

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, December 19, 1972 at 7:30 P. 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

Absent: Alex E. Horton, Supt. of Highways

Supervisor Leonard called the meeting to Order at 7:30 P. 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 December 5, 1972, be approved as submitted.

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.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined General Town Bills in the amount of \$28,066.28, Special Districts \$6,844.70, Highway Item No. 1, \$2,126.66, Highway Item No. 3, \$5,000.85, and Highway Item No. 4, \$5,623.53.

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

BE IT RESOLVED, That the following bills be approved for payment:

Special Districts	\$ 6,844.70
General Town	\$28,066.28
Highway Item No. 1	\$ 2,126.66
Highway Item No. 3	\$ 5,000.85
Highway Item No. 4	\$ 5,623.53

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.

COMMUNICATIONS

Benjamin Karlin, dated 12/3/72, relating to his application for Permit to convert the large recreation building into four apartments for summer use only. Filed.

Copies to Town Board, Town Attorney and Building Department.

Wading River Chamber of Commerce, Inc., dated 12/7/72, requesting contribution of \$200. for Christmas decorations for the hamlet of Wading River. Filed.
Copies to Town Board.

General Code Publishers Corporation, dated Dec. 4, 1972, submits the following opinion of the N. Y. State Comptroller, relating to competitive bidding:

"OPINIONS OF THE NEW YORK STATE COMPTROLLER 61-246 "

Competitive bidding is controlled by the General Municipal Law, Section 103. In the opinion of the Comptroller in interpreting this, it is stated, "Statutes of this character, however, have been judicially construed as having no application to contracts for professional services requiring special skill or training." (10 McQuillin Nun Corp 3rd Ed., Sec. 29. 35; 44 ALR 1150, 142 ALR 542; 7 OP St Compt 113 (1951).

Francis J. Yakaboski, Town Attorney, dated 12/19/72 - renders opinion re compilation of Town Ordinances - opinion being that the Town may enter into a contract for the compilation and codification of the Town Ordinances without the necessity of going to public bid. Filed.

Mrs. R. H. Smith, dated 11/8/72, requesting a street light on Elizabeth Drive, Wading River. Filed.

Copy to Lighting Committee.

Town of Brookhaven, dated 12/4/72, relating to adoption of amendment to Building Ordinance. Filed.

Copies to Town Board, Town Attorney, Building Department, Board of Appeals and Planning Board.

Suffolk County Department of Planning, dated 12/5/72, relating to amended Building Ordinance, Town of Brookhaven and stating in the event they do not receive an objection within twenty days it will be assumed there are no objections. Filed.

Copies to Town Board, Town Attorney, Building Department, Board of Appeals and Planning Board.

N. Y. State Dept. of Transportation, dated 12/5/72, advising that when new order is received after the establishment of a legal speed limit, the proper speed signs should be installed by the Town. Filed.

Copies to Town Board, Police Chief and Supt. of Highways.

COMMUNICATIONS continued:

N. Y. State Dept. of Transportation, dated 11/27/72 - enclosing nine copies of a resolution to maintain frontage, marginal or service roads constructed under L. I. Expressway Toppings Path to Old Country Road Contract requesting adoption of said resolution and the return of eight executed copies. Filed.

Copies to Town Board, Town Attorney and Supt. of Highways.

Wading River Fire DistrictRiverhead Fire DistrictManorville Fire District

Submit Annual Election Reports of Elections held on December 12, 1972. Filed.

Town of Riverhead Planning Board, dated Dec. 16, 1972, notifying Town Board that James R. Stark's term as member of that Board expires on Dec. 31, 1972, and asking that an appointment be made to fill the position for a five (5) year term. Filed.
Copies to Town Board.

Lou V. Tempera, Commissioner, Suffolk County Department of Labor, dated 12/7/72, advising that the County's Labor Department program has successfully completed 20 months of operation which was made possible through a grant from the U. S. Dept. of Labor.

The program recruits, hires and trains disadvantaged persons for public service careers in County and Town governments and school districts. Further advising that the new program will be refunded on Jan. 14, 1973 and will provide for the recruitment and hiring of a second group of persons. The PSC Director will contact the Supervisor regarding a meeting to discuss the benefits of the program to Riverhead Town. Filed.

Copies to Town Board.

Two communications from Jamesport-South Jamesport Civic Association, Inc., dated 12/13/72 as follows:

1. "When the marina east of Miamogue Creek was dredged, a jetty was built to prevent sand from drifting. The jetty is neither long enough nor high enough to stop the lateral drift. As a consequence, the mouth of Miamogue Creek fills up with sand each year and must be dredged to allow boats in the Creek passage onto Flanders Bay.

Could the Town Board please contact the Suffolk County Department of Public Works and ask them to correct this condition? Thank you for any assistance you can give us." Filed.

Referred to Supervisor Leonard.

2. Parking in Jamesport along the Main Road has become a serious problem. First, there is the physical danger inherent in this type of parking, and, secondly, the economic damper it puts on local trade.

A letter (a copy of which is enclosed) was sent to the school district suggesting they turn the Jamesport School property over to the Town Board for the Recreation Dept. That portion of the property fronting on Main Road could be used for off-street parking. If this is not feasible, then some private land must be acquired for municipal parking.
End.

COMMUNICATIONS continued:

Town Board to discuss the parking problem at the time it meets with the Board of Education on the matter of the Jamesport School Property for recreational use by the Town.

Robert A. Villa, Chief of General Engineering Services, Dept. of Health, reading as follows:

"TO WHOM IT MAY CONCERN:

Effective July 10, 1972, all non residential and multi-family applications will have to be accompanied by a letter from a Town or Village Board or Planning Board that the application meets all applicable Town or Village requirements. Such letters should set forth any pertinent data or restrictions that we should consider in our subsequent review of the application.

Your cooperation in obtaining the required letter will expedite the review and/or approval of your plans, since applications submitted without the letter will not be processed until such time as we are in receipt of a letter from the Town or Village concerned." (End). Filed.

Town Board made determination that the Building Department be assigned to write the required letter.

Building Inspector asked this be done by resolution.

Town Attorney rendered the following opinion: "What this does in terms of our ordinance is this - our ordinance requires that before any building permit can be issued that the person has to comply with all of the applicable rules and regulations of the Health Department and provide the Building Inspector and/or the Town Board on a Special Permit application with due proof that he can and will comply with the Health Department regulations."

Judge Costello suggested the Board discuss the matter with Mr. Villa to build up the correct procedure to follow.

Herbert Kappenberg, dated 12/15/72, making reference to petition requesting the Town of Riverhead to improve private roads or rights of way known as Summit Drive and Meadow Drive off Edwards Avenue at Fresh Pond, Calverton - asking what action has been taken and when it will be carried out. Filed.

Referred to Town Attorney.

George L. Schmelzer, dated 12/15/72, requesting a meeting with the Town Board to discuss the matter of his mobile home park permit. Filed.

Town Board agreed to meet with Mr. Schmelzer at a later date.

REPORTS

Supervisor's, month of November, 1972. Filed.

OPEN BID-MOBILE VACUUM UNIT

After being duly advertised the following bid for the purchase of one mobile vacuum unit was opened by the Town Clerk on December 19, 1972 at 7:45 P. M:

E. H. KLIEBENSTEIN CO., 1099 Hendricks Causeway, Ridgefield, New Jersey 07657

One (1) Mobile Vacuum Unit

\$2,595.00.

Filed.

APPRAISAL

For Highway Drainage Project No. 45, submitted by James A. Kaelin and H. Lyndon Hallock, Appraisers. Filed.

Town Attorney Francis J. Yakaboski asked what action the Town Board would want him to take with respect to these appraisals.

The Town Board decided to review the appraisals before making its decision.

ORDER OF JUDGMENT-Index Number 72-12296

In the matter of the application of Romeo Rosano, et al, Petitioners vs. the Town Board of the Town of Riverhead. Filed.

Town Attorney reported as follows: "The Judgment requires the Town Board to issue a Permit only after the imposition of reasonable site plan conditions so that the Building Department really has no jurisdiction. The Judgment has been appealed and accordingly the matter is stayed. Until the determination of the appeal, Miss Block, what I think would be the best thing to do, would be for me to assist you in drafting a short note to return all documents to Messrs Rosano, et al, pending the determination of the appeal. Perhaps we can notify counsel to pick them up and get a receipt, rather than shipping them back and forth."

UNFINISHED BUSINESS

Create speed limit for entire area of Creek Road. Progress.

Building Inspector's request for survey of Open Development Areas: Town Attorney reported he sent communication to Mr. Polacek (Chairman, Town of Riverhead Planning Board). He doesn't know how long it will take the Planning Board to finish such survey and recommended this item be taken off the Agenda for the time being.

NEW BUSINESS

Town Attorney reported that Mr. Munson has again been made the respondent of an action in the matter of Nelson vs. Munson and asked that the Town Board direct the Town Attorney to appear in Court for the Building Inspector.

RESOLUTION

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

RESOLVED, That Francis J. Yakaboski, Town Attorney, be directed to appear in Court in behalf of the Town of Riverhead in the Petition of Mildred Nelson versus Edward R. Munson, Building Inspector.

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 ATTORNEY REPORTS

Town Attorney, Francis J. Yakaboski made the following report: "Mr. Supervisor, we have been in receipt of several applications for special permit for apartment uses prior to the effective date of the adoption of our zone change and those matters have been referred to the Planning Board. I frankly think the Town Board should at this time contact the Planning Board and advise that any work they are doing in connection

TOWN ATTORNEY REPORTS continued:

with applications in any use district other than the resort business district, should be terminated and all files returned to the Town Clerk or to the various applicants. Because even let's assume there were reports emanating from the Planning Board that the current state of the ordinance has been amended, the Town Board has no power to call a public hearing.

