

4/3/73

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead,  
held in the Town Hall, Riverhead, New York, on Tuesday, April 3, 1973, at  
10:30 A. M.

Present:

John H. Leonard, Supervisor  
Thomas R. Costello, Town Justice  
Robert G. Leonard, Town Justice  
Vincent B. Grodski, Councilman  
George G. Young, Councilman

Also present: Francis J. Yakaboski, Town Attorney  
Alex E. Horton, Supt. of Highways

Supervisor Leonard called the meeting to Order at 10:30 A. M.

Town Justice Costello offered the following resolution which was seconded  
by Town Justice Leonard.

RESOLVED, That the Minutes of the Town Board Meeting held on March 2,  
1973, be approved as submitted.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice  
Leonard, Yes, Town Justice Costello, Yes, Supervisor Leonard, Yes,  
The resolution was thereupon declared duly adopted.

#### BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following  
bills submitted on Abstracts dated April 3, 1973:

|                   |             |
|-------------------|-------------|
| Special Districts | \$ 1,072.67 |
| General Town      | \$48,950.98 |
| Highway Item #1   | \$ 704.12   |
| Highway Item #3   | \$ 235.46   |
| Highway Item #4   | \$ 851.00   |

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

RESOLVED, That the following bills be approved for payment:

|                   |             |
|-------------------|-------------|
| Special Districts | \$ 1,072.67 |
| General Town      | \$48,950.98 |
| Highway Item #1   | \$ 704.12   |
| Highway Item #3   | \$ 235.46   |
| Highway Item #4   | \$ 851.00   |

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice  
Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.  
The resolution was thereupon declared duly adopted.

EXECUTIVE SESSION

10:15 A. M. Robert L. Tooker, Esq., re Convent Area expansion of Business Use District, requested resolution be passed to call public hearing. Planning Board (3/27/73) recommended the petition be granted.

10:30 A. M. Edgar Hills, Esq., re John and Wanda Wittmeier Zone Change and Special Permit.

The above two matters were recorded by the Town Clerk and the tape will be placed on file for one year.

10:00 A. M. Edward R. Munson, Building Inspector re Land Clearing.

1:30 P. M. Discussion on land-fill with Department of Conservation Representative was postponed to a later date.

REPORTS

Fire Inspector's month of March, 1973. Filed  
 Police Department, month of March, 1973 Filed  
 Building Department, month of March, 1973 Filed  
 Tax Receiver's, dated March 20, 1973 and April 1, 1973. Filed

OPEN BID - INSTALLATION OF SOFTBALL FIELD LIGHTS-STOTZKY PARK

M. K. Lacey & Co., Inc.  
 6 Redington Street \$16,704.00  
 Bay Shore, New York 11706

Aerial Line Contractors Inc.  
 44 Old South Country Road \$16,885.00  
 Brookhaven, New York 11719

Broadway Maintenance Corp.  
 829 Richmond Avenue \$18,990.00  
 Lindenhurst, New York 11757

Mason, Nixon & Kennedy, Inc.  
 347 Madison Avenue \$20,715.00  
 New York, New York 10017

Hinch Electrical Contractors Inc.  
 350 Moffitt Blvd. \$21,000.00  
 Islip, New York 11751

L. K. Comstock & Company Inc.  
 2521 Long Beach Road \$23,447.00  
 Oceanside, New York 11572

Filed

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No action taken on aforesaid bids.

COMMUNICATIONS

Long Island Lighting Company, dated 3/21/73, submits survey for lighting needs on Harrison Avenue, as follows:

Install 2 - 21,000 LMV fixtures on Poles #7 and 9.

Install 5 - 7600 LMV fixtures on Poles 11, 13, 15, 19 and 21.

Remove 4 - 1000 lumen fixtures from Poles #8, 11, 14 and 21.

at an additional cost of \$347.40 per annum. Filed.

Long Island Lighting Company, dated 3/21/73, submits survey for lighting needs on Sweezy Avenue as follows:

Install 14 - 7600 LMV fixtures.

Remove 1 - 21,000 LMV fixture.

Remove 10 - 1000 Lumen fixtures.

at an additional cost of \$429.84 per annum. Filed.

Wading River Chamber of Commerce, Inc., dated 3/24/73 requesting installation of Traffic light at Route 25A and Wading River Manor Road, also requesting installation of a traffic light at Route 25, Sound Avenue and North Country Road (formerly known as Parker Road) urging the Town Board to act at once as the people cannot tolerate this dangerous condition any longer. Filed.

Copies to Town Board and Police Chief.

Town Board will request survey from N. Y. State Dept. of Transportation on the installation of a traffic light at Route 25A, Sound Avenue and North Country Road.

Wading River Chamber of Commerce, dated 3/24/73, inviting the Town Board to attend the Chamber's April 11th meeting at 8:30 P. M. at the Wading River Wildwood Community Center, to discuss the following subjects on the Agenda:

1. Any changes to be made and consultation of the Wading River business people pertaining to the parking lot.
2. Ramps and crown on Wading River Manor Road.
3. Better Police protection.
4. Traffic lights.
5. Drainage problems.
6. Additional garbage containers.
7. Speed limits in the Wading River area.

Filed.

Copies to Town Board.

Town Board will attend meeting.

COMMUNICATIONS - continued

State of New York - Department of Transportation, dated 3/5/73 relating to removal of flasher - Route 25A, at its intersection with Wading River Manor Road repeals order for flashing signal and orders installation, operation and maintenance of three (3) color signal light. Filed.

