

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 2, 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 Lombardi.

**RESOLVED**, that the Minute of the Regular Board Meetings held on March 21, April 4, April 18 and Special Board held on April 20, 1989 are hereby 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, "Well, I see the Chief of Police is here. I don't see any other department heads. So if you have any police questions, the Chief is available to answer them. Reports Mrs. Pendzick."

#### REPORTS

Planning Department, 4/24/89- Recommends approval of application of North Fork Bank. Filed

Building Department, 4/24/89- Posted seven buildings as unsafe as per Chapter 54. Filed

Sewer District- March 1989 Discharge Monitoring Report dated 4/24/89. Filed

Planning Board, 4/18/89- Approves Final Plat "Aquebogue Associates" Section II. Filed

Tax Receiver- Collections as of May 1, 1989. Filed

OPEN BID REPORT - POLYMER SYSTEM - SEWER DISTRICT Filed

(See Sewer District Minutes)

OPEN BID REPORT - SUBMERSIBLE PUMP - SEWER DISTRICT Filed

(See Sewer District Minutes)

OPEN BID REPORT - #20 DIESEL FUEL - HIGHWAY & OTHERS Filed

Bid Date: May 1, 1989  
5 Bids Submitted

#1 NAME: Agway Energy Products

ADDRESS: P.O. Box 705, Riverhead, NY

TOTAL BID: \$.0320 per gallon

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#2 NAME: George Rice Fuel Oil Corp.

ADDRESS: 147 Peconic Avenue, Medford, NY

TOTAL BID: \$.048 per gallon

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#3 NAME: Walter Hodun & Edmund Hodun, Jr.

ADDRESS: 515 Elton Street, Riverhead, NY

TOTAL BID: \$.23 per gallon

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#4 NAME: All American Petroleum Corp.

ADDRESS: 265 Robbins Lane, Syosset, NY

TOTAL BID: \$.0833 per gallon

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#5 NAME: Southampton Coal Produce Company

ADDRESS: 224 North Main Street, Southampton

TOTAL BID: \$.0895 per gallon

OPEN BID REPORT - #2 HEATING FUEL OIL- HIGHWAY

Filed

Bid Date: May 1, 1989  
5 Bids Submitted

#1 NAME: Agway Energy Products  
ADDRESS: P.O. Box 705, Riverhead, NY  
TOTAL BID: \$.0320 per gallon

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#2 NAME: George Rice Fuel Oil Corp.  
ADDRESS: 147 Peconic Avenue, Medford, NY  
TOTAL BID: \$.055 per gallon

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#3 NAME: Walter Hodun & Edmund Hodun, Jr.  
ADDRESS: 515 Elton Street, Riverhead, NY  
TOTAL BID: \$.20 per gallon

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#4 NAME: All American Petroleum, Corp.  
ADDRESS: 265 Robbins Lane, Syosset, NY  
TOTAL BID: \$.0783 per gallon

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#5 NAME: Southampton Coal and Produce, Co.  
ADDRESS: 224 North Main Street, Southampton, NY  
TOTAL BID: \$.1925 per gallon

OPEN BID REPORT - HEAVY EQUIPMENT TIRES - SANITATION

Filed

Bid Date: May 1, 1989  
1 Bid Submitted

#1 NAME: Toce Brothers, Inc.  
ADDRESS: 143 East Main Street, Torrington, Ct.  
TOTAL BID: \$3,650.00

OPEN BID REPORT - TOWABLE VIBRATORY ROLLER - WATER DISTRICT

(See Water District Minutes)

Supervisor Janoski, "Applications."

APPLICATIONS & PETITION

Site Plan-North Fork Bank-interior alteration and new store-front alteration, Route 58, Riverhead. Filed

Site Plan-Wading River Congregational Church-expand parking area. Filed

Special Permit-Parvis Farahzad-construction of office building, West Main Street and Griffing Avenue. Filed

Change of Zone-Tarra Development-Kathy Lane, Riverhead, from Agricultural to Residence C. Filed

Petition-262 residents of Northwest corner of Town of Southampton wish to continue protection by the Riverhead Fire District. Filed

Petition-77 residents on Tuthills Lane, Apollo Drive and North Apollo Drive requesting water extension. Filed

Supervisor Janoski, "Correspondence."

