

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, May 16, 1989 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman
Denise Civiletti, Councilwoman

Also Present: Patricia Moore, Town Attorney
Irene J. Pendzick, Town Clerk

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited .

Councilwoman Civiletti offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Minutes of Regular Board Meeting held on May 2, 1989 are dispensed and approved without objection.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Reports."

REPORTS

Building Department-Month of April, 1989. Filed

Tax Receiver-Collections as of May 10, 1989. Filed

Supervisor's Office-FEIS of Chesterfield Estates. Filed

Riverhead Fire District-Results of special election held on May 11, 1989. Filed

Community Development-Notice of Finding: No significant effect re: Third Street Rehabilitation and Home Improvement Program. Filed

Open Bid Report-Polymer System-Sewer District Filed
(See Sewer & Scavenger Waste District Minutes)

Open Bid Report-Submersible Pump-Sewer District Filed
(See Sewer & Scavenger Waste District Minutes)

Supervisor Janoski, "Thank you. Applications."

APPLICATIONS

Special Permit-East End Off Roaders-track for radio controlled cars, N/s Route 25A, Wading River. Filed

Supervisor Janoski, "Correspondence."

CORRESPONDENCE

Southold Town, 5/10/89-Notice of Adoption of Local Law #6-89 and Notice of Public Hearing re: Local Law for zoning. Filed

S.C. Dept. of Planning, 5/2/89-Having heard no adverse response re: Wading River Hamlet Study, they'll take no further action. Filed

L. Wicklund Jr., 4/26/89-Advising that the Executive Board of Northville Beach Civic Association supports suggestion that public hearings re: banning motor vehicles from Sound beaches be held in July or August. Filed

Barbara Kreshon, 5/10/89-Copy of certification of assessed value of Pine Valley of resident taxpayers. Filed

Mrs. Harold Toomey, 5/10/89-Expressing her gratitude to the Water District in response to request for emergency service. Filed

N.Y.S. Dept. of Transportation, 5/15/89-Advising request for investigation of parking, Route 25, Riverhead, has been received and will be scheduled; advising completion of investigation speed study at Manor Lane, Herricks Lane, Pier Avenue and Edwards Avenue. Filed

Theresa Marino, 5/11/89-Requesting that fence at Washington Avenue beach be removed. Filed

Malcolm Pirnie, 5/10/89-Proposal to evaluate impact of Suffolk County complex on Sewer District facilities. Filed

Riverhead Fire District, 5/11/89-Inquiry of availability of property on Route 58 now used as training grounds. Filed

Supervisor Janoski, "Thank you. The time for the first scheduled public hearing has not yet arrived. I would recognize anyone wishing to be heard on any subject. Alice."

Alice Graff, Riverhead, "This evening I wish to speak about a situation from my long list of concerns, I hope for a reply in the very near future. During the past month, there has been debate by you, as Board members, relating to the employment of part-time held. It is my understanding that each year numerous employees have taken a leave of absence of various ranges in time. Presently, there are two ladies that are seeking reinstatement on a part-time basis. A situation that appears to be free of impurities on the surface. But when I open the book to the first chapter, a different perspective emerges. Forthwith is my understanding of the situation and I do stand to be corrected if my interpretation does not conform to employment standards. These are two qualified, experienced young ladies who salaries are or will be almost \$16, \$15.90 an hour to be exact. They find that working a full week will present a hardship. Therefore, they prefer to work only three days. A total of 21 hours. Strange, 21 hours. As I comprehend this, 21 hours, this is three hours above the part-time category. Thus, the financial picture changes drastically. Above and beyond 18 hours of employment per week, full benefits are part and parcel. And to my fairly normal mental condition, these benefits are not salamanders but rather to our town employees, these benefits add five to six thousand dollars to the total salary. Irregardless of the competence of the part-time worker in any office, adjustment to status of data in the lapsed time, is inevitable. My interpretation of this means that much of that first \$16 per hour salary will be used to locate and define a starting point. Attributable to the fact of a person's inability to work a full week, additional positions must be set into place. Under these circumstances, our tax dollars will be paying office employees in the neighborhood of \$50,000 a year for two part-time workers normally filled by one full-time person. What if one half of the entire town work force decided to follow this avenue of employment? I would say that it would be a very worthwhile trip for the employee. After all, senior rights, vacations, salary increases, insurances, holidays, personal days, sick days, and more than likely there are other benefits that I have never heard about. After all, \$6,000 provides a lot of icing on town employee cake. So why work full-time? Do these two persons that are attempting to be reinstated and all other town employees of our town of a normal payroll, do they live in our town? If this the propotent course of action, this weight, this preponderance of the employee's salaries relevant to the aforementioned conditions, will mushroom. Who pays? Property owners taxed to what "nth"? Thank you."