RESOLUTION

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

RESOLVED, That the Town of Riverhead Planning Board is hereby requested to cease work on all applications for special permits for multiple dwelling uses in any use district other than the resort business district, and return all files to the Town Clerk or to the various applicants.

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

PERSONAL APPEARANCES

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

Carl B. Mortensen, representing Fresh Pond Civic Association, asked if the Town Attorney received a reply from Albany on the mobile home question. Town Attorney replied saying he hopes to receive a reply very shortly.

John P. Riesdorff made recommendation that the money the Town of Riverhead received from the Federal Government (Federal Revenue Sharing) be earmarked and used for a new Town Hall.

Mr. Wickham Tyte made the following comments on the matter of the codification of ordinances: "I have come up with these thoughts on this condification. Basically it's a good idea but it's not a good idea to codify or go into considerable expense to put in flaws as written - this should never be on the books - we are up in the 40's on ordinances and at the present time there is not anyone of those laws should be bound in permanent book type of thing until they have been reviewed. Also I don't think we should have a conventional book. I think we should have a loose leaf regular 8-1/2 by 11 loose leaf item because of the frequent changes.

The bugs should be ironed out before any laws are put into a permanent volume - and there are many things in these laws that should be taken out. Many times the way the ordinances are written is really not only unjust, but many times illegal and unconstitutional but actually foolish - and to bank these things into a book and to spend thousands of dollars in doing it, without reviewing them one at a time and putting them in order is premature. I would recommend to this Board to go over the most pressing laws first - it doesn't have to be done chronologically. And get laws that are enforceable, laws that are just laws that do not reflect bias and put them in a loose leaf folder-

PERSONAL APPEARANCES -continued:

take them in order of most importance - not start with number one necessarily, and I would mention that the cost per page to have printed by photo offset system - you can have a thousand pages of a law made for in the neighborhood of \$10.00 - even less than that - it's an inexpensive thing and you can keep up to date.

One other thing tonight we should have in our attitudes - whether rightfully or wrongfully - we have the reputation of being against everything - don't matter whether it's good or bad - Riverhead don't want it. Our attitude should be, number one - we are not interested in appointing committees of harrassment but rather committees of cooperation. Many merchants that have been in this Town that have ceased to exist as business enterprises could very well have made it if there had been friendly feeling of the governing body whose attitude was - is there anything we could do for our business to iron out or to make it more profitable - rather than say - if you don't do this or don't do that we are going to do this or that to you.

I think you should think this over as you compile your laws. "

Bert Rhodes, Chairman, Wading River Park Committee said: "As you are aware, about a year and a half ago, Little Flower donated about seven acres to the Town of Riverhead for the purposes of a community park. Since that time a considerable amount of work has been done and now this year's budget has appropriated about \$13,000 for the construction of a comfort station and a playground.

The committee was formed on the advice of the Little Flower Advisory Board (of which Father Fagan is Chairman) and this committee is to work with Stanley Grodski to see that the park is developed into a good park. We have worked very well with Stanley. However, in one area we have come up against a road block - that is the entrance and exit to the park - the only exit and entrance is through Bayberry Road and to get to Bayberry Road you have to go along Wading River Road, which is a very difficult road. About 4 or 5 years ago a teenager was killed walking along that road. There are no sidewalks. Perhaps we can go through the area of Woodland Acres - Remsen Road.

I came to ask the Town Board to investigate the feasibility of putting a sidewalk on the south side of North Wading River Road to the east and west of Bayberry Road, so the kids would not have to walk along the road.

After discussion, Councilman Young volunteered to confer with the Supt. of Highways on the matter.

PUBLIC HEARING-8:00 P. M. In the Matter of the application of J. Douglas Stark and W. Bruce Stark for Special Permit to extend Mobile Home Park located near Mill Road, Riverhead.

Town Clerk advised the Town Board that J. Douglas Stark called her at 1:50 P. M. this day and requested that the Public Hearing scheduled at 8P. M. on the aforesaid matter be withdrawn from the Agenda.

Supervisor Leonard recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 8:15 P. M.

Town Clerk submitted affidavit of posting and publishing Public Notice Calling public hearing in the matter of the application of B. Arthur Thurm for Special Permit to extend Mobile Home Park located at Baiting Hollow. The affidavit was ordered filed.

Thereupon Supervisor Leonard declared the hearing open to anyone who wished to be heard.

John J. Munzel, Esq., representing B. Arthur Thurm, Petitioner, appeared before the Board and said:

"The first question which should be answered is, why is the application in now in view of the fact that there is a proposed moratorium on all of these applications. This is simply a matter of coincidence. Mr. Thurm acquired this land about two years ago with a view to the possible extension of the mobile park. Some nine months ago or longer, Mr. Thurm began his discussions with the Department of Health to gain approval for the extension before he came to the Town Board for special permit.

Finally on October 16th of this year, the stamp of approval came through, indicating the Department has reviewed the plan and it conforms with their stringent requirements - so actually the timing of this has nothing to do with the proposed moratorium or anything else.

Basically the existing park is an adult park. There are no children in the park. There were one or two who were the children of one of the men employed by Mr. Thurm.

The taxes at present are in the vicinity of \$55,000- and as you all know at least half of those go to the schools. All community services both in the existing park and the proposed extension are private - all the roads are built and maintained by Mr. Thurm. The water for fire hydrants and for family use comes from two private wells on the property, and the Department of Health states they are sufficient to maintain the proposed extensions. Sewage is also private and is in conformity to the Health Department.

Six acres is presently reserved for recreation area and a possible treatment plant should the Department of Health at some future date make a determination that the sewage is not sufficiently being treated - so the burden on the municipality is simply non-existent.

This 17 acres does not affect the whole of zoning - one family residences do not belong in that area. It is simply a 17 acre parcel. Same is true as to industry or commercial property it just will not fit in there and the only thing that would fit in there is an extension of the mobile home park to fill up this basic hole - because the 17 acres will not be used for anything else.

In the interest of good planning this application should be granted. If anyone has any question ----."

Carl Stagg made objection to any extensions of any mobile home parks.

Supervisor Leonard asked how many units are proposed in the extension.

PUBLIC HEARING - 8:15 P. M. -continued:

Mr. Munzel said "66 units are proposed for 66 spaces in that parcel, and to answer Mr. Stagg's criticism, it is impossible to envision any other possible intelligent use for that parcel. "

Judge Costello: "You are asking for 66 - how many would your client build in one year?"

Mr. Munzel: "It would depend upon sales - about one a month - it may take four to five years in the usual course of business. "

Judge Costello: "Some years you may not have any sales - if you sell five per year - this permit will be for ten years".

Mr. Munzel: "That's a possibility. However that's a practical matter all the spaces may have to be done at one time. "

Mr. Arthur Thurm: "It will be about a four year project.

Mrs. Ruth Scott said that it was stated that there were no children living at the old section and asked if this is going to apply to the new section.

Mr. Munzel: "There is no policy to that effect - it has just been working out that way. "

Mrs. Scott: "Is this a park whereby a person has to buy a trailer from the owner of the park before he moves in?"

Mr. Munzel: "Not all of the time - to my knowledge. "

Mr. Carl Mortensen: "I am a resident of the Thurm Park and if he intends to build a park on the land he's got there now - then you should vote for it - as it is the best park on Long Island. "

Mr. Wickham Tyte: "We have had a lot of flak about the mobile home policy of this Town and we do know in the mobile home parks in their entirety - where your present laws make it mandatory that everybody go to a mobile home park and there are limited spaces and very strict regulations and I would think that until the Town irons out the iniquities and injustices currently practiced by some of the park owners - I mean by changing your laws to safeguard against this bill of rights - I don't think you should extend any of your parks until the residents are guaranteed certain rights. And I think that while you are changing your Master Plan that mobile homes are here to stay. There will be more and more of them used. It is an honorable way for persons to live and I believe your new zoning ordinance should provide that there are areas of land where they can have them.

At the present time we should put a road block on mass residential building until we can get a balanced economy. "

PUBLIC HEARING - 8:15 P. M. - continued:

Edward R. Munson, Building Inspector: "There is a law on the books now with respect to creed, manufacture, buildings - and it would have been implemented on Sept. 15th if it wasn't for Governor Rockefeller not seeing fit to put sufficient moneys in the fund so that it could be put into effect. This would permit only mobile homes to have a seal from the State of New York that meet all requirements of the building code to be placed anywhere in the State of New York. They would be inspected by Inspectors who would have to be hired - and only those vehicles or mobile homes will be permitted in the Town.

So therefore, it is here - and I have been told by State Building Housing Renewal that we may have it by Spring. "

Mr. Stagg: "How do you get a building permit to put a mobile home in a park?"

Mr. Munson: "This has been a precedent whereby there are many ordinances that pertain to a mobile home park. In the first place they have to meet zoning - in the second place they have an ordinance of their own they have to live up to and in the third place they record with the motor vehicle department. They are better cared for and are better living quarters when they are under the control of a trailer park operator - by nature of the fact that he sees to it that they maintain them properly. They have proper facilities and proper roads and it is a known fact that there are far less fires in mobile home parks - very few fires we have had in mobile home parks. "

John Mena, President of Mobile Home Owners Association: "Several of these ordinances are being violated in parks in this area and not being corrected. "

Mr. Munzel: "On that point, I would like to point out that Mr. Thurm's Park is in full compliance with the existing ordinances. "

Mr. Munson: "True".