Copies to Town Board, Police Chief & Highway Superintendent.

Reverend Richard Adinolfi, dated 3/15/73, submitted name of Mrs. Bernice Mack, 47 Hinda Blvd., for appointment to Narcotic Guidance Council to fill vacancy created by Alan Pollock. Filed.

Town of Southampton, relating to Public Hearing to amend Zone Ordinance re one and two detached dwellings. . . . Filed  
Copies to Town Agencies.

Long Island Lighting Company, dated 3/22/73, submitting survey on installing improved lighting for entire length of Marcy Avenue, at an additional cost of \$343.56 per annum. Filed.

Long Island Lighting Company, dated 3/21/73, submitting survey on installing improved lighting in area of 9th and 10th Avenue and Hulse Avenue, Wading River, at an additional cost of \$92.16 per annum. Filed

LI Shellfish Farmers Association, Inc., 3/23/73, asking the Town to participate in a Shellfish Spawning Program by purchasing and planting hard clams from other bays, in order to complement the native spawn. Stating that the best time to implement this plan is shortly after the natural occurrence for spawning in the bay, when the spawn from stocks taken from colder waters would add to the survival rate. Filed.

Town Clerk to request representative from Shellfish Assn. appear before Town Board to discuss the matter further.

Town of Riverhead Planning Board dated 3/27/73, relating to Tooker and Reeve Petition for Zone Change-from Residence C to Business B of property located on the east side of Roanoke Avenue, south of Middle Road-recommending the petition be granted. Filed.

Copies to Town Agencies.

Town of Brookhaven, dated 3/27/73, relating to Public Hearing on proposed amendment to Zone Ordinance. Filed

Copies to Town Agencies.

COMMUNICATIONS - continued:

Suffolk County Department of Planning, dated 3/30/73, relating to Town of Southampton amended Building Zone Ordinance, stating in the event they do not receive a reply by April 15th, it will be assumed that there are no objections. Filed. Copies to Town Agencies.

General Code Publishers Corp., dated 3/26/73, advising they will begin research and preparation of the code on Monday, April 9th and outlining the following needs to facilitate their work:

1. A work area with ample table or desk-top space, adequately lighted.
2. Access to all of the minute and ordinance books, as well as any available printed copies of ordinances.
3. An accurate list of the names of all Town Officials, including middle initials, for the Officials Page of the Code.
4. Any historical information regarding the Town that the Board may wish to have included in the Preface.
5. A copy of the Official Emblem or Town Seal. (An imprint on a letterhead would be sufficient.)
6. A copy of the Official Zoning and/or Street Map.
7. Forms used by the Town, such as license applications.
8. Vouchers for billing purposes.
9. It may also prove time conserving to both of us if one of your assistants, or someone in your office, could be assigned to help in locating records, showing us through Town Hall and answering questions.

Town Clerk Helene M. Block reported that all the aforesaid requests will be met with. Also that Deputy Town Clerk Elizabeth Edwards has been assigned to assist in locating records, etc.

John Ottaviano, High View Drive, Wading River, dated 3/29/73, reporting the constant flooding of his land and on occasion, flooding of his basement, which occurs after a heavy rain. Unless something is done his house is unsafe and property is unusable.

Survey maps enclosed asking consideration and a prompt reply. Filed. Copies to Town Board, Supt. of Highways and Town Attorney.

COMMUNICATIONS - continued

Mr. Munson reported that Mr. Ottaviano lives in Tidewoods and the water runs off the hill that was supposed to have been the recreation area and the silt, etc. that runs off that hill clogs up catch basins that the builder Mr. Fitzgerald had put in and when they overflow, it goes out to the street where there is a street catch basin and the same thing happens when this water piles into the drain that goes to the legal recharge basin.

Mr. Horton reported that the one Mr. Munson speaks about is in Tidewoods - the one Miss Block has the letter on is in Woodland Acres.  
Referred to Supt. of Highways to look into the matter.

SUMMONS

Romeo Rosano, et al, vs Town Board, Town of Riverhead - re complaint in connection with application to erect Garden Apartments - Elton Street. Filed.

PETITION

St. Mary's Drive - Jamesport residents to request lower speed limit (from 40 to 20 MPH).

Police Chief Grodski reported that if the street is posted with a 40 MPH sign then it is illegally so, as the Town Board has never petitioned the Dept. of Transportation to reduce it from 55 to 40 MPH. The Dept. of Transportation will never go lower than 30 MPH unless for a School Zone.

Mr. Horton confirmed that St. Mary's Drive is a Town Road.

After discussion it was decided that a request be made to the Dept. of Transportation for a survey on reducing the speed limit on St. Mary's Drive from 55 MPH to 30 MPH.

DEPARTMENT HEADS

Highway Department - Alex E. Horton, Supt. of Highways stated that he has never refused to do any work for any department. At the last meeting the Supervisor accused him of refusing to fix the Peconic Avenue Bridge - he was never asked to fix the bridge and if he had, the bridge would have been fixed two months ago.

Supervisor Leonard said: "I asked you if that comes under your budget and you said you had nothing to do with it. All you had was the sidewalks on Peconic Avenue."

Mr. Horton: "But you never asked me to fix it."

Supervisor Leonard: "I asked you and you said you had nothing to do with it. All right, Mr. Horton, will you fix the Bridge?"

Mr. Horton: "Alright I'll fix it if I am asked, like I always have done."