Supervisor Janoski, "Is there anyone else wishing to be heard? Steve."

Steve Haizlip, Calverton, "I think it was the last week in April there was a meeting that we had. I reported to the highway committeemen, Mr. Lombardi and Mr. Boschetti. By the way Mr. Janoski, I'm sorry about addressing them without getting your direct. Ok. Now, the one complaint was the Route 25 and the 58

merger. Well, that's been surveyed and it's been taken care of. It is now left lane merge and the sign is left lane merging. Now, the next item that I reported at that time was the brutal condition of the Harrow's parking lot. What I want to know at this time, has the highway committee made any approaches to anyone or made an inquiries or do you have any progress to report?"

Councilman Lombardi, "On the Harrows, Steve, I gave a report to Richie Gadzinski who is checking into it and we are working on that and we'll take care of it. I'm ready to go to court with Mr. Segal as far as I'm concerned."

Steve Haizlip, "All right, very good. Are we in receipt of the town engineer yet?"

Supervisor Janoski, "No. Thank you. Is there anyone else wishing to address the Board on any subject? That being the case, let's take up the resolutions. I expect there is going to be a motion to take from the table on #240."

Resolution #240 was removed from the table for Town Board action by Councilman Boschetti. See Page 586 of the 1989 Resolution Book.

#240 ADOPTS AMENDMENTS TO RIVERHEAD TOWN CODE AND ZONING USE DISTRICT MAP (RESIDENCE "B" AND INDUSTRIAL "A" TO FARM NEIGHBORHOOD - WADING RIVER).

Councilwoman Civiletti, "I'd just like to say something. And that is that at this point, I don't see much point in doing it because there are apparently three votes in favor of this resolution, two votes against. And in order for this to be a meaningful act, we need to have four votes super majority. But I will vote yes to take it from the table."

The vote, Boschetti, yes, Pike, no, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon removed from the table.

Councilman Boschetti offered resolution #240 for Town Board action which was seconded by Councilman Lombardi.

Councilman Boschetti, "Before I vote, I just want to make a comment because I know there are a lot of people here in regard to this particular resolution. This particular resolution is going to be changing the zoning from one to two acre in this particular area. My concern in this particular piece of property and the zone use that would be placed on it is based largely on the protection of the quality of the water underneath it. It is presently labelled a water sensitive deep recharge area which means it would have the most dramatic effect to any of the aquifers that lie below it and from which aquifers we draw our drinking water. There had been some concern that perhaps there was a broad brush of application to the designation of deep recharge area concerning this particular parcel. And I, during the time we tabled it up until the present, I've been in contact with the Farm Bureau and its Executive Director, Joe Gergela. I've talked to others in the county. I've talked to our own staff. A presentation was made here that reaffirmed the fact that this particular area is in fact deep recharge. And as I have told people who have come to my office since that time, that my concern is (again) with the water quality. This is not a vote on whether or not I am going to be also voting on other two acre applications as a result of recommendations from the task force. This is a vote on water quality for me. Others may view it differently. Others may vote on it for different reasons. I'm giving you my reasons for voting on it and I vote yes."

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, no, Janoski, no.

The resolution was thereupon duly declared DENIED.