Mr. Mena: "I live on Hubbard Avenue Mobile Park and all these laws have not been corrected. "

Mrs. Scott: "The newer trailers are in private parks and the older ones are on private property - so that the statistics cannot be compared. "

Mr. Munson: "The reason for that is that many many of those units were put on that land prior to July of 1965 when we were under the Zoning Ordinance only and we didn't adopt the State Building Code - so therefore, you can't go retroactive and make these people change their mode of living. However, some action was taken on it when we went into the State Building Code. "

No one else wishing to be heard and no communications having been received thereto, Supervisor Leonard declared the Hearing closed at 8:40 P. M. , and re-opened the meeting.

Supervisor Leonard announced that the Town Board will take no action on this matter until further study and will make decision at a future meeting.

RESOLUTIONS

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

RESOLVED, That Highway bills on Abstract dated December 19, 1972, as follows: Machinery - Item No. 3, Eastern Spring & Wheel Alignment Co., dated December 5, 1972 in the amount of \$580.00; Municipal Machinery Co., Inc., bills dated November 17 and 28, 1972 totalling \$979.47; Rolle Bros. Sales & Service, Inc., bill dated November 22, 1972, in the amount of \$859.25; and Van Dyck & Yousik, Inc., bill dated December 4, 1972, in the amount of \$1,224.06; be and the same are hereby approved for payment.

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.

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

RESOLVED, That the position of Clerk Typist be and it is hereby created in the office of the Town Clerk, Town of Riverhead, New York, and

BE IT FURTHER RESOLVED, That such creation be duly filed with the Suffolk County Civil Service Department.

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.

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

BE IT RESOLVED that Edward Gadzinski be compensated for eleven (11) hours worked on December 4, 1972 at the rate of time and one half for a total of \$68.48.

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

The resolution was thereupon declared duly adopted.

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

BE IT RESOLVED, That this Town Board ratifies the action of the Supervisor in purchasing Time Certificate of Deposit on December 11, 1972, at Franklin National Bank in the amount of \$140,486.00 - Federal Revenue Sharing Funds received from U. S. Treasurer on December 11, 1972, at the interest rate of 5.65% for a period of 180 days.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS

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

BE IT RESOLVED, That the Bid for the purchase of One (1) Mobile Vacuum Unit, be and is hereby awarded to E. H. Kliebenstein Co. , 1099 Hendricks Causeway, Ridgefield, New Jersey, 07657, at a cost of \$2,595.00, and be it further

RESOLVED, That the acceptance of this bid is subject to the bid and specification form submitted and filed in the office of the Town Clerk.

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.

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

BE IT RESOLVED, That the next meeting of the Town Board of the Town of Riverhead be held on January 2, 1973 at 10:30 A. M.

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

RESOLVED, That the Town Board of the Town of Riverhead, contribute the sum of \$100.00 to the Wading River Chamber of Commerce, Inc. , for Christmas Decorations for publicity pursuant to Section 64 of the Town Law.

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 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 make a survey for the installation of an improved street light on New York Telephone Company Pole #3, 51 West Main Street, within the Riverhead Lighting District.

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 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 make a survey for the installation of a street light on Elizabeth Drive, Wading River, within the Wading River Lighting District.

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.

RESOLUTION

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

WHEREAS, Chapter 714 of the Laws of 1959 reenacted Section 164 of the Social Welfare Law, effective April 22, 1959, to allow the legislative body of a county, city or town responsible for providing home relief to determine and direct that employable home relief recipients be assigned to perform work for such county, city or town as such recipients are able to perform, exclusive of any work ordinarily performed by regular employees of such county, city or town or by craft or trade in private employment; and

WHEREAS, It appears to this Board to be in the best interest of both the Town of Riverhead and of employable persons receiving home relief therefrom that such persons be assigned to perform such work for such town, its departments, bureaus, divisions and other units thereof, as they are able to perform and which is not prohibited by such Section 164 of the Social Welfare Law, it is

RESOLVED, Pursuant to Section 164 of the Social Welfare Law as added by Chapter 714 of the Laws of 1959, by the Town Board of the Town of Riverhead, that it is the determination and direction of this Board that employable persons in receipt of home relief shall be assigned to perform work for the Town of Riverhead, the head of any of its departments, bureaus, divisions or other units thereof whenever request is made that such persons be assigned to his unit, such request to be addressed to the public welfare official of this Town and the number of persons to be used and the character of the work to be performed indicated, and it is further

RESOLVED, That the public welfare official of the Town, upon receipt of such a request shall thereupon assign such persons in receipt of home relief who, in his judgment, are able to perform the work indicated, provided he is satisfied that such persons will not be used to replace, or to perform any work ordinarily performed by regular employees of any department or other units of this Town, or to replace, or to perform any work which would ordinarily be performed by craft or trade in private employment; and, it is further

RESOLVED, That persons shall be assigned to perform only such work as they are able, in the judgment of the public welfare official, to perform, and, it is further

RESOLVED, That the number of days of work to be given each person shall be determined by the amount of the budget deficiency of the recipient and his family computed on local home relief budget schedules, and no person shall be required to work for more than the number of days necessary to earn such amount, at the rate of \$2.35 per hour, or to be paid more than such amount, and no person shall be required to work more than eight hours in a day or more than forty hours in a week; and, it is further

RESOLVED, That any person who refuses to report for or to perform work to which he has been assigned by the public welfare official shall thereupon become ineligible for home relief; and, it is further

RESOLVED, That this resolution shall take effect on the 2nd day of January, 1973.

RESOLUTION continued:

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

RESOLVED, That the following members of the Riverhead Town Police Department be compensated for Court time as per contract, from September 21, 1972 to December 12, 1972:

F. Alexander	15 hours at \$5.06 per hr.	\$ 75.90
J. Becht	6 " 5.47 "	32.82
A. Densieski	18 " 3.95 "	71.10
T. Dorfer	3 " 4.70 "	14.10
W. Droskoski	3 " 5.97 "	17.91
J. Dunleavy	9 " 5.47 "	49.23
W. Flanagan	12 " 5.97 "	71.64
F. Foote	18 " 4.70 "	84.60
C. Friszolowski	6 " 5.47 "	32.82
L. Grattan	15 " 5.97 "	89.55
A. Grossman	6 " 4.70 "	28.20
J. Hughes	13-1/2 " 3.95 "	53.32
J. Kurpetski	6 " 5.47 "	32.82
O. McDonald	3 " 4.70 "	14.10
L. Mickoliger	3 " 4.70 "	14.10
W. Mosia	3 " 5.47 "	16.41
F. Romaniello	9 " 4.70 "	42.30
J. Seaman	13 " 5.06 "	65.78
P. Troyan	7-1/2 " 3.75 "	28.12
W. Witt, Jr.	6 " 3.95 "	23.12

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

BE IT RESOLVED, That this Town Board ratifies the action of the Supervisor in redeeming Time Certificate of Deposit of the Ambulance Fund from the Security National Bank on December 4, 1972, in the amount of \$5,600, with interest of \$126.70.

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.

RESOLUTION

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

RESOLUTION OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD.

WHEREAS, it has come to the attention of the Town Board of the Town of Riverhead that the Temporary Commission for the Reorganization of the Courts of this State is about to make its Report to the Governor, and

WHEREAS, there is reason to believe that said Report will recommend the elimination, change or modification of the existing Town and Village Justice Court System, and

WHEREAS, said Town and Village Justice Courts have long been known as "The Courts Closest to the People" because of accessibility which is not found in any of the other Courts of this State, and

WHEREAS, this Association is firmly convinced that the elimination, change or modification of the Town and Village Court System will deny the People of the community the privilege of prompt and effective disposition of their problems, whether the same be civil or criminal, and thereby give credence to the axiom "Justice delayed is Justice denied", and

WHEREAS, the elimination, change or modification of the existing Court System would be the initial step in the erosion and ultimate destruction of said Courts and the substitution of a District Court system which has already demonstrated its impersonality, calendar congestion and overwhelming expense to the Taxpayer, and

WHEREAS, said Town and Village Justice Courts have ably performed their duties to the People for over 200 years and are continuing to do so with very nominal expense to the Taxpayer, and

WHEREAS, the Justice Court System in New York is well established, accepted, open to the citizenry and is local and responsive to local needs, and

WHEREAS, Justice Courts have no "calendar congestion", are inexpensive to the litigants and the taxpayers, and easily accessible to all who seeks its services, and

WHEREAS, Justice Courts provide an arrestee with the quickest method of placing a magistrate between him and the arresting officer and of having his "rights" explained to him, and

WHEREAS, Arresting Officers need not leave the area of arrest to drive to the county seat. Justice Courts are sufficiently numerous as to cut down on travel distance and travel time, and

WHEREAS, in speeding and accident cases, the Justices are familiar with the dangerous and accident prone areas and can explain this to apprehended motorists - thus emphasizing the factor of the driver's safety as a cause for apprehension, and

WHEREAS, to the lay Justice, the position is prestigious and important and deserving of his best effort for local citizens are checking his performance, and

WHEREAS, the Justice is familiar with the local citizenry, their views and their needs and is in a better position to be responsive, and

WHEREAS, Arbitrators need not be lawyers nor are legislators required to be members of the legal profession, and

WHEREAS, with the mandated training and retraining of lay Justices as required by the Judicial Conference, a trained lay Justice is capable of discharging the duties of the office and the Courts closest to the people will be improved, and

RESOLUTION continued:

WHEREAS, where the decision of the Justice is questionable, the Appellate proceeding is available for correction on appeal, and

WHEREAS, the adage that "the man who never made a mistake, never made anything" applies to both the lay judge and the judge with a law degree and the lay judge may be replaced by the local constituency more easily than can a District Judge be separated from his office.