Supervisor Leonard: "Thank you very much."

It was brought out that a bid estimate had been received by Stanley Grodski and he has already turned over the matter of bridge repairs to the lowest bidder.

DEPARTMENT HEADS - continued:

Police Chief Grodski reported on the following matters:

1. The immediate need for an ambulance. Bids should be called for as it takes three months for that particular type of ambulance.

Police Chief will draw up specifications and Bid Notice to be published as authority to purchase ambulance was made some time ago.

2. Termites have been discovered in the police facility (Police Chief said they are not in uniform).

Informed Board that he has asked a reputable firm to make inspection and submit a report to the Board.

Town Board approved.

3. The roof of the Police facility leaks.

Town Board gave permission to Police Chief to get several estimates on costs to repair roof.

4. Requested verbal approval to allow three members of the department to attend a ten day seminar in Bethpage State Park Clubhouse, April 18, 1973 in Farmingdale, New York, sponsored by the FBI N. Y. Office and the topic will be "Extremist Terrorism." All day seminar and the request is for luncheon expenses not to exceed \$5.00 per person.

Approved attendance of Officers at Seminar.

BUILDING DEPARTMENT MATTERS

1. Edward R. Munson, Building Inspector, reported that he had an application to build a couple of islands in the river up beyond the forge and he cannot get any information as to who owns it or what control there is over it - he understands that sometime in the past there was some deal a person who owned the river bottom and a couple of islands west of the Forge made some kind of deal in giving the Town some property or exchanging the Town some property. East of the Forge where these two islands with a parcel of land along the river is known as the Morris Phillips Estate - comprising some 1500 acres under water and above water. The individual who applied for the information I could not give this information as I couldn't seem to get anything downstairs. There is proof of ownership of the islands downstairs.

2. Re Saturday's Parade to Honor Viet Nam Veterans

Mr. Munson said he contacted the County Parks Department and they are making available a van to use as a stage to conduct the services on Saturday at the Eternal Light. Also that all is in order as much as can be. We will have a nice parade and he hopes that all the speeches will be short and sweet, and with as much dignity as possible.

The parade will start at 1 P. M., starting at Union Avenue and East Main Street with the second division coming off Maple Avenue into Main Street heading west to the Hotel where it is hoped the Town Fathers and dignitaries will show up. There will be a reviewing stand where the troops can march in review, the parade will go up Osborne Avenue to Court Street with most of the people on Court Street, and the triangle that is open by the Historical Society to assemble for our ceremonies.

DEPARTMENT HEADS - continued:

The key to the whole situation is that we are honoring all of the veterans who served in the Viet Nam and Far East Conflict - Lt. Commander Charles Zuhoski had his homecoming and there are rumors around Town that we are honoring him again. The people don't think it's right. This was not our intent. The theme is for all veterans who have come home from service and no one paid attention to them. It was terribly hard to get in touch with the veterans, but we have a list of 20. We are going to honor the Gold Star Mothers - we have four of them and we have a salutation by Ted Marvel which will be on tape which is a heart throb. We sent out news releases to all the papers in the local area yesterday and to radio stations.

PERSONAL APPEARANCES

Supervisor Leonard asked if anyone wished to be heard and the following responded:

JACOB HARDING, ESQ. asked if he could conduct a class and have the Board read in unison from a copy he handed to the Board reading as follows: "There is no provision in the Town Law for the appointment of committees by the Town Board."

Mr. Harding then said: "Gentlemen, there is no provision in the Town Law for the appointment of committees by the Town Board. I am referring to Section 63 of the Town Law which reads as follows: "The Supervisor may, from time to time, appoint one or more committees, consisting of members of the Board to aid and assist the Board in the performance of its duties. A Town Board may not adopt a rule which provides that committees be appointed by the Board rather than the Supervisor (13 op. State Compt. 536 (1957) opinions of the State Comptroller or the Attorney General. They are in section 63 of the Town Law and of the supplements thereafter.

The Supervisor and not the Town Board is authorized to make appointments to the Town Board Committees (op. Compt. 70-275) and then only members of the Board can be on the committee.

Town Boards have only such powers as conferred on them by statute.

Mr. Costello, at the meeting of March 29th, 1973 you introduced the following resolution:

RESOLVED, that FRANK YAKABOSKI, DENNIS HURLEY and EUGENE ALPERT be and they are hereby appointed a Committee by the Riverhead Town Board, at no compensation, to investigate and report to the said Town Board, the advantages and/or disadvantages of appointing two additional councilmen to the Town Board of the Town of Riverhead, in place of the two Town Justices now serving.

The next day in Newsday in a newspaper article dated March 21, 1973, there was an article that discussed this particular matter and it goes on to read: "Democratic Supervisor Leonard was calling the new three member committee a Republican stalling tactic and Justice Thomas Costello was congratulating himself for proposing it - "You see how fast I can think", he said.

As Shakespeare might say: "Me thinks Mr. Costello - you think too fast."

PERSONAL APPEARANCES - continued:

That fast thinking resolution is a nullity. It was a cheap political ploy and absolutely illegal.

Mr. Supervisor, I call to your attention that it should be completely ignored. There is and can be no such committee legally - it is a nullity!

Mr. Supervisor I feel that you are a man of integrity and honesty. However, as I stand here I advise you for the future to have a lawyer handy, even if you have to hire one yourself. Someone should be available to explain your powers under the Town Law. I am not going to blame the Town Attorney. I don't think his opinion was requested at the time of the fast thinking.