Resolution #240 required a four to one vote for passage.

Supervisor Janoski, "Let the record show that the hour of 7:47 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, May 16, 1989 at 7:45 p.m. to hear all interested persons who wish to be heard regarding: **Proposed Local Law entitled: "Defense and Indemnification.**

Patricia Moore, Town Attorney: "Thank you. The Town Board, by this local law, is placing into the code what has already been a policy of the town to indemnify to provide for a legal defense of all employees of the town whether they're appointed, whether they're paid or not paid. If an employee is sued by someone in acting within the scope of their authority, they are provided a defense. We are placing that local law in the code so it's clear for everyone."

Supervisor Janoski, "Is there anyone present wishing to address the Town Board on this code for the Town of Riverhead? Did you raise your hand George? Ok."

George Schmelzer, Calverton, "What's this going to cost the town?"

Supervisor Janoski, "It depends on how many people sue the employees of the town. It's difficult to..."

George Schmelzer, "Well how are you going to put it in the budget if you don't know what it is?"

Supervisor Janoski, "There is always in the budget, an amount placed for litigation."

George Schmelzer, "If somebody sues me, I've got to pay for it myself. The citizens pay for their own. How come the town officials don't pay for their own?"

Supervisor Janoski, "The purpose of this of course is a public hearing to get your opinion of this. But it's a provision that if a town employee, acting in the capacity of a town employee is sued, the person, an appointed official with salary or an elected official, that the town would in fact defend them in the carrying out of their duties."

George Schmelzer, "That's pretty good. They either have to steal something or if they don't steal something or don't kill somebody, they defend you. Just like Congress made a bill last year and Reagan signed it. The same thing on the federal level."

They defend all the bureaucrats defended by the taxpayers. But when they put a bill through like that type, a whistle blows and that was vetoed."

Supervisor Janoski, "I think what you have to understand George here is that the town, in reality, is defending the taxpayers. Many lawsuits which are brought against the town, name a number of individuals plus the Town of Riverhead. Some of the litigation and the amount of money sought is a tremendous amount. For example, an accident takes place in your neck of the woods, the individual involved is intoxicated."

George Schmelzer, "He's got insurance hasn't he?"

Supervisor Janoski, "George let me finish please. The individual fails to negotiate a curve in the road, hits a telephone pole, decides to sue the town. He names everybody; Highway Superintendent, Town Board and the Town of Riverhead which is you George. He sues the town for a great deal of.... I'm trying to explain to you George that we're trying to protect your best interest. All right. So our purpose in defending the Highway Superintendent is in effect, defending your interest too. In that case that I mentioned, the Town of Riverhead lost. And the litigant was awarded \$675,000."

George Schmelzer, "How did we loose? What was the reason they lost? A lousy lawyer?"

Supervisor Janoski, "The courts. I give up George. Thank you."

George Schmelzer, "Was it really the town's fault?"

Supervisor Janoski, "In my humble opinion, no it wasn't. But in the opinion of the court, it was."

George Schmelzer, "We have no insurance?"

Supervisor Janoski, "We have insurance."

George Schmelzer, "You didn't have enough insurance then. Maybe you should get better insurance instead of defending all the bureaucrats you've got working for the town and they'd be more careful. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else wishing to address the Board on the matter of this defense of employees? That being the case and without objection, I declare the hearing to be closed."

7:45 PUBLIC HEARING CLOSED AT 7:50

Supervisor Janoski, "Before we take up the resolutions once again, is there anyone wishing to address the Town Board on any subject in the resolutions, anything on the agenda? Yes."