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board is unalterably opposed to the elimination, change or modification of the present local Court System which embraces the Town and Village Justice Courts, and be it further

RESOLVED that a copy of this Resolution be forwarded to Governor Rockefeller, to each member of the State Legislature, and to the Chairman of the Suffolk County Legislature so that all may be fully aware of the earnest and forthright position taken by the Riverhead Town Board.

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.

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

WHEREAS, it is recognized that the present leased quarters for the Riverhead Town Hall are inadequate regarding space, storage, office locations and parking, and

WHEREAS, various areas and buildings have been explored with a view to purchasing adequate quarters to house the offices of town officials and employees and all with no conclusions satisfactory to the Town Board,

THEREFORE, BE IT RESOLVED that there be appointed a committee to explore the feasibility, costs and location in connection with construction of a Town Hall for the Town of Riverhead, the committee to be known as the Riverhead Town Hall Planning Committee to be composed of five (5) members to be appointed by the Riverhead Town Board, and

BE IT FURTHER RESOLVED that the committee consist of the following members:

Frank J. Yousik, Chairman

J. Wilson Stout
Frank J. Polacek, Jr.

Richard J. Carey
John P. Riesdorff

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

BE IT RESOLVED, That Gladys Huggins, 389 Sweezy Avenue, 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 December 5, 1972, said appointment effective January 1, 1973, to serve a six (6) month probationary period at the rate of \$6000. per annum, payable bi-weekly.

RESOLUTION continued:

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

RESOLVED, That the Building Inspector of the Town of Riverhead is hereby authorized and directed to act on behalf of the Town Board of the Town of Riverhead to issue a letter to the Suffolk County Health Department indicating compliance with Town Zoning regulations with respect to the application of J. J. Hart, Inc., pursuant to letter of Robert Villa, Chief General Engineering Services, Suffolk County Department of Health.

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

WHEREAS, The Town Board of the Town of Riverhead, Police Chief of the Town of Riverhead and the Riverhead Police Benevolent Association have jointly cooperated to compile Rules and Regulations of the Riverhead Police Department, and

WHEREAS, The Town Board feels it would be in the public interest to adopt such rules and regulations to facilitate the operation of the Riverhead Police Department,

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Rules and Regulations of the Riverhead Police Department previously adopted are hereby rescinded, effective immediately, and be it

FURTHER RESOLVED, That the Rules and Regulations of the Town of Riverhead Police Department as annexed hereto are hereby adopted effective immediately.

RULES AND REGULATIONS FOR THE POLICE DEPARTMENT,
TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

NUMERICAL INDEX

<u>ARTICLE</u>	<u>SUBJECT</u>
I	Organization
II	Duties of Chief of Police
III	Duties of Desk Officer
IV	Duties of Supervisory Personnel
V	Duties of Detective Personnel
VI	Duties of Members of the Department

Police Rules and Regulations -continued:

<u>ARTICLE</u>	<u>SUBJECT</u>
VII	Duties of Civilian Members
VIII	Rules of Conduct
IX	General Rules
X	Penalties
XI	Definitions
XII	Chemical Tests
XIII	Prisoner Detention Procedure

ARTICLE IORGANIZATION

Rule 1. Duties and Responsibilities

The Police Department and its Police Members have the power and it is their duty to:

1. Protect life and property.
2. Prevent crime.
3. Detect and arrest offenders.
4. Preserve the public peace.
5. Enforce all laws and ordinances over which the Police Department has jurisdiction.

Rule 2. Chief of Police.

The Chief of Police is the chief executive officer of the police department subject to the rules and regulations prescribed by the Town Board. The government and control of the police department and its members is vested in the Chief of Police.

The Chief of Police shall be designated by the Town Board of the Town of Riverhead to exercise command of the police department and its members. (Article 10-Town Law).

Rule 3. Temporary Absence or Disability of Chief of Police.

During the temporary absence or disability of the Chief of Police, when no special designation is made by competent authority, the command automatically devolves upon the senior ranking member of the command. He shall possess all the powers and perform all the duties of the Chief of Police, except the power of making any changes in the rules and regulations, appointments, promotion, and he shall carry out the orders previously given, and such orders

Police Rules and Regulations -continued:

shall not, except in cases of extreme emergency, be countermanded nor set aside; however, when such action is taken, a report shall be made to the Chief of Police in writing stating the reasons therefor in such instances.

ARTICLE I

Rule 4. Order of Rank

The order of rank in the Police Force shall be:

Chief of Police
 Captain
 Sergeant
 Patrolman

and any and all other classifications made by resolution of the Town Board of the Town of Riverhead.

Rule 5. Seniority

Seniority is determined:

First - by rank
 Second - by continuous service in rank
 Third - by date of appointment to previous rank or ranks.
 Fourth -- by date of appointment to Department.
 Fifth -by highest score in civil service list from which appointments were made.

ARTICLE IIDUTIES OF CHIEF OF POLICE

Rule 1.

General Duties.

1. Within the boundaries of the Town, the Chief of Police shall be charged with and responsible for:

- a. The enforcement of all laws, ordinances and regulations, and is especially charged with enforcement of laws relating to vice, gambling, public morals and intoxicating liquors.
- b. The regulation and movement of vehicular and pedestrian traffic in streets, roads, places and highways, as described in the Vehicle and Traffic Law of the State of New York and Town Ordinances and the Local Laws if any.

Rule 2.

Specific Duties.

The Chief of Police will:

Police Rules and Regulations - continued:

1. Enforce the Rules and Regulations of the Police Department and is charged with and responsible for the discipline and efficiency of the member of the Department;
2. Provide each member with a copy of the Rules and Regulations, and see that he is properly instructed in his duties, and that he performs them in such a manner as to render effective police service; also that he is instructed with regard to his conduct, on and off duty, so that his conduct will not be detrimental to the good order and efficiency of the Police Department;
3. Assure the accurate preparation, maintenance and forwarding of reports and records;
4. Periodically examine all books and records required to be kept in conformity with the Rules and Regulations, and see that entries there in are properly made;
5. Maintain a detailed inventory of Town owned and rented property and equipment, and forward a report to the Town Board.
6. Account for the property assigned to and issued for the use of members of the Department, and is responsible for the proper care, economical use, sufficiency and serviceability thereof and shall make periodic inspections thereof;
7. Submit the annual budget to the Town Board, as directed;
8. Visit every building or parts thereof assigned to his Department and all parts of the territory within the boundaries of the Town, at intervals of the day and night, and take, or direct to be taken, such action as may be required to render effective police service and to maintain proper discipline. He shall frequently test the knowledge of subordinates as to conditions upon their posts;
9. Communicate frequently with the Desk Officer when on patrol, and when absent, except with leave, shall keep the Desk Officer informed where he may be found;
10. Carefully investigate the following, occurring within his Department, and shall forward a written report in full detail to the Town Board:
 - a. The reported death of any member of the Department, while acting in the discharge of duty
 - b. Cases of special faithfulness to duty, exceptional skill and bravery in the performance of duty, and where first-aid of an exceptional nature has been rendered by any member of the Force or Department.
 - c. Cases of civilians who render assistance to the Police Department,

Police Rules and Regulations - continued:

- or any member thereof, in the apprehension of a criminal or in an emergency.
11. Carry out the following in addition to all other reports, when a member of the Department is injured.
 - a. He shall cause a careful investigation of the circumstances of the injury, and shall interview and obtain a signed statement from each witness.
 - b. He shall provide report of the results of the investigation. This report shall show whether or not, in his opinion, such injury was sustained in the performance of police duty, whether or not negligence on the part of the injured member contributed to the injury, and the names and addresses of all witnesses.
 - c. He shall forward a written report to the Town Board.
 12. He shall cause an inspection by the duty officer to be made periodically of the uniforms and equipment and make a written report of such inspection, which report shall be filed by the Chief of Police.
 13. Carefully observe the police duty performed by Probationary Patrolmen, and shall report to the Town Board previous to the expiration of the probationary period, the manner in which such duty was performed;
 14. Obtain all Police Department, and all revolvers and pistols, in the possession of a member of the Department who resigns, retires, is dismissed or enters active military service, and shall obtain all Police Department property and all revolvers and pistols from among the effects of a member who dies;
 15. Divide into sectors the territory within the police jurisdiction of the Town; A sector shall be designated as indicated:
 - a. A patrol sector includes the public thoroughfares within the boundaries of the sector. It does not include the interior of buildings, except as otherwise specified.
 - b. A traffic sector includes that portion of the public thoroughfare necessarily included in the regulation of vehicular and pedestrian traffic.