But he can now inform the three members that their act of appointing a committee, - even if it was permitted, gentlemen, a Town Attorney's function is not to serve on committees, his function is not to advise as to advantages or disadvantages. His function is not to advise in matters of legislation before this Board. His function is to give legal opinions.

There is another resolution that was passed that day, and it starts off:

"RESOLVED, that all resolutions presented to the Riverhead Town Board be given to the members of the Town Board by Tuesday, and

FURTHER RESOLVED, that they be presented to the Town Attorney, and

FURTHER RESOLVED, that the Town Attorney report to the Riverhead Town Board as to the legal sufficiency of all Town Board resolutions at least one day prior to the Riverhead Town Board Meeting. "

In view of all the above that I have mentioned that resolution is absolutely precious. That just about caps the bottom, During all the political maneuvering the Town Board acquires a conscience. Of course you know that this resolution is only a procedural resolution. You can change it at any time by a majority vote. But it does get to the public and it makes everybody feel good. In the meantime you have had a circus instead of a meeting by a responsible legislative body. You have had a few others like it too.

Specifically I remember reading the minutes of one held a few months ago. It had to do with legal questions involving property in the parking district and the authority over the Supt. of Highways. Reading those minutes there were five people including members of the Board and persons in the audience who expressed their legal opinions and all five were wrong. That was another circus. Doesn't anybody ever ask and get the opinion of the Town Attorney?

Let's get down to cases, for three years now I have been appearing as a taxpayer and resident to ask the Board to consider changing the set-up of the Town Board - to a Supervisor and 4 Councilmen. I have given my reasons and just about every lawyer in Town agrees with me. Finally, Councilman Young presents a resolution to actually get going. I thank him for it. I think it was an act of courtesy and finally recognizing the fact after three years that the people were asking the Town Board to do something.

Then what happens, the small time political tactics begin. I consider this an insult to me and to every taxpayer in Town.

Mr. Costello says the resolution is "premature". After three years it's premature. Can't you three members, Mr. Costello, Mr. Grodski and Mr. Robert Leonard have the courage to pass a resolution calling for a hearing. Sure, I see the ploy - reach for some committee out of the thin air. I'm sure they have not given any report yet. It will go on and you will pass the 150 day period - and that uses up this year - then we don't have the Town Election for

PERSONAL APPEARANCES - continued:

another two years - that's three years! It is great - we understand what the attempt is. When you have had a hearing and the people have had an opportunity to express themselves - either vote it down or pass it - but be men about it. At this time you can let Mr. Hurley and Mr. Alpert and Mr. Harding and Mr. Griffing and Mr. John Doe and Mr. John Smith and everybody give their opinions. Don't try to add two or three members of the Town Board here and stall it. Don't pull a quick thinking political stall act. Gentlemen, it is shoddy, lousy politics and I think you ought to be ashamed of it.

May I be a bit more critical and perhaps philosophical about Town Government. This is my ending.

We try to set a good example for our youth. Once a year you have some students from the local schools come here to study Town Government. You place them in positions with you behind that table. If they are to study Town Government by example - some of you gentlemen don't set a good example. Your actions are an insult to the taxpayer, to the voter and to our youth. No wonder some of our youth are getting vocal and sometimes violent about being anti-establishment. Because gentlemen, you are the establishment."

WICKHAM C. TYTE, SR. CONSERVATIVE TOWN LEADER read the following message from the Conservative Party Riverhead Town Committee:

"Whereas, there is currently under consideration a resolution which if adopted will change the make-up of the Town Board of the Town of Riverhead to consist of one Supervisor and four Councilmen, and whereas such a change would make a far more equitable operation of Town Government by insuring that those who make the laws, and whereas the legal time limit still allows time to make a change i. e. to place two additional councilmen on the ballot of the biennial Town Election to be held on Nov. 6th, 1973.

Therefore, the Executive Committee of the Conservative Party of Riverhead strongly urge, that the Town Board of Riverhead pass the enabling legislation to accomplish this desirable result, WITH ALL SPEED!

Mr. Tyte made the following comments: "We know the political overtones as ably expressed by former Town Attorney Jack Harding, but I think this is the time we should not set different political groups against one another. We realize that the thing is clear that if this goes through in a sense it jeopardizes the Republican control of the Town Board. It also gives the other two parties a chance to grab some of the Councilmen and change the balance of power. These are political things having nothing to do with the merits of the proposal. And we could desire that all members of the Town Board would put aside personal or party politics considerations and vote for what they honestly believe would be best for this Town. I believe this has been considered over a long time.

I recall back in 1959 when one of the ordinances of great impact was to be passed in this Town that I did make a comment that I thought it was not quite the American way when a group of men acting in the legislative capacity would make a law then in turn to execute said law they would appoint various personnel like the Police Department or various others all appointees of said Board - in turn it would ultimately get to the Town Justice's Courts - some of the same ones who made the law, appointed the ones to execute the law, would also sit in judgement on the law. For the first time you can get out of this little click.

PERSONAL APPEARANCES - continued:

This is not a healthy thing - it's not the American way - remember your civics studies when they taught civics in school - we had a system of checks and balances where they tried to keep the executive, judicial and legislative portions of government in their position and they balanced one against another. It is unhealthy that any group can have two or three of those powers invested in themselves.