Lyle Wells, Riverhead, "I wanted to speak before you took a vote on the tabled resolution. I think it's important that some things be brought out at this time. The task force which was initiated by the town, had some very bad structural problems to it. And the outcome of the test of course, the structural problems caused the conclusions that came out of the task force or the lack of conclusions to be arbitrary. By the time the task force finished it's meeting, the sides that had met initially were at further odds than when we first started. So the finding by the task force, I would like to say, the Farm Bureau would not support at this time. Also, Lou you brought up a situation on ground water quality. At this point, the Farm Bureau is working with a task force, the Agricultural Task Force created by County Executive Halpin, in negotiations with Dr. Andreoli's office towards alternatives towards his memo in regard to cluster development and agricultural use. We hope to... This is basically tied to Article VI. One of the suggestions we have is possibly an application of Article VII in regards to agricultural use similar to what they use for industrial property. As you know, there's plenty of water in Riverhead to support the existing zoning that exists at this point. I think (possibly) we'd be better to look at some of the potential hot spots in the town that now exists; trailer parks, high density zoning and stuff like that. See if we can't solve those problems of nitrogen loading in those areas either through the sewer plant or something along that line rather than trying to confiscate the property of the large landowners. Let's see if we can't limit the nitrogen loading in some of the areas of the town that we know are definitely contributors. I think one thing that we asked for right from the very beginning, is that there be a mechanism for farmland preservation. We've supported that right from the very beginning. Whether it be a TDR program which has been mentioned and discussed quite thoroughly. I think we realize the need for it and the goal of the Farm Bureau is to keep agricultural healthy and we would like to see support along those lines. We're just sorry that some type of mechanism hasn't been implemented already in regards to farmland preservation whether it be TDR's or some other type. I just... Lou, I was happy to see that you mentioned that your vote here tonight would not be a broad brush vote. It would go across the town because our feelings is that what was on the agenda tonight is what happens in Wading River is what may very well happen in Jamesport or Aquebogue, Calverton or Baiting Hollow or any of the areas. I hope that we can sit down and hopefully soon get some kind of mechanism to get a farmland preservation program that doesn't include major upzonings in it. Thank you."

Councilman Pike, "Lyle, just one point on your TDR comment. The Assembly and the Senate did this year, for the first time, pass state enabling legislation for TDR. One of the difficulties

we had previous to that was that we would have to do it by local law and take a risk of having properly done it by local law. Now that there is state enabling legislation, one of the more interested parties, being the title insurance companies, are going to have lot stronger a foundation on which to build a program."

Lyle Wells, "I understand there's a rumor that they've acknowledged the use of a TDR bank as well as the state regs. That has possible potential for the Town of Riverhead. We're not against good planning. We feel it's important and it's a matter of where the population is and how it's..... The services are supplied for them. That's the important thing here. The matter of zoning for farmland preservation shouldn't even be a subject."

Supervisor Janoski, "Thank you Lyle. Is there anyone else wishing to address the Board before we take up the resolutions? Bill."

Bill Talmage, Riverhead, "We talked about our concerns about getting an upzoning rammed down the throat of the farmers. I think when this issue came up we mentioned that. And frankly is was tracked and it didn't work and it was tabled but it was attempted. Then we heard of lot of people who came out with concerns and we heard an awful lot of that. Then we see in the paper that some of you, Mr. Boschetti, have heard our concerns and understand them but you're going to vote for it anyway. This might even be worse. One thing is not to have heard our concerns and try to slip it through without hearing our concerns than something to hear your concerns and not think they're important enough. The reasoning.... I could have said the reasoning is ground water. That's the standard reasoning for almost anything in Riverhead Town. Suffolk County Department of Health thinks that you can have one acre zoning and still protect the ground water. In fact, they'll give you half acre if you municipal water supply. But maybe they don't know anything. But also what really concerns me here is on Thursday, May 4th in the Traveller Watchman's article about providing water to Southold Town and the engineer report said Riverhead has enough water resources to meet future water needs as well as those of Western Southold Town. Suddenly the concern about Western Southold Town and we're going to take things away from Riverhead farmers because we can provide Western Southold. Mr. Boschetti was quoted as saying that he has no problem with providing water to Southold and we have plenty of water. And yet, at the same time, we have the ground water issue that raises his head and is a reason for this upzone."