Police Rules and Regulations - continued:

15. c. A hospital post shall include that portion of the hospital in which a prisoner or prisoners are confined under Police jurisdiction.
- d. A special post is a temporary post. The purpose, location, boundaries and time during which it is to be covered must be specified and approved by the Chief of Police or Acting Chief of Police.
16. Issue written and verbal orders to attain Department goals;
17. When any crime is committed, or a serious accident occurs under circumstances which indicate that the member of the Department on Sector might have prevented it, The Chief of Police shall cause an investigation to be made and if the investigation reveals neglect on the part of the member, he shall prefer written charges against the member;
18. With the approval of the Town Board, establish a duty chart; such charts have the force and effect of Rules and Regulations when authenticated with the original signature of the Chief of Police;
19. Evaluate programs;
20. Cause the draft specifications for equipment, uniform and insignia;
21. Develop plans to meet Department needs;
22. Control Department expenditures;
23. ~~Maintain~~ Maintain suitable relations with mass communications media;
24. Cooperate with all law enforcement agencies and officers in matters of mutual interest.
25. Provide leadership and guidance in developing loyalty and dedication to the Police profession;
26. He shall cause the directing, supervising and evaluating of members in their assigned duties. Recommend remedial or disciplinary action for inefficient, incompetent or unsuitable members;
27. Sustain a member of his command who is properly performing his duty;
28. Correct subordinates in a dignified manner;

Police Rules and Regulations - continued

29. Insure the security and care of prisoners and sick, injured or unconscious persons and will obtain medical care when needed;
 30. Deal fairly and equitably with subordinates;
 31. Conduct formal parades and roll calls in a military manner;
 32. At all times conduct himself in a manner which will provide leadership and guidance to the members of his Department and enhance the public image of police in general;
 33. Cause the preparation of the vacation list for the following year by the fifteenth of December.
 34. The Chief of Police shall be on duty twenty-four (24) hours per day subject to call especially in emergencies;
 35. The Chief of Police shall be subject to the authority of the Board of Police Commissioners as given by the Town Board.
- Rule 3. The Chief of Police may excuse for one tour of patrol duty a member of the Department who performs any exceptional act or deed of particular merit, which in his opinion deserves recognition, provided the exigencies of the service permit. A brief but comprehensive report of the act of deed for which he rewards such member shall be forwarded to the Town Board, and he shall file a copy in the member's service record.
- Rule 4. The Town Board shall suspend, without pay, pending the trial of charges, any member of the police department for violation of the rules and regulations of for insubordination on the recommendation of the Chief of Police or any officer acting in such capacity.
(Section 155 Town Law)

ARTICLE IIIDUTIES OF THE DESK OFFICER

- Rule 1. The Desk Officer shall be designated by the Chief of Police or his designee.
- Rule 2. The post of the Desk Officer is within the confines of the area of the building assigned for the use of the Police Department by the Town Board.
- Rule 3. Upon the beginning of his tour of duty, and at the conclusion of it, a Desk Officer shall immediately initial his name in the desk blotter and give the correct-time of each signing. He shall make prompt, accurate and necessary entries of official business in department records in a manner prescribed for making and keeping such records.

Duties of the Desk Officer - continued:

Rule

4. A Desk Officer shall not leave the desk during his tour of duty except for personal necessity, official duty within Headquarters, or upon urgent police business. When required to leave his post for any reason, he shall do so only in the manner prescribed by the Chief of Police.
5. A Desk Officer shall not permit anyone behind the desk except a Superior Officer, or other member of the Department in the line of duty, or as otherwise directed by the Chief of Police.
6. A Desk Officer shall make proper entries whenever a member of the Department reports to him either for or from duty.
7. The Desk Officer shall inspect, or cause to be inspected, supplies delivered to his command for quantity and quality and shall note receipt of same in the prescribed department records.
8. During his tour of duty, a Desk Officer is responsible for the receipt of all complaints and their proper entry in prescribed departmental records, and instituting proper police action with respect thereto.
9. A Desk Officer shall notify the superior officer as to all matters of importance, such as unusual occurrences and important messages or conditions requiring his attention.
10. The superior officer on tour shall designate the Desk Officer or his substitute and so note the appointment on each tour with appropriate entry in the police blotter.

ARTICLE IV

DUTIES OF SUPERVISORY PERSONNEL

Rule 1. General Duties

A supervisory member will be responsible for the enforcement of all laws and ordinances, Department Rules and Regulations, orders, procedures, discipline, punctuality and attendance, appearance, good order and efficiency of members within his assigned jurisdiction.

Rule 2. A supervisory member shall:

1. Perform specific duties and functions as assigned by the Chief of Police;
2. Obey all lawful orders;
3. Execute all assignments;

12/19/72

471.

Duties of Supervisory Personnel - continued

4. Provide leadership and guidance in developing loyalty and dedication to the police profession;
5. Train, direct, supervise and evaluate members in their assigned duties. Recommend remedial or disciplinary action for inefficient, incompetent or unsuitable members;
6. Communicate orders, information and instructions;
7. Inform his relief of all necessary police matters;
8. Be present at prescribed roll calls and meetings.
9. At established intervals inspect personnel, vehicles and equipment,
10. Report to his superior officer absentees and deficiencies in men and equipment.;
11. Insure that Department resources are used effectively;
12. Insure that recovered property is handled in accordance with Department orders;
13. Account for all monies and valuables received, processed and disbursed in conformance with Department orders;
14. Inquire into the circumstances of all arrests to assure that all persons are handled in conformance with Department orders;
15. Know and conform to the current bail provisions of the Criminal Procedure Law of the State of New York;
16. Report promptly matters of police importance to his superior officers;
17. Insure that all appropriate Town Departments are informed of emergencies which require their attention;
18. Direct activities of subordinate members for the purpose of achieving the objectives of the Police Department;
19. Perform those duties of the members of the Department that are applicable to him;
20. When in uniform, maintain a military bearing and render military courtesy to superior officers;

Duties of Supervisory Personnel - continued

21. Assemble and remove details and parades in a military manner;
22. The superior officer shall patrol all sections during his tour of duty and shall only report to headquarters when his presence is warranted.

ARTICLE VDUTIES OF DETECTIVES

- Rule 1. The Chief of Police, after the approval of the Town Board shall assign qualified member or members who have had a minimum of five years service as a qualified policeman of the Riverhead Police Department.
- Rule 2. The Chief of Police is authorized to assign or detail members of the Department as Plainclothesmen for the purpose of executing warrants, undercover assignments, stake-outs or police surveillances.
- Rule 3. The Captain shall command, supervise, and train all members of the Riverhead Police Department assigned as Detectives and Plainclothesmen.
- Rule 4. The Detective Section is responsible, but not limited to, the investigation of all felonies, all sex and gambling offenses, all those selected offenses as enumerated in Section 160. 10 of the Criminal Procedure Law. This responsibility does not preclude the Detective Section or the Uniformed members from mutually assisting each other and any or all other police duties assigned to them.
- Rule 5. The Detective Section, in addition of taking fingerprints in all criminal cases requiring such prints, shall also render such assistance and cooperation to the Uniformed members as may be warranted. This shall also include photography.
- Rule 6. The Detectives shall be in command at a scene of investigation and Uniform members shall render all possible assistance as directed by the detective personnel. Upon completion of the investigation, the Uniform personnel remain at the scene until it has been cleared and/or secured or as ordered by the Detective Division.
- Rule 7. The Detectives are responsible for all investigation of all questionable deaths and shall assist the Medical Examiner in the preliminary examination as to cause of death.
- Rule 8. The Detective Section shall prepare all cases for Grand Jury action and safeguard all evidence as set forth by law.

Duties of Detectives - continued

- Rule 9. The Detectives Section shall compile all Police Intelligence received and exchange such intelligence with other law enforcement agencies when ordered to do so by the Chief of Police.
- Rule 10. All the rules of conduct pertaining to and relative to police officers apply to Detectives and superior officer thereof.

ARTICLE VI

DUTIES OF THE MEMBERS OF THE DEPARTMENT

Rule 1. General Duties:

A member of the Department will be responsible at all times for the prevention of crime, enforcement of all laws and ordinances, preservation of the public peace, protection of life and property, arrest and prosecution of law violators and professional adherence to Department Rules and Regulations.

Rule 2. Specific Duties:

A member of the Department shall:

1. Know and conform to Department Rules and Regulations,
2. Perform assigned duties in a professional manner.
3. Obey all orders by the superior officers and the Chief of Police.
4. Be in attendance for those hours specifically assigned and will be considered on duty at all times for the purpose of rendering emergency police service.
5. Participate in formal parades and roll calls in a military manner.
6. When in uniform, maintain a military bearing and render military courtesy to superior officers.
7. Identify self by name, rank and shield number when so requested.
8. Have a residence approved by the Riverhead Town Board.
9. Report immediately any incapacity or inability to perform Department duties in the manner prescribed herein.

Duties of the members of the Department - continued

10. Immediately report any change of marital status, address, selective service rating or other matter effecting the administration of the Department to the Chief of Police.
11. Receive, record and service immediately all complaints and requests for service. Refer and transfer complaints and requests only in accordance with Department orders;
12. Possess a valid State of New York Operator's or Chauffeurs license. If lost or revoked, immediately report same to the Chief of Police.
13. Remain on his duty assignment and leave only for a police or personal necessity. If required to leave, he will record the time of departure and the reason and report this information to the Desk Officer as soon as possible.
14. Provide security and care for prisoners and others delivered to his custody.
15. Search all male prisoners.
16. Have police matrons conduct a search of female prisoners.
17. Help secure medical attention for all sick and injured persons
18. When assigned to a motor vehicle,
 - a. Inspect it for damage and defects.
 - b. Report to a supervisory officer any defects observed or incurred as per Departmental orders.
 - c. Protect it from possible damage or theft
19. When operating a motor vehicle, be prudent.
 - a. Use skill, good judgment and care for the safety of persons and property.
 - b. Obey all traffic regulations unless on emergency assignment
20. Submit transfer requests of any kind to the superior officer for processing.
21. Give a minimum of two weeks notice of intention to resign or retire from the department, 30 days notice if retiring .
22. If loss or theft of any concealable weapon occurs, report it immediately to the Chief of Police in writing .