And if we forget politics, I would desire that Mr. Young, Mr. Grodski, the two Mr. Leonards and Mr. Costello wiping aside all political consideration of what the personal impact might be or what the party policy might be, would put Riverhead first and that this resolution should once more be submitted by Mr. Young as it was at the last meeting, and all of Riverhead can come to the hearing where the people can sit in judgement, hear the pros and cons and then while there is still time, I believe the decision would go through and we would have on the ballot on November 6th, the names of two additional Councilmen and we change our method of government in the Town of Riverhead which is definitely a step forward. "

DR. CARYL GRATTHAM speaking for the Riverhead First Committee said: "We of Riverhead First strongly support this move. I do it on rather broad philosophical terms - that the more people involved in local government - the better. And I feel very strongly that unless we can make it run efficiently here, you can't make it on any other measure or level. I strongly urge before the time runs out that at least a public hearing be held where all the Town can know the pros and cons and in a true democracy and free society we can weigh them in open debate.

I urge you to call this hearing and waste no more time and give us all a chance to be heard.

And again I say for The Riverhead First - that the more people involved in this process, the better.

EUGENE ALPERT: "I came here today to make a progress report to the members of the Board, but I just found out that there is a possibility that, my father and mother were not married and I might be illegitimate.

I might add at this time that in my job as a probation officer, I met a lot of people and a lot of persons all over the State, who I asked what they were doing here they usually tell me it's their lawyer's fault. So may be what we have is a lot of lawyers giving us a lot of opinions about nothing in particular because we have nothing in particular to talk about. It's an emotional type of approach to this whole thing without any facts.

And that is the basis of my report today. I did wish to tell you that the committee has been formed - that we got together, that we decided on a Chairman - me - that we are attempting to produce facts and figures for the committee so that an intelligent type of hearing can be held when we produce these facts.

Now just exactly what we are doing briefly is getting in touch with the association of Towns in New York State to find out how many towns (second class towns) have switched over to the Councilman situation. We are going through the records during the last year to see how many times there appeared before the Town Justices any cases which might be interested in a conflict of interest.

PERSONAL APPEARANCES - continued:

We are interested in the cost - and this is one thing that nobody has talked about yet. And I am surprised that the Conservative Party who is so concerned with the cost of keeping government down would recommend a hearing at this time without knowing what the costs would be to the Town and to our tax structure.

What I am presenting to the Town Board is simply this - I feel like the last act on the Ed Sullivan Show - everybody has gone to the bathroom. I'm left alone by myself and I am appealing to you to let's take the time - the few weeks longer it might take to come up with something concrete - rather than the emotional approach that we should or should not have a hearing, referendum or whatever to change the Board around.

As you know it is perfectly legal as it has been for years for the justices to sit on the Town Board and now we are attempting to change it around. Before we make the changes and we have ample time to do that, let's find out the cost, the practicality of it and whether or not this is really what we want. "

SUPERVISOR LEONARD: "I think that was the idea of the Board - to call a public hearing and to find out these facts. "

MR. HARDING: "Mr. Supervisor, before this committee goes any further - now speaking of illegitimacy - I won't use that word. I'll use illegality. It is an illegal committee. It's a nullity. It does not exist at all.

Let the Town Attorney render an opinion as to whether this man is on any kind of a legal committee. Let's take care of that first - it should not take more than a few minutes, and then you act as you can act and have the authority to act under the law.

I say we are wasting our time as of now a committee that is absolutely illegal and a nullity has gotten up to make a report. And I say, let's get an opinion from our Town Attorney and wash that out. "

SUPERVISOR LEONARD: "Thank you, Jack. "

COUNCILMAN YOUNG: "How about an opinion?"

TOWN ATTORNEY FRANK J. YAKABOSKI: "Jack, I will answer it quickly. I am familiar with the section you stated. This however is not a Town Board Committee. It's a committee of citizens and I happen to be on the committee. And I think that while there is no expressed statutory provision for this committee, let's say - a specific authorization to appoint a committee to investigate into the advantages and disadvantages of the Councilmatic system. However, I do believe that under the broad powers of the Town Board particularly the last - (can't think of the number of the section now) - of the general powers of the Town Board that the State Legislature gives to the Town Board in addition to all statutory authorizations any and all powers necessarily implied to carry out the Town functions and I would think that under this broad authorization to the Town Board that the Town Board is certainly authorized to create a committee-advisory committee for any particular purpose it may wish to have general advisory powers. "

MR. HARDING: "I absolutely disagree with you - there are no such broad powers. Those powers are limited. Those powers are absolutely limited.

PERSONAL APPEARANCES - continued:

The Supervisor right now can say, I appoint a Committee. I appoint George Young as that Committee and he can go out and get advisors. He is the only man that can appoint a Committee. And you know that as well as I know. That even though you are serving without compensation - you are wasting the taxpayers time, you are wasting the Town Board's time. This particular ploy is trying to take away the power of the Supervisor - there are no such broad powers.

The idea of the legislature years ago - just read your history - was that the Town Board was elected to do its job and represent the people, and committees and commissions were abolished 34 years ago. You know it as well as I know it and this particular thing is not to be done.

I will give a specific example of something that was done. Let's take the Ethics Committee - Mr. Vojvoda, then Supervisor, appointed Councilman Grodski the Ethics Committee - Councilman Grodski then came to citizens - it was proper - like myself, Mrs. Tormey and others. We helped draft a law which was presented to the Town Board and it was passed - that is the right method.

This other method has no place in the Town Board structure, whatsoever. You can have meetings day after day and it is a ridiculous thing for any members of the Town Board to try to take away the power of the Supervisor who is the only man anywhere mentioned in the law that has the power over any kind of a committee.