Councilman Boschetti, "Can I address that question? You're confusing quality with quantity. I never said we didn't have enough water. I said we had to protect the quality of our water. Having a lot of contaminated water is of no use to anyone. Having good drinking water is, of course, what we're after. That is the distinction of my vote. It's nothing new. I've been saying this for over two years. And one of the first

times I said it was at the Farm Bureau meeting in the Farm Bureau Building. I've never tried to hide behind anything. I've been up front. I said water was a concern and I'd be willing to work with the Farm Bureau to help them alleviate any problems they had and I still make that offer."

Bill Talmage, "Well we'll see when the rest of it comes up. I hope so. The quality versus quantity issue; again I refer back to Suffolk County. And we're doing something beyond that. Mr. Andreoli know. He acknowledges that it was never designed to act as a basis for rezoning. He wasn't even aware, according to him, that it was being used as an excuse for upzoning. We are currently in negotiations with him and working with him to come up with a way that nitrogen loading can be controlled. Because the bad agricultural for example, some agricultural crops don't even require nitrogen. Some make their own nitrogen. And that's a very broad stroke way of doing it. So what I'm saying is that I don't think the quality issue is definite and I don't think that that is something that one acre versus two acre in that situation. It's something that has been proven and has been shown. That one acre zoning is definite a threat to the water underneath it. And Suffolk County Health Department will allow it. Why should this Board go beyond that. When you're dealing with people's lifesavings, you can't do it on a whim. You can't do it on things that are not researched. So I think we need a stronger argument to support it. I am in favor of TDR's. I think the ruling, the law that came out of Albany is important. I think we have a possibility of setting up a TDR bank and putting a TDR on line and moving development to less sensitive areas. That makes a lot of sense. But limiting development somebody pays for. And if we were to spread this cost amongst all the people of Riverhead in a TDR program, to make up the difference to the landowners, if you were to pay the farmer for the difference in value that you've taken from him by this upzoning and spread that cost among all the people of the town, the people of the town would be up in arms saying we can't afford this. And if 22,500 people in the town can't afford it, how can a couple hundred farmers in the town afford it. It's the same cost just spread over more people. Thank you."

Supervisor Janoski, "Thank you."

George Schmelzer, "On the subject of water. I just figured out that an acre of land has three foot of water a year of rain. So you get over 143,000 gallons. That's enough for one house, probably 50 houses. I got a copy of a resolution adopted by the Town Board on March 21st on the D.E.C. controlling the river. I'm not on the river but quite a ways back. By reading it, you can't figure it out. When it gets down west it goes up quite a ways. Then I got a letter here received by the Supervisor's office March 6th before this resolution advising us to come to the meeting to defend our rights to the river. Then the Town Board passes this on the 21st. I call that treachery. What the h--- is this? You send letters like this and double cross all

the owners by passing this resolution. They all get screwed. How about explaining it."

Supervisor Janoski, "I've tried a number of times to explain it to you George. I'm not going to say anything different than I have told you in the past."

George Schmelzer, "You didn't say that before you sent this letter out. And then right after that, you double crossed the landowners with this god d--- thing. I suppose you all voted for it. Everyone vote for it? Just like people said before; you turn them upside down, they all look alike. That's real treachery. What are you going to do about it now? Nothing? I guess before election they do something and after election it's forgotten. And this study, this Peconic River Study report by the D.E.C. says this study and report was sponsored by the Riverhead and Brookhaven Town conservation advisory council and the Southampton Town conservation board. What did they advise? Nobody seems to know."

Supervisor Janoski, "You're talking about the study that was completed in 1985?"

George Schmelzer, "What did they advise? All this nonsense. What did they advise?"

Supervisor Janoski, "You've got the report there. It's been a number of years."

George Schmelzer, "It doesn't say what they advise."

Supervisor Janoski, "I believe the study recommended the implementation of regulation; a distance of 500 feet from the river bank."

Supervisor Janoski, "So what did you do then?"

Supervisor Janoski, "At about the same time that that study was completed, the State Legislature implemented the New York State Wild, Scenic and Recreational Rivers Act."