Duties of the members of the Department - continued

23. Wear the regulation uniform in the prescribed manner when assigned to uniform duty.
24. Report immediately the loss or damage of any Departmental equipment in writing to the Chief of Police
25. Register with the Department all personal firearms capable of being concealed on the person. If loss or theft of any such weapon occurs, immediate report will be made to the Chief of Police in writing.
26. Notify the Fire Department when a fire is discovered. Assist and cooperate with the fire Department.
27. Attend all courts promptly when required or ordered, properly dressed.
28. Report the reason for court absence or tardiness to the Chief of Police through the Desk Officer in writing.
29. Appear in court in the regulation uniform unless assigned in civilian dress and then in suitable business attire-
30. When subpoenaed or requested to testify in behalf of the defense in any criminal prosecution, or in behalf of the plaintiff or defendant in a civil matter in which the Village, Town, County or State is a party thereto, report immediately the receipt of such subpoena or request to the Chief of Police before appearing at any hearing, or before entering into any discussion of the matter with anyone other than the legal representatives of the Village, Town, County or State
31. Report to the Chief of Police any information of a police nature , including offenses involving himself or others and offenses with which he has been charged, except minor traffic offenses.
32. Give evidence before the Grand Jury, court or other governmental administrative bodies and the Town Board when requested.
33. Investigate any person suspected of operating a motor vehicle while in an intoxicated condition and direct the administration of a chemical test to said person in accordance with the procedure prescribed by the police department's rules and regulations.
34. Obey the laws and ordinances which he is obligated to enforce.
35. Be deemed on Duty 24 hours per day and subject to recall with little or no advance notice. When a member is on a scheduled tour of Duty or recalled for special duty, this shall be known as

Duties of the Members of the Department - continued

35. (cont.) "Active Duty". . . When a member is not scheduled or on authorized leave, this shall be known as "Off Duty".

ARTICLE VII

DUTIES OF CIVILIAN MEMBERS

Rule 1. General Duty.

1. A civilian member shall be responsible for the proper and efficient performance of his assigned duties.
2. The Chief of Police or his designee shall be in charge of all civilian employees and shall fix civilian duties and responsibilities.

Rule 2. Specific Duties. : A civilian member shall:

1. Obey all lawful orders of a superior.
2. Be bound by the Rules and Regulations, orders and procedures of the Department insofar as they apply.
3. Report promptly to superior officers any violation of any law or rules and Regulations of which they have knowledge .
4. Shall be responsible for proper care of Town owned or leased property and equipment and shall report any damages or defects to the Chief of Police or his designee in writing.
5. Safeguard all Police intelligence and information from unauthorized people and treat all police matters and all documents as confidential.

ARTICLE VIII

RULES OF CONDUCT

Rule 1. A member of the Department found guilty of any of the following acts will be considered in violation of the Rules and Regulations which govern the Police Department of the Town of Riverhead, New York, and will be subject to disciplinary action . .

1. Conduct which brings discredit upon the Department.
2. Failure to perform a duty
3. Disobedience of an order.
4. Insubordination or disrespect toward a superior officer

12/19/72

477

Rules of Conduct - continued

5. Inattention to duty.
6. Lounging or sleeping on duty.
7. Being absent from duty without proper authorization
8. Leaving duty assignment without being properly relieved or without proper authorization.
9. Incompetency or inefficiency in the performance of duty.
10. Entering any tavern or bar in uniform or any part thereof except when it is necessary for inspection or for the immediate performance of a police duty.
11. Drinking Alcoholic beverages while on duty in uniform.
12. Drinking alcoholic beverages while in any part of the uniform above the waist.
13. Public Intoxication whether on or off duty.
14. Violation of any duly constituted law.
15. Disorderly conduct.
16. Immoral conduct.
17. Using coarse, profane or insolent language to any person
18. Any conduct unbecoming an officer, on or off duty, wherever he may be.
19. Failure to treat any person civilly and respectfully.
20. Willful maltreatment of any person.
21. Knowingly make a false report, written or oral.
22. Failure to wear the regulation uniform when on duty or so ordered .
23. Failure to maintain a neat and clean appearance of self, uniform, and equipment.
24. The use of tobacco while in uniform in public, except in police facilities and police vehicles.
25. Standing or walking with hand in pocket while in uniform .
26. Receiving or attempting to receive a free gift, present or other thing of value from a person under arrest or from someone else on behalf of the arrested person.

12/19/72

478

Rules of Conduct - continued

27. Receiving, soliciting or attempting to solicit a bribe in any form.
28. Publicly criticizing the official actions of a Department member or any local public official.
29. Disseminating or releasing any information contained in a department record except in conformance with Department orders.
30. Failure to pay all just indebtedness when due.
31. Failure to identify self by name, rank and shield number when requested.
32. Failure to seize, record, process and dispose of recovered or prisoner's property in conformance with Department orders.
33. Failure to handle stray or dead animals in conformance with Department orders.
34. Failure to notify a superior officer that a member of the Department is violating a rule or order of the Department.
35. Deliberate violation of Civil Service Laws or Regulations pertaining to police management and control .
36. Possessing or transporting when on duty or on Department property any intoxicating liquor except in accordance with Department orders.
37. Defacing or neglecting to protect and preserve Department property.
38. Failure to obey Department orders concerning other employment, occupations or professions.
39. Engaging directly or indirectly in those occupations prohibited by Department orders or laws of the State of New York.
40. Allowing the publication of any photograph of oneself in the regulation uniform which advertises any commodity or commercial enterprise without permission of the Chief of Police.
41. Communicating or corresponding with other police agencies or individuals concerning police matters except in line of duty.
42. Participating in, or contributing to, any partisan, political activity or campaign. (Section 426 of the Election Law)
43. Engaging in any activity, conversation, deliberation or discussion which is derogatory of Department policy or individuals.

Rules of Conduct - continued

44. Sitting in a public conveyance while in uniform or as a non-paying passenger when paying passengers are required to stand.
45. Failure to keep Department vehicle in public view while assigned to general patrol duty except when authorized by a supervisory officer.
46. Concealing Department vehicle for the sole purpose of apprehending traffic violators except when authorized by a supervisory officer.
47. Permitting any person not on official police business to ride in a Department vehicle unless specifically authorized.
48. Riding in or on a non-department vehicle during duty hours except when authorized by a supervisory officer or in the pursuit of official police business.
49. Operating a department vehicle out of the Town except in immediate pursuit of law violators or when on official police business authorized by the Chief of Police or designee.
50. Operating a department vehicle without proper authorization or on other than official police business.
51. Pulling, pushing or towing any vehicle with a department vehicle except as authorized by the Chief of Police.
52. Altering department equipment in any way except as authorized by the Chief of Police.
53. Carrying any rifle, shotgun, machine gun, gas gun or substituting for the regulation service revolver any weapon or adding a concealed auxiliary hand gun not authorized by the Chief of Police.
54. Unlawful or unnecessary use or display of weapon.
55. Failure to report the discharge of a weapon.
 - a. orally and immediately to a supervisory officer,
 - b. in writing to the Chief of Police without unnecessary delay
56. Selling, giving, lending, or disposing of a dangerous weapon as outlined in Section 265.05 of the Penal Law of the State of New York contrary to the provisions of Section 265.10 of the Penal Law and the Rules and Regulations of the Department.
57. Giving an opinion as to fine or penalty to a violator or suspect.
58. Giving an opinion as to bail except by those specifically authorized to admit to bail.

12/19/72

480.

Rules of Conduct-continued

59. Failure to take, record and act upon complaints except as prescribed by department orders.
60. Removing, altering or changing any official Department record except as provided for in Department orders.
61. Issuing any device which purports to grant special privilege to the holder.
62. Displaying in any manner non-Departmental or Departmental posters or pictures in or on any Department property or equipment except in conformance with Department orders.
63. Obligating the Department financially in any manner except as authorized by the Chief of Police or Town Board.
64. Recommending to any citizen any bondsman, lawyer, undertaker, physician, hospital, towing, repair or other professional or commercial service.
65. Failure to report any information of police nature in conformance with Department orders.
66. Failure to obtain official permission to participate in public discussions of police or Department business except as provided in Department orders.
67. Interviewing, questioning or interrogating any person in a cell except unruly prisoners.
68. Entering any police lock-up except on official police business.
69. Associating or fraternizing with known criminals or persons of ill repute except in the immediate discharge of official duties or with the authorization of the Chief of Police.
70. Soliciting or accepting a gift, present, reward, gratuity or other thing of value for any service rendered as a Department member, excluding gifts received from relatives or close friends upon appropriate occasions except gifts to the Police Benevolent Association.
71. Seeking or soliciting contributions of any kind from anyone, by any means, for any purpose, under any circumstances, including collections for charitable purposes by any member, group of members or their agents, except as specifically authorized by Permission of the Town Board.
72. Accepting any food or beverage or other valuable consideration without cost or at reduced cost at any time because of his official position as a member of the department.

12/19/72

481.

Rules of Conduct - continued

73. Failure to submit a written report that he is under investigation by any other law enforcement agency to the Chief of Police within 24 hours of becoming aware of such investigation.
74. Refusal to sign an immunity waiver shall be grounds for dismissal from the department.
75. Refusal to testify of the grounds of possible self-incrimination shall be grounds for dismissal from the Department
76. Affiliation with any organization or body, the constitution or regulations of which would in any way exact prior consideration, and prevent him from performing his departmental' duties. However, membership in any union or other organization in connection with and relating solely to approved secondary employment of members of the department and required membership in military reserve units are specifically excepted from this regulation.
77. No officer, or superior officer shall engage in outside employment except with the written permission of the Chief of Police or his designee who may issue such a permit.
78. No scheduled officer, or superior officer shall be at police headquarters during the tour of duty except by assignment and permission and authority of a superior officer,
79. No member shall endorse any application as a character reference in connection with Police matters.
80. Members while on duty, shall appear neat and clean. Head hair shall be well groomed, with sideburns no longer than the middle of the ear and head hair at the back of the neck shall not extend over the shirt collar.
81. Members may not grow a mustache or beard unless approved by the Chief of Police.