CORRESPONDENCE

Riverhead United Methodist Church, 4/17/89-Advising that they have rescinded motion to replace church sign due to stringent requirements of code. Filed

Mrs. Pat Boudreau, 4/22/89-Requesting speed bumps in Bayberry Park. Filed

County Exec. Halpin, 4/20/89-Advising authorization for County Engineering and Legal Departments to assist town re: Sewer District. Filed

Wading River Civic Asso.-Thank you for replacement of metal barrier and advising that fencing to control traffic flow is hazardous. Filed

Gregory Blass, 4/21/89-Urging Town Board to make its concerns and displeasure known to the County Executive re: deletion of funding for civil court rooms. Filed

S.C. Dept. Of Planning, 4/21/89-If no objections re: Southampton Local Law #8-1989 received by 5/11/89, it will be assumed there are none. Filed

BOCES, 4/20/89-Advising that five vehicles will be put out to bid and are available to municipality prior to bid. Filed

NFEC, 4/19/89-Requesting permission for use of Jamesport Community Center on 6/17 and 6/18. Filed

Combined Veterans Com., 3/29/89-Invites Town Board members to annual parade on 5/29/89. Filed

Alice Graff, 4/19/89-Observing effects of growth and development on town services and taxes. Filed

N.Y.S. D.E.C., 4/25 & 4/26/89-"Notice of Incomplete Application" re: Part 360 application, permit to construct a Solid Waste Management Facility, etc.; and advising it may be necessary to obtain DEC/SCHD approval prior to construction (polymer feed system/submersible pump and chlorine tank improvements). Filed

Helen Duryea, 4/25/89-Expressing gratitude to Water District Superintendent and staff for efficient on installation of water. Filed

Southold Town, 4/28/89-Notice of Public Hearings on 5/9/89 re: Local Laws. Filed

Supervisor Janoski, "We have three scheduled public hearings. The time has not yet arrived for them. So I will recognize anyone wishing to be heard on any subject. Steve."

Steve Haizlip, Calverton, "Is it all right to talk about a coming up resolution now or do I have to wait for it to come up?"

Supervisor Janoski, "No. Now is the time to do it."

Steve Haizlip, "Very good. Requests New York State Department of Transportation to conduct survey of New York State Route 25 in reference to no parking, standing or stopping. Do you mean in Calverton where the deli is where all these big trucks pull up in there to buy purchases, give Cuomo sales tax? Are you going to forbid no parking there for these big rigs?"

Supervisor Janoski, "No."

Steve Haizlip, "Ok."

Supervisor Janoski, "But it's right across the street here. Any other question? Yes."

Leonard Nelson, "I'm a commercial fisherman by trade and I also own a wholesale fish business down on the South Shore and this is in regards to something that we just found out recently about a ban on no netting of any fish at any time in Riverhead Town waters. To my knowledge and to the State Conservation Department, these waters surrounding the Peconic River system and into the Bay, are state waters and have always been the state waters. Now there seems to be a discrepancy there with the town and the state. We are licensed commercial fishermen by the D.E.C. We are following regulations according to how we are allowed to fish and the days we are allowed now; only Monday through Thursday to fish in these waters. We are strictly a bait fishery. We supply bait fish to the sport fishing industry which is very vibrant here on Long Island and the income that it generates. Menhaden is one particular fish which is a prime bait used by lobstermen. The lobsters that you eat in your restaurants coming from local waters here because this is their main source of bait used in catching lobsters. Our fishery here is only involved in these waters maybe three or four months out of the year. It's done primarily at four, five or six o'clock in the mornings when there's never any problem with recreational fisheries or with people or anything like that. We are more or less, an unseen thing. But what I wanted to bring up here tonight is the idea that it was brought to my attention by an ordinance inspector here for the town that this was a law that was passed two years ago of which we were never informed or never told of. And really, my question of intent is why was this passed? Why was this done as far as this law being passed to stop? We are not taking a food fish. It's primarily a bait fish and it's so critical to the industry here on Long Island. We are regulated down to so few areas to fish, and the discrepancy here is the State of New York backs us as far as the D.E.C. because they still contend that it's state waters that we're fishing in. And I see a problem coming in the future here. Islip Town tried to this maybe 8 or 10 years ago to stop our fishing. Migratory fish are controlled by the State of New York and we're under their jurisdiction. And Islip Town tried to stop but it was rescinded. It had to be taken back because they did not have the jurisdiction to stop us from taking migratory fish where the town has the control of its shellfish. So I'm trying to find out here tonight, what was the intent of passing the law in the first place and what can be done about it as far as the future where we're such a vital to the industry here on Long Island?"

Supervisor Janoski, "Certainly a request for reconsideration of anything enacted by the Town Board is in order at any time and I assume that you're doing that and you're going to follow it up with a more formal request."

Leonard Nelson, "Right."