George Schmelzer, "The one you recommended on the 26th or whatever it was, was more than 500 feet. How come?"

Supervisor Janoski, "George, I'm not going to debate this."

George Schmelzer, "It's not a debate. I'm just asking you what you're doing."

Supervisor Janoski, "Do you want me to tell you exactly what I told you in my office a couple of weeks ago? There were a number of points of view on the part of this Town Board. Some more extreme away from the Rivers Act, some more toward it. What we believe was that we should hammer out a consensus opinion so

that we would have a unanimous point of view to present to the State. There was absolutely no hope that the State of New York was not going to implement the designation south of Route 25. It was just not going to happen. And I think the Town Board recognized that we couldn't defend that position. Although some of us supported that point of view, that the Hamlet of Riverhead for example, should be entirely out of this designation. We acted together in concert to develop a consensus. A single point of view. That's what we presented to the state and we're going to have a h--- of a time getting them to accept that."

George Schmelzer, "You didn't start early enough. Four years ago you should have opposed it hot and heavy."

Supervisor Janoski, "We opposed it four years ago when it was first brought before the Legislature. We have, I have, various members of the Board, have opposed it. We have gotten into arguments with our State Legislators and this has been an ongoing battle. I don't know what else I can tell you George."

George Schmelzer, "They said they thought that they were doing what you wanted. What kind of justification is that?"

Supervisor Janoski, "I don't know how they can get that opinion George because successive Town Boards have opposed it."

George Schmelzer, "Well, I know some of them haven't here. They went along with it and good enough. Now all of sudden there's nothing in the record but now they say they oppose it."

Supervisor Janoski, "George, if you really want to address the people that ignored the point of view of the town and that was the government that existed in 1985, you should be talking to your State Legislators."

George Schmelzer, "They're all the same."

Supervisor Janoski, "I do know that John Lombardi and I in 1985, I think, travelled to Albany, met with the Commissioner of the D.E.C., met with our State Legislators, presented the point of view of the Town of Riverhead which was that the hamlet should be completely exempted from the provisions of this law. I believe we passed resolutions opposing it. I know that we have expended our efforts over these years trying to win our point of view and we are continuing to try to win our point of view."

George Schmelzer, "Then on the 29th, three of you go up just like three wimps. Instead of fighting hard..."

Supervisor Janoski, "Once again George I give up."

George Schmelzer, "I think I'll write to them and tell them to extend it right to the Bay."

Supervisor Janoski, "That was their original proposal George."

George Schmelzer, "Ok. Do it and stick everybody. Make a half of mile on each side including Merritts Pond, everything. Then maybe they'll do something. And of course you can't say that isn't a river. It's called Cross River Drive. It isn't called Estuary Drive. There's a bridge. So it's a river. I know you're all weaseling at times. I look at here, we got Sawicki who says he's going to help the people with their problems along the river after the so an so passed it and sponsored it. So I think you're all of the same ilk. So before election, they'll fight for their people. The day after election, the h--- with them. That's the tradition but still I can't figure how you sent this letter out and after the letter was sent out you double crossed the people passing that resolution double crossing the people. You shouldn't have passed anything at all. Or pass a resolution that you don't want nothing. Are you afraid of them or something? Do they put a gun to your head if you don't pass that resolution? We'll stick it to you worse. Is that what they say? No answer."

Supervisor Janoski, "Thank you George."

George Schmelzer, "I think you're all a bunch of wimps or double crossers or whatever else I dare not say in front of the people."

Supervisor Janoski, "Thank you for not saying it George."

George Schmelzer, "How may of you like what they do?"

Supervisor Janoski, "George, you're getting out of order. George, please sit down. Thank you. Before we take up the resolutions, any other observations, comments on anything on the agenda? That being the case, we will continue with the resolutions."

Resolution #240 brought off table and found on page 586
Resolutions #355-#392 found on pages 587-636 of
the 1989 RESOLUTION BOOK.

#374 AFFIRMS EMPLOYMENT OF JANICE GIERER.