ARTICLE IX

GENERAL RULES

All members of the Police Department shall be subject to the Rules and Regulations. Members of the Department are not merely employees, but are officers of this State and Town charged with specific duties in maintaining public order and administering justice. Therefore, every member's sole responsibility must be to the Chief of Police, and through him to the public.

- Rule 1. It is the duty of the Police Department and the members of the Department all times of the day and night, to protect life and property, prevent crime, detect and arrest offenders, preserve the public peace and enforce all laws and ordinances over which the Police Department has jurisdiction.
- Rule 2. A Patrolman, regularly performing patrol duty, shall:
1. Proceed to his designated sector or relieving point without unnecessary delay, inspect his post immediately, remain constantly alert and observant, note any condition thereon requiring police attention and take appropriate action.
 - a. He is charged with the enforcement of all laws and ordinances, especially with those relating to public morals, vice, gambling, intoxicating liquors; also with the proper condition and maintenance of departmental equipment, traffic control equipment of all types, street lights, public highway, curb and sidewalk conditions within the boundaries of the post of which he is assigned; he shall promptly report through official channels any condition requiring attention and shall provide safeguards when necessary.
- Rule 3. A Supervisory Officer on patrol is charged with the enforcement of all laws and ordinances, especially those relating to public morals, vice, gambling, intoxicating liquors and the enforcement of Rules and Regulations. He is also charged with the proper condition and maintenance of departmental equipment, traffic control equipment of all types, street lights, public highway, curb and sidewalk conditions within the command to which he is assigned, and he shall promptly report through official channels any condition requiring attention and shall provide safeguards when necessary.
- Rule 4. A member of the Department shall be fit for duty and subject to duty at all times except when on sick report. He shall not engage in any other occupation except when suspended from duty without pay; or when, having filed his application for retirement, he is on continuous vacation or other authorized leave, or when having made application on the prescribed form, he has been granted a work permit by the Town Board.

General Rules - continued

- Rule 5. Members of the Department shall be held strictly accountable for all information acquired by them on or off duty, regarding all suspicious persons or places within the Town.
- Rule 6. A member of the Department shall treat as confidential the official business of the police Department. He shall not talk for publication, nor be interviewed, nor make public speeches, nor shall he impart information relating to the official business of the department to anyone, except under due process of law and as directed, or with the permission of the Chief of Police.
- Rule 7. A member of the Department found guilty to violating a rule or regulation of the Department, or of the provisions of any order or orders, or of disobedience of orders, or of cowardice, or of intoxication while on duty, or while in uniform, or of conduct unbecoming an officer, or of making a false official communication, record or statement, or a member of the department convicted in a court having criminal jurisdiction, may be dismissed from the department, or suffer such other punishment as the Town Board may direct.
- Rule 8. Any acts of disorder or neglect in the performance of duty or affecting discipline of the department which have not been specifically mentioned in the rules and regulations shall be punishable at the discretion of the Town Board.
- Rule 9. Any member who is actually ill and unable to report for duty shall personally notify the Chief of Police or captain at least two hours prior to his scheduled tour of duty. The Chief of Police may designate a supervisory officer to ascertain illness and date when such officer will return to duty. A member may be requested to produce a Doctor's certificate attesting to nature of illness when instructed to do so by the Chief of Police or his designee.

ARTICLE X

Rule 1. A member of the department found guilty of violating the Rules and Regulations of the department is subject to one of the following actions, as provided by Section 155 of the Town Law and Section 75 of the Civil Service Law, State of New York.

Reprimand

Fine

Extra tours of duty

Suspension - with or without pay

Demotion in grade and title

Dismissal or removal from the Force or Department

Rule 2. Separation of a member by the Town Board is warranted for incompetent, inept or inefficient performance of duty. Repeated disciplinary actions even for minor infractions will be considered prima facie evidence of unsuitability for police service.

ARTICLE XIDEFINITIONS

Rule 1. The following definitions govern the use of these terms in the rules and Regulations of the Department:

TOWN BOARD: The term "Town Board" means the Supervisor and Town Councilmen, or the Supervisor, Town Councilmen, and Town Justices, as the cases may be. (Section 60 Town Law)

The Board may make, adopt and enforce rules, orders and regulations for the government, discipline, administration and disposition of the Police Department of such Town, and the members thereof. (Section 154 Town Law)

DEPARTMENT: The term "Police Department" or "Department" means the Department of Police of the Town of Riverhead, Suffolk County, New York, and such term includes the term "Police Force".

MEMBER: Any sworn member of the Department.

PRONOUNS: All pronouns include the masculine and feminine gender unless otherwise specified.

Definitions - continued

REGULATION

EQUIPMENT: Equipment which meets specifications established by a Department order.

SUPERVISORY

OFFICER: Any member other than the Chief of Police, who is authorized to direct the activities of others.

ON DUTY: Hours specifically assigned to a member or any time involved serving during a police emergency even though a member was not specifically assigned.

OFF DUTY: All hours other than when on duty.

LAWS AND

ORDINANCES: Those laws, both state and local, and ordinances, the enforcement of which is the responsibility of the Department.

ARTICLE XII

CHEMICAL TESTS

TEST A BLOOD

- Rule 1. When a member of the department has reasonable grounds to believe that the operator of a motor vehicle or motor cycle is intoxicated by virtue of alcohol or that the ability to operate is impaired by virtue of alcohol or drugs, he arrests such operator in conformity of Article 31, Section . 1192 of the Vehicle and Traffic Law or applicable instances as authorized by Article 31, Sections 1193 and 1194 of the V & T Law.
- Rule 2. When a prisoner consents to submit to the chemical tests for DWI or DWAI, a Blood test is to be administered. Blood kits that are supplied by the Police Laboratory shall be used. The Blood withdrawal is made by a person authorized by law and in the manner prescribed by law. All such facts shall be noted in the Special Police Report.
- Rule 3. Persons arrested for any offense that requires the taking of a chemical test, is permitted to have a lawyer present when the test is given if he so requests. Whether the lawyer is present or not, the test is made within two (2) hours of the time of arrest. The lawyer's full name and address, telephone number and all time elements shall be noted in the Special Police Report and the lawyer may be subpoenaed as a witness for the prosecution. Form RPD-31-71 is filled out by both, the arresting officer and the doctor making the withdrawal.
- Rule 4. The prisoner is photographed and fingerprinted as soon as condition permits and a record and safety checks are made via teletype from the Department of Motor Vehicles. This does not apply to DWAI.

12/19/72

486.

Chemical Tests - continued

- Rule 5. The officer who witnessed the blood withdrawal, insures delivery of the blood kit to the Police Laboratory as soon as practical, by registered or certified mail. This officer may deliver the kit to the laboratory and obtain a receipt for same. This information plus the kit number is noted in the Special Police Report. When the kit is returned from the Laboratory, it is immediately secured by the same officer until called for by court and the officer provides a copy of the results to the local Criminal Court.
- Rule 6. When a person arrested for DWI or DWAI refuses to consent to such chemical tests after being requested to do so, the test is not given and the arresting officer must submit a sworn statement (form provided by DMV) to the Commissioner of DMV. This form also contains the proper and legal warning given prior to any tests and consents.
- Rule 7. The prisoner is permitted to have another test by a doctor of his choice providing the distance is reasonable, within two (2) hours of the arrest and such person pays for such expense.
- Rule 8. The prisoner is entitled to a copy of results of any chemical tests if he so requests.
- Rule 9. A police matron shall accompany all females arrested for DWI or DWAI. Pursuant to Section 1194, subdivision 1 & 2 of the V & T Law and in accordance with the rules and regulations established by the police force of which he is a member.
- Rule 10. When the accused prisoner refuses ANY chemical test, the FOLLOWING Test of the Riverhead Town Police Department should be given and ONLY if the accused prisoner is willing and in the presence of two (2) officers, one of which must be the arresting officer. The test should include the following coordination tests:
- a - BALANCE: Have the prisoner stand erect with heels together, eyes closed, and head back, to observe balance.
 - b - WALKING & TURNING TEST: Have the prisoner walk a straight line, toe of one foot against the heel of other, then tell prisoner to turn and walk back again. Watch closely for evidence of incoordination, especially when the prisoner is turning around.
 - c - FINGER TO NOSE TEST: Have prisoner stand erect, eyes closed, extend arms horizontally to side, then, one arm at a time, have the prisoner touch the tip of nose with tip of index finger.
 - d - COIN TEST: Have the prisoner pick up coins from floor or have prisoner place coins on a table and arrange in order, with the largest sized coins on the right. Have prisoner identify coins whether heads or tails. Observe ability.

12/19/72

487.

Chemical tests - continued

e - SPEECH TEST: Have the prisoner repeat the following test phrases: ELECTRICITY METHODIST EPISCOPAL AROUND THE RUGGED ROCK THE RAGGED RASCAL RAN.

Rule 11. When the prisoner executes any or all of the above tests, willingly, the results of such tests should be recorded in a Special Police Report by the arresting officer. A refusal of these tests should also be noted in the report.