Councilman Boschetti, "Yes, I would very much. Thank you. This particular ordinance was a result of years of research because the town had endeavored to secure Bay bottom rights for

those lands that lie underwater but within its boundaries. The principal purpose for undertaking that particular project was to preserve and protect the resources of the town which this Town Board felt the waters, the lands underneath the waters and the fish and vegetation that live within the waters should come under the jurisdiction of this Town Board as it does just about in every other town. Particularly here on the East End where towns border the bays. Inasmuch as you are a commercial fisherman, it seems to me there is a procedure for you to obtain the necessary town permits so that you can pursue your particular endeavor. I don't think you're being barred persay. There is a procedure to follow if you care to pursue it."

Leonard Nelson, "We would. If there's permits or anything that has to be purchased to be able to continue this, we would gladly do so. I have no objection to this. I mean in a sense, our nets and the type of work that we do don't really disturb the bottom or touch the bottoms. With your menhaden of course, if you're familiar with the large fishtails that have happened on the North Shore and an enormous clean up cost to remove the dead fish, well this is what you have here in some of the summer months. You have an enormous amount of these menhaden going up into your small estuaries and rivers. And with hot weather and oxygen depletion, you will have mass kill offs and you'll have a costly clean up. In a sense, we do remove thousands and thousands of these bait fish out of these rivers which in a sense, helps prevent these kill offs. And as long as there is a procedure and permits to be followed as far as the bay fishery to do this, then I will look into it and follow it. I thank you very much for the time."

Councilman Pike, "You might want to check and look at the specific provision of the law and whether they are... My recollection is that there are certain practices that we prohibit. The one that I remember is the fikes. The standard traps."

Leonard Nelson: "In fact, that's the one exclusion. I haven't received it. The town was sending it out to me, the law but that was the one thing that was allowed was the fikes. Everything else was banned but they allow the fishing of the fikes. That was the one thing."

Councilman Boschetti, "I don't have the law in front of me and I don't recall how it reads. But I do know that there are bans on certain procedures and practices for the catching of fish."

Councilman Pike, "That's why I mentioned that we ought to get specific on whether you can get a permit for this."

Leonard Nelson, "Right. I have the D.E.C. here with now. It says here in Article III of Section 47-16; nets and fikes. No person shall set, draw or cast any nets or seines in any freshwater ponds or streams within the Town of Riverhead. No person

shall cast, draw or set any net, seine or other device for the purpose of taking fish from the waters as shown on the officials filed with the Town Clerk. These are the ones we're talking about here."

Supervisor Janoski, "Would you like to be recognized? Why don't you state your name. Are you from the D.E.C.?"

Frank Carbone, Aqueboque, "I'm not representing the D.E.C. I'm just representing myself. My interest in the fishery itself. Basically what he stated was correct from the law. The law does prohibit the use of nets as far as I can tell, period. I talked to Rich Gadzinski and he spoke with the Town Attorney. And as far as he can tell, there are no permits available in existence for that type of activity."

Supervisor Janoski, "That's my understanding."

Frank Carbone, "And my question of the Town Board is; was it the intention to prohibit the use of these nets for the taking of food fish or fish in general? That's my whole question."

Supervisor Janoski, "Well, I for one did not think of it broken down to those two segments."

Councilman Pike, "I think the resolution of this is, if you will, make specific suggestions for the improvement of it. You have carved a distinction there between food fish and what you are actually doing that is a well founded distinction that we did not, at least into bait, break out. And if you want to make a request, feel free. I think we can more productively move ahead with it at that time. I think generally, the policy was that generally speaking, we're in favor of maricultural. There isn't much left. And to see that there is someone out there willing to do it is an encouraging sign. And I think the general policy would be to encourage it."

Frank Carbone, "How would you go about making such a request?"

Councilman Pike, "Make sure you know what you want and ask for it."

Frank Carbone, "I would like the law amended to read food fish, not fish in general."

Patricia Moore, T.A., "Why don't you contact my office and we can go over the recommendations and I'll pass them on to the Town Board."

Supervisor Janoski, "And help us with the information that we need, with the distinction that you made in your presentation so that we have something to work with as far as what we're trying to accomplish, what we're trying to protect, and what your needs are."

Frank Carbone, "Ok. Thank you."

Supervisor Janoski, "Let the record show that the hour of 7:46 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 2, 1989 at 7:45 p.m. to hear all interested persons who wish to be heard regarding: Amending Local Law #1-1979 entitled "Appearance Tickets".

Patricia Moore, T.A., "Very briefly. We are amending our Local Law to allow for parking meter officers and the Bay Constable to issue appearance tickets. That's it. Would you like more explanation?"

Supervisor Janoski, "Is there anyone present wishing to address the Town Board on the matter of the amendment of Local Law #1-1979, appearance tickets? That being the case and without objection, I declare the hearing to be closed. I will open the meeting once again to comment on any subject at all, anything that's on the agenda this evening. That being the case, let's take up the resolutions."