I suggest you take more time - this opinion off the cuff - many of us have investigated and a Town Board may not go on this way. The legislature time and time again has expressly said - do your job as elected by the people and follow the Town Law. Where you are going to use the expression "implied powers and the Town Board may do this or that" to help them perform their duties - that nonsense was abolished years ago. Sure you can go out and anybody can ask for a committee, and Mr. Costello or Mr. Grodski or Mr. Young - anybody can ask for somebody to help them. But it has no place in this Town Board by resolution. Taking up time of a meeting. Absolutely not!

SUPERVISOR LEONARD: "Thank you, Jack. At this time I will use my prerogative and appoint Councilman Young to get a committee together."

TOWN JUSTICE LEONARD: "Now we are taking Mr. Harding's opinion - is that right?"

SUPERVISOR LEONARD: "Right."

TOWN JUSTICE LEONARD: "I think the opinions of both Counsel should be looked into before we do anything. That's Mr. Harding's opinion - Mr. Yakoboski gave another opinion."

SUPERVISOR LEONARD: "I still appoint George Young to head up a committee and go ahead with it and the legal advisors can get together if they so wish."

PERSONAL APPEARANCES - continued:

COUNCILMAN YOUNG: "It seems to me that we are going around and around in circles - quoting Harry Truman, I say "The buck stops here" and we gotta be men enough to say we want to do something or we don't want to do something and it's a question of whether or not we are going to listen to the people.

The question now is whether or not we will hold a public hearing and let the people come here and tell us what they want. I have had my committee meeting with myself and I have decided that we should let the people come in here and tell us whether they want this thing or not. "

WICKHAM TYTE: "Regardless of the legality of this committee and instead of setting group against group, they can act as an interested group of citizens and you can have as many groups as you want. When you have your public hearing which Mr. Young said he was going to introduce there is no reason that that group if they want to make a study should not come and make a report. In other words, we'll have a public hearing and the people will be heard which is their right - any other groups, who are interested in making a study - they may not have an official status, but everyone will welcome their research. Why fight about this?"

DR. GRANTTHAM: "I would like to make one point on the subject of cost. I do submit that you Town Board members raised your salaries and this I think was a very serious step and you have no right now to say that the costs are any reason that we shouldn't have clear consideration of the pros and cons for increasing the Board and I hope this does not becloud the issue. "

SUPERVISOR LEONARD: "I would like to correct you on one point, Dr. Granttham, I didn't take a raise. "

DR. GRANTTHAM: "Yes I know - not you. "

MR. YAKABOSKI: "Dr. Granttham, I don't think you are wrong, but perhaps you are just misstating it - the Board would not be increased - the construction of the Board would be altered. "

DR. GRANTTHAM: "Yes, I understand it - but what we are saying is in the future the costs of running the local government may increase here and I don't want that beclouded here. I hope we can look at the pros and cons clearly and honestly on its merits of the value we may receive from a new constituted Board. "

MARIE HOFF: "Dr. Granttham in asking that the matter of costs be removed from consideration is missing one point. Cost is part of the whole project. Just so we don't remove that fact of the consideration should there be a Town Board Hearing. I think it should be considered. "

SUPERVISOR LEONARD: "There will be a cost of two additional Councilmen. "

PERSONAL APPEARANCES - continued:

DR. GRANTHAM: "In the whole philosophical consideration of this - if we get better government and get more people involved, we the taxpayers will be quite willing to bear the burden."

RALPH DE LUCIA, High View Drive, from the Community of Tidewoods in Wading River, made a request to have Tidewoods Park and Playground Flooding and Land Erosion problem placed on the Agenda for discussion at the next meeting of the Board.

Mr. De Lucia further stated that at the time he would have more facts to present about the problem and condition that does exist.

The Town Clerk assured Mr. De Lucia that his request will be placed on the April 17th, 1973 Town Board Meeting Agenda.

KENNETH ROSS, Principal, Central School District No. 2, requested copies of proposed zone changes from neighboring townships of Brookhaven and Southampton be mailed to him.

Town Clerk assured Mr. Ross this would be done.

MRS. BERT RHODES: Asked if the Board has given any consideration to the widening of the Manor-Wading River Road.

Mrs. Rhodes was informed that the project has been dropped by the County.

THOMAS GALAN came before the Board and submitted the following schedule for the operation of the Riverhead Raceway for 1973:

Practice Sessions to begin Saturday, April 21, 1973 in the afternoon from 1 P. M. to 6 P. M.

Open for business on Saturday, May 5, 1973 and will go every Saturday thereafter.

Race date hours for practice if show goes on at 7:30 P. M. will have better than an hour of practice which means 6:00 P. M. and all races will close at 11:00 P. M. always.

Unless there is a special race which may come up only two or three times a year, the practice session begins at 5:30 P. M.

UNFINISHED BUSINESS

Award Contracts - Middle Road Pump Station (Sewer District) Tabled.

Harbor Road Drainage. Tabled.

Increase Marina Rates - Town Attorney to prepare resolution.

Surplus Machines - Assessor's Office. Town Attorney to prepare resolution.

Thurm Petition - Extend Moblie Home Park. Tabled.

NEW BUSINESS

Councilman Grodski made the following statement: "I didn't make a statement before on this Councilmatic problem because I wanted to jot down a few notes so that I would cover everything that is on my mind. I have always done this and I think it is necessary for us to do this to make the necessary preparation before we consider this.