Councilman Boschetti, "A comment before voting. I just want to point out that if this was a request of me to vote for this individual for full-time employment, I would have no problem in doing so because the individual we're discussing here is fully competent and very capable. My problem is in the shift of hours from 35 to 21 per week. I see it as an economic problem for the town and a problem moreover since we don't have a policy that guides us in this kind of application. Therefore, I vote no."

Councilman Pike, "Basically the vote is complicated and does preserve in the long term a more clear policy about how we handle people who want to, particularly people with high expertise who want to work reduced hours. There's also no question that under the CSEA contract of working more than 17 1/2 hours of 18 plus hours is a full-time job in the Town of Riverhead. Both the pay and the benefits are prorated to the amount of time actually worked. So that if we do have a department head that wants to retain somebody of unquestionable qualifications and expertise who has other responsibilities, the concept of job sharing and/or flex time is increasingly part of modern day corporate efficiency and I think this town should have no less. I vote yes."

The vote, Boschetti, no, Pike, yes, Civiletti, yes, Lombardi, no, Janoski, yes.

The resolution was thereupon duly declared adopted.

#375 ACCEPTS DRAFT ENVIRONMENTAL IMPACT STATEMENT OF EAST END COMMONS.

Councilman Pike, "We have discussed with our Planning Department and the applicant inadequacies we did find. We also agreed among ourselves that this draft, after coordinated review and comments, would be the subject of a hearing. And with those caveats on its improvements, I would move the resolution which accepts the draft environmental impact statement."

#382 AUTHORIZES MALCOLM PIRNIE TO CONDUCT FEASIBILITY STUDY WITH REGARDS TO THE ERECTION OF A NEW SEWER PLANT FOR COMMERCIAL AND INDUSTRIAL USE.

Councilwoman Civiletti, "I'd like a discussion. I wanted to ask that we postpone the vote on this and that we table this resolution. After John expressed his interest in putting this on the table tonight, I checked into our existing contract with Malcolm Pirnie and I checked into what their proposal for work to be performed was. That was something that we have contracted with them to do and something that they're in the middle of doing and it's something we're paying them \$159,000 plus to do consulting work. It appeared to me that reviewing or assessing the industrial or commercial sewage needs in the Town of Riverhead is part of the contract we signed with Malcolm Pirnie (I guess) back in March. I telephone John Batten and he got back to me late this afternoon and I've spoken to him about that. And he is now projecting that he will have those numbers ready in three weeks to possibly a month. At that point, we ought to make a position whether or not we want to pursue connecting, by way of a pipeline, the sewage that would be generated in the industrial section of the town basically, Calverton or whether it would make more sense to proceed by way of constructing a separate and distinct facility. The consultants feel that there is a good possibility that it would be more cost effective to run the pipe

and do a cross main. Unless we have an interest in special sewage needs that are generated by very heavy industry which is something that I would not anticipate, that would be the only reason to have a separate plant. And at John Batten's suggestion, we ought to wait for them to finish the analysis that we've already contracted them to do rather than enter into a new contract at this point in time. I think that it's premature. So I move to table."

Councilman Lombardi, "I spoke to Mr. Batten the other day and I did not get the same answers you got. And what I'm looking for is a study so that we could have an industrial park in that area and to look at the industry developed to pay for this plant. Not the people of the Town of Riverhead. And if we do not make this study, we're not going to know anything. And Mr. Batten was very up to this study. So feel we should go."

Supervisor Janoski, "Before we get into discussion on the motion to table, do we have a second for the motion to table? It is moved and seconded."

Councilman Boschetti, "Mr. Supervisor, we're in the middle of a vote on a motion here. I've already voted."

Supervisor Janoski, "There's a motion to table."

Councilman Boschetti, "Not once the vote is taken. I have cast my vote."

Councilwoman Civiletti, "The point is that the study you're asking to be undertaken is at least in part already underway."