7:45 PUBLIC HEARING CLOSED AT 7:48

Resolutions #320-#354 found on pages 526-585 of the 1989 Resolution Book.

Supervisor Janoski, "Let the record show that the hour of 7:55 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, May 2, 1989 at 7:55 p.m. to hear all interested persons who wish to be heard regarding: Amending Local Law #2-1976 entitled "Vehicles & Traffic".

Patricia Moore, T.A., "We are amending our town vehicle and traffic law and this would provide that parking meter officers would be authorized to regulate and control and direct traffic when the need arises or when directed by a superior officer of the Town of Riverhead Police Department."

Supervisor Janoski, "Is there anyone present wishing to address the Town Board on this matter? That being the case and without objection, I declare the hearing to be closed. Let's continue with the resolutions."

7:55 PUBLIC HEARING CLOSED AT 7:56

Supervisor Janoski, "John, we already did yours and you missed it. You got here to late but I just want to congratulate you. Congratulations John. Do you want us to do it again so you can be here?"

John Reeve, "Sure."

Supervisor Janoski, "Ok. Does anybody know the number?"

Councilman Lombardi, "This is for John because he came in late."

RESOLUTION #313 was read in its entirety for the benefit of John Reeve who was appointed Sanitation Supervisor by the resolution.

Supervisor Janoski, "Let the record show that the hour of 8:00 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:00 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, May 2, 1989 at 8:00 p.m. to hear all interested persons who wish to be heard regarding: Amending Section 103-11 of the Town Code re: User Fees at the Landfill.

Patricia Moore, T.A., "This was at the recommendation of the solid waste committee. It would allow organizations which would be listed with the Town of Riverhead such as 4-H Camp, Boys Scout and Girl Scout Camps from bringing in refuse during the weekends; Saturdays and Sundays after the hour when the weight is no longer in operation. So we would be charging them by cubic yard. \$6.50 a cubic yard."

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

8:00 PUBLIC HEARING CLOSED AT 8:02

**#343 ORDER AND DETERMINATION RE; INCREASE AND IMPROVEMENT TO THE RIVERHEAD-SOUTHAMPTON SCAVENGER WASTE DISTRICT AND RIVERHEAD SEWER DISTRICT, CONSTRUCTION OF CHLORINE CONTACT TANK MIXING SYSTEM PURSUANT TO SECTION 202-B OF THE TOWN LAW.**

Councilwoman Civiletti, "This is an order and determination regarding a public hearing that was held last month on the prospect of improvements to the Riverhead Sewer District and the Riverhead/Southampton Scavenger Waste District which would improve the functioning of the chlorine contact tank which is used to disinfect the effluent before it is discharged. The proposed improvements that have been recommended by Malcolm Pirnie would increase and improve the mixing system in the contact tank. And the maximum cost allowed would be \$37,000. This allows that to happen."

**#344 IMPLORES SUFFOLK COUNTY EXECUTIVE TO RESTORE NECESSARY FUNDS TO 1990 CAPITAL BUDGET FOR CIVIL COURTROOM CONSTRUCTION AT RIVERHEAD.**

Councilwoman Civiletti, "This implores the Suffolk County Executive to restore the necessary funds to the 1990 Capital Budget for civil courtroom construction in Riverhead pursuant to the work done by the County and Town Special Court Facilities Committee back in 1982 which determined that some additional courtroom space for criminal purposes was necessary in the Town of Southampton. That to balance that, we needed additional courtroom space for civil purposes in the Town of Riverhead. And we have been told by the County Legislator Gregory Blass that County Executive Halpin has deleted those funds from the capital budget. And if that deletion is intended to be a permanent state of affairs, we object and that's the purpose of this resolution."

Councilwoman Civiletti, "I'm offering a resolution that's not on the agenda. I guess it would be numbered 353 which corrects resolution #282 which we adopted on April 4, 1989. That resolution incorrectly stated that Joseph Janoski had never been appointed to the Riverhead IDA by resolution of this Town Board. In fact, we subsequently learned that he was appointed to the IDA by resolution #81 of 1983. By it's face as a temporary member, to fill a vacancy of a member of the IDA who had (at that time) fallen ill. This corrects that resolution to reflect the fact that the Supervisor was appointed to the IDA as a member pro-tempore. So I move number 353."

Councilman Boschetti, "Well, I didn't vote on 282. Can I vote on this?"

Supervisor Janoski, "As of yesterday, I dictated and today distributed my resignation from the IDA. And as well as I can recall, it said that in order to avoid a continuance of the controversy and in the best interest of the IDA, I submitted my resignation immediately. So I vote yes on this."

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

There being no further business on motion or vote, the meeting adjourned at 8:12 p.m.

IJP:nm



Irene J. Pendzick  
Town Clerk