Now some of the members have been accused of political maneuvering and I can actually say the same thing, but I don't want to belabor the point because I think politics should be put aside as Mr. Harding said.

I don't want the public to be misinformed that several of the members are against this particular type of government - against having a hearing - but we must consider priority items such as the sanitary land fill which is a necessary item. We are going to literally pour hundreds of thousands of dollars in it because we need it. It's a necessity. We have to consider a Town Hall - that's a consideration. We have to consider recreational areas - that's a consideration also.

Now we asked for a committee whether it's legal or not and the intention was information to present at the hearing. It seems we had a hearing this morning. This is not the place or time for pros and cons - this is a Town Board Meeting - the pros and cons can speak up at a hearing.

Now it is incumbent upon us to give the public full knowledge of all the facts concerned and then we can answer questions intelligently when the public asks.

Now from what I have gathered so far, as far as Councilmatic type of government, it is really in its infancy stage throughout the state. This is the information that this particular committee is going to seek out so that we have this information and I think Mr. Alpert hit the nail on the head when he said we are becoming too emotionally involved. It is not necessary. We need the time and facts and figures.

Now this type of government is an option permitted by the state legislature and by all means we must consider it, but let us approach it intelligently as possible. Thank you."

RESOLUTIONS

Councilman Young said that he has no argument with Vincent Grodski that this thing should be carefully considered - the only thing that worries him is that we may argue this thing to the ground. I don't want to stall it until it is too late - this thing has to be done 150 days before the General Election if we are going to put it through - we have until July 6th of this or any other year and I am talking about this year - and the question here is whether or not we are going to allow the people to be heard. In the interim, I will meet with any committees and talk with any people and so I think it is incumbent upon us to let the people be heard. Let them come in here and tell us how they feel about it.

Councilman Young then offered the following resolution which was seconded by Supervisor Leonard:

RESOLVED, that the Town Board of the Town of Riverhead, Suffolk County, New York, will hold and conduct a public hearing on the 17th day of April, 1973, at 8:00 P. M., prevailing time, at 220 Roanoke Avenue, Riverhead, New York,

RESOLUTIONS - continued:  
for the purpose of considering the following:

BE IT RESOLVED, That the Town Board of the Town of Riverhead, Suffolk County, New York, acting pursuant to the provisions of Section 60 - a of the Town Law of the State of New York, hereby determines that from and after January 1st, 1974, Town Justices in, of and for such Town shall no longer be members of the Town Board thereof, and that from and after January 1st, 1974, the membership of the Town Board of the Town of Riverhead, Suffolk County, New York, shall consist of the Town Supervisor and four Councilmen, and

BE IT FURTHER RESOLVED, That in order to achieve a Town Board consisting of the Supervisor and four Councilmen, there shall be elected at the biennial town election to be held in such town on November 6th, 1973, two additional town councilmen, in the following manner:

One town councilman for a term of office of two years, such term to begin on January 1st, 1974, and to expire on December 31, 1975:

One town councilman for a term of office of four years, such term to begin on January 1st, 1974, and to expire on December 31st, 1977,

and,

BE IT FURTHER RESOLVED, That from and after the biennial town election to be held on November 6th, 1973, the term of office of all town councilmen of the Town of Riverhead, Suffolk County, New York, shall be four years, and

BE IT FURTHER RESOLVED, That in accordance with the aforesaid Section 60-a of the Town Law of the State of New York, from and after January 1st, 1974, Town Justices in the Town of Riverhead, Suffolk County, New York, shall exercise only such powers and be subject to only such duties, responsibilities and liabilities as are and shall be prescribed by law with respect to town justices of a town of the first class and shall not be or constitute members of the town board of such town.

The foregoing resolution is subject to permissive referendum as provided in Article 7 of the Town Law of the State of New York.

FURTHER RESOLVED, That the Town Board of the Town of Riverhead, Suffolk County, New York, authorizes the Town Clerk to publish Notice of Public Hearing in the April 5th, 1973 issue of the News-Review, the official newspaper of the Town of Riverhead, and a copy of such Notice be posted on the sign board maintained by the Town Clerk.

Any person desiring to be heard on the aforesaid proposal should appear at the time and place specified.

RESOLUTIONS - continued:

Judge Costello asked to be heard on this resolution and said: "I have listened this morning for 3/4's of an hour to some gentleman who claims he is a teacher or a lawyer or I don't know what - telling the Town Board of its illegality in passing a resolution and telling the Supervisor of his prerogative and listened to the Town Attorney say that the resolution appointment of the committee was legal in his opinion, and now I want to talk about what has transpired.

At the last meeting of this Town Board on March 20th, 1973 - Councilman Young introduced a resolution calling for a public hearing to elect two additional councilmen in place of two town justices presently members of the Town Board. This resolution was defeated.

On page 84 Councilman Young said, that the theory is because the Justice makes the law and also administers the law there is an inborn conflict of interest. The person who makes the law shouldn't have to administer it. It has been legal for 175 years and probably is still legal and I personally don't feel that we are giving the citizens of the town legal protection that they should and now have. Now I don't want to make this change if the people don't want to make the change. The reason I am supporting this, and I am still quoting Councilman Young, is that he feels the people are getting a little bit gypped because of this inborn conflict.

Now Councilman Young is referring to an inborn conflict. I have been a Judge on this Board since 1961 and I have yet to have the first instance that anyone was gypped in the administration of justice. I think that I have ruled once or twice on a rule or resolution passed by this Town Board and I ruled against the Town Board.