ARTICLE XII

CHEMICAL TESTS

TEST B - URINE

- Rule 1. The urine test for determining alcohol or drug content shall be executed in the same manner as BLOOD TEST and as outlined in Rules 1 - 3 - 4 - 6 - 7 - 8 and 9 of Article XII Test A.
- Rule 2. The following precaution taken: The container in which said urine specimen is to be placed CAN NOT have been sterilized in any solution which contains alcohol. The only urine kit used for test purposes shall be provided by the Suffolk County Police Laboratory.
- Rule 3. The arresting officer should obtain two (2) separate specimens of the prisoner's urine, thirty (30) minutes apart, with a witness present and so recorded in Special Police Report.
- Rule 4. The urine test must be given as soon as possible after the discovery of the facts which indicate that a determination as to alcoholic and drug influence should be made, and must be made within two (2) hours of the time of arrest.
- Rule 5. The urine test is obtained in accordance with the instructions on the urine kit supplied by the laboratory.
- Rule 6. The member of the department that witnesses the taking of the urine specimen insures delivery of the kit containing the said urine specimen to the laboratory as soon as practical by Registered or Certified mail or personal delivery to such laboratory.
- Rule 7. When making a personal delivery the officer shall note the serial number of the urine kit, time and date and name of the person whom he delivered such urine kit containing the specimen and include all such information in the Special Police Report.
- Rule 8. When the results are returned from the Laboratory, they shall be preserved by the arresting officer until called for by Local Criminal Court. A copy of such results to be forwarded to such court.

ARTICLE XII

CHEMICAL TESTS

TEST C - BREATHALYZER

- Rule 1. When the Breath Test for determining the alcohol content of the blood is to be administered, the following rules and procedure shall apply.
- Rule 2. The arresting officer, at the scene, requests from the Desk Officer of the Communications section, that a Department Intoxicated Driving Testing Unit Technician respond to Headquarters, wherein the Breath Test is to be administered.
- Rule 3. The Breath Test is administered by the Technician at Headquarters using the Breathalyzer and in presence of the arresting officer. The Breath Test must be given as soon as possible after the discovery of the facts which indicate that a determination as to alcoholic influence should be made and must be within two (2) hours of the time of arrest and in accordance with the provisions of Sections 1193-a & 1194 of the Vehicle and Traffic law.
- Rule 4. The Breath Test for determining alcohol content of the blood is given on a Breathalyzer, Model 900, manufactured by the Stephenson Corporation of Red Bank, New Jersey, or such other instrument as the Chief of Police may approve.
- Rule 5. The Breathalyzer will be calibrated and checked by the Suffolk County Police Laboratory Section periodically. The Laboratory Section Technician making such inspection shall make an entry on the Breathalyzer Certification Card (PL-3), certifying that the instrument was found to give reliable and valid results on the date tested. The Certification Card will contain the following information: a- Serial number of Breathalyzer tested; b- date of test; c- certifying Officer's signature. The Certification Card will be filed and maintained at the Laboratory Section and a copy of such card shall remain with each unit tested.
- Rule 6. The Equalibrator solution employed to test the Breathalyzer shall be prepared by the Police Laboratory Section and assigned to each Breathalyzer. At such time as the Breathalyzer is tested, the Equalibrator solution assigned shall also be tested. The results of such tests shall be entered on the Certification Card.
- Rule 7. The Breath Test is administered only by a Technician who has been approved and certified by the Director of the Suffolk County Police Laboratory Section and as approved by the Chief of Police.

Chemical Tests - Breathalyzer - continued

- Rule 8. The Technician keeps the accused prisoner in view to make certain that he or she has taken nothing by mouth for a minimum of fifteen (15) minutes prior to the actual Breath Test.
- Rule 9. The Technician employs only those ampoules that have been tested for concentration and composition for the solution, volume and diameter at the Suffolk County Police Laboratory Section. These ampoules will come packaged in a Chemical test kit box prepared, numbered and certified by the Laboratory Section. This chemical test kit box is then sealed, dated and initialed by the Laboratory section technician who prepared same. The arresting officer shall enter the defendant's name on the used test kit box, the date and the CC number.
- Rule 10. The Technician takes the used test kit box, after necessary entries have been made thereon, and staples same to the original copy of the Police Lab form (PL-4), to be preserved as evidence in the case. He also enters the number of the test kit box on the designated line on the (PL-4).
- Rule 11. The Technician inspects the instrument to ascertain that it is in proper working order. Such inspection includes the following steps: (a) turn SWITCH to "ON" and wait until THERMOMETER shows approximately 50 deg C; (b) open TEST AMPOULE, insert BUBBLER TUBE and connect to RUBBER TUBE of instrument; (c) turn valve to "TAKE", flush and then turn to "ANALYZE"; (d) when RED light appears, wait ninety (90) seconds or more, turn on LIGHT and BALANCE galvanometer needle and during the analysis stage, the Technician sets the SCALE POINTER to start line; (e) turn to "TAKE" take breath sample and turn to "ANALYZE"; (f) when RED appears, wait ninety (90) seconds or more, turn on LIGHT and BALANCE; (g) record blood alcohol concentration; (h) after the prisoner has been tested, the Technician note the Equilibrator temperature and records the Equilibrator test results on the appropriate form.
- Rule 12. The results of the Breath Test appear on a printed form known as the "Test Record" of the Breathalyzer, the recorded value of which is recorded and initialed by the Technician administering the test.
- Rule 13. Both the Technician and the arresting officer certify, with their signatures, as to the results of the Breath Test as indicated in Rule 11-g above.
- Rule 14. The Test Record form is retained by the arresting officer for attachment to the case record in an envelope and is not to be stapled or mutilated in any manner.

ARTICLE XIII

PRISONER DETENTION PROCEDURE

- Rule 1. All persons detained in the Riverhead Town Lockup shall first be arrested. The same shall apply to all other authorities who have been authorized by the Town of Riverhead to house their prisoners in the local lockup. Female prisoners shall only be lodged in cells when a matron is available and all cells are empty.
- Rule 2. The Jail Log shall be filled out by the arresting or delivering officer and the management of all such prisoners shall be in strict compliance of all prisoner rules and regulations.
- Rule 3. The jail Log shall be made out for each and every prisoner that is about to be confined in the lockup. All information pertaining to the said prisoner shall be filled out in ink. All observations made by the inspecting police (desk) officers shall be entered in the log in ink (asleep, lying on cell floor, sitting on bunk, etc.) Should a prisoner complain about illness or desire a doctor, a local doctor is summoned and advised that a prisoner is ill. The desk officer shall note the doctor's name, address, time called, time of departure, diagnosis of treated prisoner and if prisoner is fit to remain in the cell. If the prisoner is ordered to local hospital, then he is transported and the Duty Sergeant shall assign a guard (officer) for such prisoner. No unconscious prisoner shall be put in the lock-up.
- Rule 4. Prior to a change of tour, the relieving Desk officer or the Officer in charge shall inspect all prisoners before accepting from the tour they are about to relieve. Special emphasis shall be made on the physical condition of each and every prisoner in the lock-up.
- Rule 5. Prior to confinement, the Desk Officer shall follow the prescribed steps:
- All prisoners must be searched, regardless of number of prior searches.
 - Prisoners must be given a receipt for all personal property from his person and secured in safe.
 - Prisoners shall be allowed three reasonable calls for bail purposes.
 - Prisoners shall not be permitted to wear shoes, foot gear, belt, suspenders or ties in cells.
 - Prisoners shall not be permitted to smoke in cell or lockup area.
 - Prisoners shall be 16 years of age or over. Youthful prisoners' ages should be checked by arresting officer through parents.

12/19/72

491.

Prisoner Detention Procedure - continued

- Rule 6. The arresting or pickup officer shall sign the Jail Log when removing the prisoner for court or other purposes.
- Rule 7. The officer who confines or assists in placing the prisoner in the cell shall not wear his sidearms within the lockup area and only enters the cell when it's necessary.
- Rule 8. The desk officer or the officer in charge shall check each prisoner at intervals of no more than thirty (30) minutes apart, observe the conditions of the prisoner, any unusual condition, no matter how slight it may appear, and record all observations in the Jail Log.
- Rule 9. The Police Chief or the next in command shall be notified immediately when a prisoner attempts to injure himself or attempts to take his life.
- Rule 10. The prisoner shall clean up his cell before he leaves for Court and the sanitary conditions of the lockup sector shall be the responsibility of every tour that confines a prisoner.
- Rule 11. No visitors are permitted in the cell or jail sector. Prisoner and visitor may use the room commonly used by Department Sergeants and only one (1) visitor at a time and in the presence of an officer. Prior to a visit, the prisoner is searched and the visitor shall be free of any articles. Only a member of the family, a close friend or an attorney may be permitted to visit the prisoner. All such visits shall be recorded in the Jail Log, spelling out the name of approved visitor, address, age, sex, color, time of arrival and time of departure.
- Rule 12. Every member of this department and other departments confining any prisoner, shall be responsible for the Humane and Safekeeping of a prisoner in his custody at all times and under no circumstances release a prisoner without proper authority.
- Rule 13. All confined prisoners shall receive a reasonable amount of food during regular meal periods and such food shall not be served in metallic containers, glass containers or any type of container that may cause injury. No knives, forks or spoons shall be given to a prisoner.
- Rule 14. Prisoners shall be detained before arraignment in accord with the criminal procedure law.

12/19/72

492.

The above Rules and Regulations of the Riverhead Town Police Department of the Town of Riverhead were adopted by resolution of the Town Board of Riverhead on December 19, 1972, and

The above Rules and Regulations of the Riverhead Police Department may be amended or modified by resolution of the Town Board of Riverhead, New York.

There being no further business on motion and vote, the meeting adjourned at 9:15 P. M., to meet on Tuesday, January 2, 1973, at 10:30 A. M.

Helene M. Block

Helene M. Block, Town Clerk

HMB.