Councilman Lombardi, "I happen to disagree with you because it was never underway unless Mr. Batten just came up with the idea. Because when I spoke to Mr. Batten this week and when I brought it up a couple of months ago, Mr. Batten never mentioned that it was being undertaken. So I don't know where this is being undertaken. I feel, let's go with it and if Mr. Batten and Malcolm Pirnie does not want to do it, then let's get another company to do it."

Councilwoman Civiletti, "The first task in the second part of the contract that we signed with Malcolm Pirnie which is recited in the proposals that they submitted to us, I guess, in January or December, says that the consultant and this is what we signed the contract on, will be defining and developing residential and nonresidential user categories and estimating waste water generation rates for each user category as per existing data available. That's the very first task in the second part of the contract that we signed with them."

Councilman Lombardi, "This is not saying anything about Calverton or anything like that. I am looking at Calverton. I'm not looking at our plant that we are going to rebuild in this

area. And I still feel let's do what we have to do and let's get working on it. And if the developers want to come in and build a plant, that's what we're looking for and pay for the feasibility study. And I still feel that we should take a look at Calverton. And Mr. Batten and Malcolm Pirnie are going to make a study but they're making a study of this area, of this plant. Not of Calverton. And I don't see where it says anything about Calverton."

Councilwoman Civiletti, "It doesn't say anything about Calverton but it says that, what we signed a contract with them and what we're paying them to do is to assess what our needs our for residential and nonresidential sewage treatment and we're already paying them to do that."

Councilman Lombardi, "In the Town of Riverhead, the hamlet."

Councilwoman Civiletti, "No, that's not true."

Councilman Lombardi, "That's not the way I look at it."

Councilwoman Civiletti, "I move to table. I think it's premature."

Councilman Boschetti, "Can anyone join in this club?"

Supervisor Janoski, "Absolutely. We're having a discussion. I'm sorry sir. We're in the middle of a discussion on a resolution which has been moved and seconded. We also have the question of the moving and the seconding of a tabling. I'm going to call a recess before we take the vote. For you members of the audience who are familiar with Roberts Rules of Order, they don't apply here. We are specifically prohibited by law from using Roberts Rules of Order. So that if your opinion is based on Roberts Rules of Order, you're wrong but we will work it out."

Councilman Boschetti, "I just want to point out that this particular resolution, as I am familiar with it, is going to do a couple of things. Number one; it's going to enable us to find a way of preserving the industrial and commercial zones that we have in the Long Island Expressway terminus. I think that's very crucial and it certainly deserves one heck of a good look. Because as we know with the State and the Department of Health and the others, they have an affect of eroding that tax base that we would otherwise enjoy from the industrial and commercial zones in that area. Secondly, I don't see anything in this particular resolution that does anything more than request of Malcolm Pirnie to perhaps speed up that of which they have already been contracted to do. There's no dollar amounts in here. It's not authorizing anyone to sign new contracts. It's simply requesting or authorizing them to set up meetings to which to start the process of determining this particular need. So I think that my

support of this is unchanged and my vote, as far as I'm concerned, still stands. Yes."

Supervisor Janoski, "Any further discussion? We're going to go somewhere with the Town Attorney and I was going to suggest George Schmelzer to join us but he left. So we can't get his opinion. I'm going to declare a recess. We might as well take at least ten minutes but let's make it 8:45 to make sure that we can get this settled."

TOWN BOARD MEETING RECESSED AT 8:30
TOWN BOARD RECONVENED AT 8:45

Supervisor Janoski, "The meeting will return to order. We have before us a motion on a resolution #382 and a subsequent motion to table. The opinion has been rendered that we can proceed on the vote with the motion to table. That has been moved and seconded. So I would ask the Clerk to call the roll."

The vote, Boschetti, no, Pike, yes, Civiletti, yes, Lombardi, no, Janoski, yes.

The resolution was thereupon duly declared TABLED.

Supervisor Janoski, "Without objection, this meeting is adjourned."

There being no further business on motion or vote, the meeting adjourned at 8:50 p.m.

IJP:nm



Irene J. Pendzick
Town Clerk