Now if this is what they are referring to I suggest that no one is getting gypped. I think there are two Justices for ten years on this Board and I do not know of anything our Justices have done that could be in anyway interpreted as a conflict of interest.

Judge Costello called this resolution very premature and stated that he is not for or against it. He stated it would cost the Town \$15,400. additional for the same work to be performed. He also stated that there is no conflict of interest according to the Court of Appeals of the State of New York and that there are 287 Towns in the State of New York and first class towns have four Councilmen by law and only one second class town, that is the Town of East Hampton, has it. That this is permitted by amendment of the Town Law Section 60-a to permit four Councilmen on the Town Board and became effective May 30, 1972.

This Board has been constituted - 1 Supervisor, 2 Councilmen, and 2 Justices way back for many years and before that there were 4 Justices of the Peace and one Supervisor, and during that time it constituted the legislative body of this Town.

And I personally don't think that anybody was gypped in all of those years, and finally Judge Costello stated that this matter must be thoroughly studied because this change is costly and drastic and suggested that a committee be formed to study same, as to its advantages and disadvantages whichever it may be."

RESOLUTIONS - continued:

"A resolution was introduced appointing a Committee to investigate and report to the Town Board. Councilman Young said that he thinks this resolution was political and that comes from page 93 of the March 20th Town Board Minutes.

Now comes the Councilman and he calls for a resolution. Now I must agree with Councilman Young that this resolution is political - it is his wish and hope to have one of the Town Justice spots vacant for the November 1973 elections so that at this election a Councilman of his political affiliation may be elected.

Let me again state that I am not for or against it - the Committee to report by April 17, 1973 which is a submitted resolution on so drastic a legislative change would not be giving this matter the full consideration it deserves.

In order to take it out of politics completely, the Committee should be given the time to investigate very thoroughly and report back.

Now this section of the Town Law does not make it mandatory - to adopt a resolution before June 6th, 1973. And it is only mandatory because Councilman Young makes it mandatory for reasons best known to himself. The law says it's discretionary.

It can be in any June 6th in future years to come and all I say is why hurry and rush - let's give this matter a non-political flavor and for this reason let's find out what their recommendation to this Board may be. Thank you."

The vote, Councilman Young, Yes, Councilman Grodski, No, Town Justice Leonard, No, Town Justice Costello, No, and Supervisor Leonard, Yes.

The resolution was defeated.

Councilman Young made an attempt to offer resolution #29 ("Authorizes Snow Compensation"). Judge Costello pointed out that this resolution was not in the hands of the Town Board members and the Town Attorney as per resolution adopted on March 20, 1973 and therefore it could not be presented.

The Town Clerk stated that she did not get the resolutions until Wednesday or Thursday and a couple of them were submitted only today.

Judge Costello said the Board was to have all of the resolutions one week prior to the Board Meeting according to the procedural resolution passed by the Town Board on March 20th.

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

BE IT RESOLVED, That Melanie Johnson, 12 Dennis Court, Riverhead, New York, be and is hereby appointed as Clerk-Typist in the Office of the Town Clerk, pursuant to Suffolk County Civil Service List #2 - Clerk-Typist, established March 14, 1973, said appointment effective April 2, 1973, to serve a six (6) month probationary period at the rate of \$6,000.00 per annum, payable bi-weekly.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

## RESOLUTIONS - continued:

Town Justice Costello offered the following resolution which was seconded by Town Justice Leonard.

BE IT RESOLVED, That the Long Island Lighting Company be and is hereby authorized to install fourteen (14) 7600 lumen mercury lights replacing one (1) 21,000 and ten (10) 1000 lumen lights on Sweezy Avenue, Riverhead, at the additional cost of \$429.84 per annum as per survey submitted under date of March 21, 1973, and be it

FURTHER RESOLVED, That the Long Island Lighting Company be and is hereby authorized to install the following lights on Harrison Avenue replacing four (4) 1000 lumen lights, at an additional cost of \$347.40 per annum, as per survey submitted under date of March 21, 1973:

Two (2) 21,000 LMV on Poles 7 and 9.

Five (5) 7600 LMV on Poles 11, 13, 15, 19 and 21.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Leonard, Yes.

The resolution was thereupon declared duly adopted.

Town Justice Leonard asked if he could offer a resolution pertaining to "adjusting police personnel salaries". Supervisor Leonard said he feels this resolution falls within the emergency category and allowed Town Justice Leonard to offer the resolution which was seconded by Town Justice Costello.

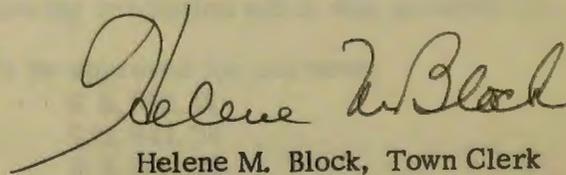
Councilman Young stated that a certain procedure should be followed and this resolution should go through the emergency preceeding and since this was fouled up he would not go along with it.

Councilman Young further stated: "If you are going to set-up all these rules and regulations, then I say we should go by them. The emergency committee did not give a report on this last resolution and I am not voting on it."

Town Justices Leonard and Costello withdrew the resolution.

There being no further business on motion and vote, the meeting adjourned at 12:55 P. M. to meet on Tuesday, April 17th, 1973 at 7:30 P. M.

HMB:mhj



Helene M. Block, Town Clerk