local list and require the canvas of a list including all residents of the County of Suffolk, and

WHEREAS, It is the desire of this Town Board where possible, to appoint to the Police Department only those members on the list who reside within the Town of Riverhead,

NOW, THEREFORE, For the purposes of Civil Service appointments within the Riverhead Police Department,

BE IT RESOLVED, That any candidate appointed from said list, shall upon the date of appointment, be, or become, a resident of the Town of Riverhead.

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

The resolution was thereupon declared duly adopted.

#117 APPOINTS TWO MEMBERS TO LANDMARKS' AND PRESERVATION

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

RESOLVED, That Alice Kappenburg be and is hereby appointed to the Landmarks' Preservation Commission, to fill the vacancy caused by the resignation of Helen Hanna, term of office is until October 20, 1979, and that Estelle Evans be and is hereby appointed to the same Commission to fill the vacancy caused by the resignation of Lindsley Schepmoes, term of office until October 20, 1978, and

BE IT FURTHER RESOLVED, That the members currently serving on the Landmark's Preservation Commission, be and are

RESOLUTIONS - continued

hereby re-appointed to serve terms of 1, 2 or 3 years, as designated by original appointment.

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

The resolution was thereupon declared duly adopted.

#118 GRANTS SITE PLAN REVIEW, BEACON PHOTO IN WADING RIVER

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

WHEREAS, The Building Inspector has referred to the Town Board for Site Plan Review, a proposed amendment to the Wading River Shopping Center, to show the establishment of a proposed building for Beacon Photo; and the same has been reviewed by the Building Department and this Town Board;

NOW, THEREFORE, BE IT RESOLVED, That said site plan, dated January 10, 1978, a true copy of which is initialed by the Supervisor of the Town of Riverhead, and dated for filing with the Town Clerk this evening, be and is hereby approved.

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

The resolution was thereupon declared duly adopted.

#119 AUTHORIZING TOWN ATTORNEY AND ASSISTANT TOWN ATTORNEY TO FILE PROTEST WITH STATE BOARD OF EQUALIZATION

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

WHEREAS, This Town Board has in the past challenged the equalization rate as is established by the State Board of Equalization and Assessment, and

WHEREAS, We are in receipt of the tentative rate for the Town of Riverhead, showing the rate of 9.78%,

NOW, THEREFORE BE IT RESOLVED, That the Town Attorney, is in conjunction with the Assistant Town Attorney, Peter Danowski, instructed to file a protest to the rate of 9.78% and take other and further actions as they deem necessary in the prosecution of this matter.

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

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the Meeting adjourned at 9:28 P.M.

Irene J. Pendzick

Irene J. Pendzick, Town Clerk