

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on November 3rd, 1971, at 10:30 A. M.

Present:

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

Also present: John J. Munzel, Town Attorney
 Alex E. Horton, Supt. of Highways

Supervisor Zaloga opened the Meeting at 10:30 A. M.

Town Justice Costello offered the following resolution which was seconded by Town Justice Leonard.
 RESOLVED, That the Minutes of the Town Board meeting held on October 19th, 1971, be approved as submitted.

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

The resolution was thereupon declared duly adopted.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined bills on Abstracts dated November 3rd, 1971, as follows:

General Town	\$ 8,285.71
Highway Item No. 1	\$ 4,754.72
Highway Item No. 3	\$ 644.62
Highway Item No. 4	\$ 1,938.35

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

BE IT RESOLVED, That General Town bills in the amount of \$ 8,285.71, be approved for payment, and

FURTHER RESOLVED, That the following Highway bills be approved for payment:

Highway Item No. 1	\$4,754.72
Highway Item No. 3	\$ 644.62
Highway Item No. 4	\$1,938.35

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

The resolution was thereupon declared duly adopted.

REPORTS

Building Department, month of October, 1971. Filed.
 Police Department, month of October, 1971. Filed.

OPEN BID-One Used Platform Truck-Highway Department

After being duly advertised the following bids for One (1) Used Double Drive Ten Wheel Platform Truck for use of the Town of Riverhead Highway Department, were opened by the Town Clerk on Tuesday, October 26th, 1971 at 11:00 A. M:

HI-WAY AUTO BODY, North Highway, Southampton, N. Y. 11969

Delivered Price of One Used Platform Truck \$2, 200.

Delivery date: November 1, 1971

MANHASSET MOTORS, INC., 1225 Northern Blvd., Manhasset, N. Y. 11030

NO BID

OPEN BID-Four Police Cars-Riverhead Town Police Department

After being duly advertised the following bids for Four (4) 1972 Police Cars for use of the Riverhead Town Police Department less trade-in allowance on Four (4) presently Town-owned vehicles, were opened by the Town Clerk on Monday, Nov. 1st, 1971 at 11:00 A. M:

GARSTEN MOTORS, INC., 1175 West Main Street, Riverhead, N. Y. 11901

Make of Vehicles of bidder: Plymouth Fury

Approximate date of delivery: 60-90 Day Delivery

Cost of Vehicles with all specifications: \$ 11, 504. 00

Allowance for trade-in vehicles: \$ 1, 000. 00

Net Cost Less Excise taxes on delivery: \$ 10, 504. 00

DODGE OF RIVERHEAD, INC., 642 West Main Street, Riverhead, N. Y. 11901

Make of Vehicles of bidder: Dodge Polara Police

Approximate date of delivery: 60 days

Cost of Vehicles with all specifications: \$ 17, 368. 00

Allowance for trade-in vehicles: \$ 3, 993. 13

Net Cost Less Excise taxes on delivery: \$ 13, 374. 87

COMMUNICATION: (Received from Garsten Motors, Inc., 11/1/72 at 12:45 P. M.)
 Attention: Town Clerk-"With reference to our bid for four police cars - bid No. 72-1, we inadvertently made a \$3000 error in transcribing our figures for this bid. The bid should be as follows: \$14, 505 for four vehicles, allowance for trades \$1, 000 - net due less excise taxes \$13, 504. If the above is not acceptable, we hereby retract our bid. Filed.

POLICE CARS-OPEN BID-continued:

Town Attorney John J. Munzel remarked that the Town Clerk brought the matter (Garsten's communication) to his attention and he did some research work and reported: "There have been cases of a similar nature which in effect state that a bid does not become binding until approved by the necessary authority, namely, the Town Board - and there is a case which the court has relieved the bidder before acceptance where the bid was made with an unintentional mistake - so assuming that this was an unintentional mistake - we have no evidence to the contrary - so that the revocation by the bidder would be proper.

Police Chief Grodski suggested that if the bids had been opened at a Town Board meeting and the bid awarded immediately thereafter, there would have been no time for changes to be made as then the award would become binding.

After further discussion, the Town Attorney rendered the following opinion: "Insofar as this particular bid is concerned their revocation of their bid is a valid revocation."

COMMUNICATIONS

Wading River Boating Ass'n., dated 9/30/71, notifying Town Board that the Wading River Boating Ass'n. is no longer interested in acquiring the Old Lifeguard Building and thanking the members of the Board for their patience, consideration and time. Filed.

Matter referred to Town Attorney.

Wading River Boating Ass'n., dated 9/30/71, thanking the Town Board for the installation of the boat ramp at the Wading River Creek - that the ramp was long needed - is a positive addition to the community and will be enjoyed by all members of the area. Filed.

Riverhead Woman's Club, dated 10/28/71, stating the members of the Club were pleased to learn that the Board is updating the Master Plan of Riverhead and sending congratulations on the forward looking move - also suggesting that representatives from all interested groups be included in the process of the updating. Filed.

Mr. & Mrs. Fred Coningsby, dated 10/20/71, commending Patrolman Frank Rignaniello and his partner for their promptness and efficient and courteous manner in which they responded to an emergency call on October 16th when Mr. Coningsby suffered a serious stroke. Filed.

Supervisor Zaloga commented that the Police Department is doing a good job with the ambulances.

Town of Riverhead Planning Board, dated 10/28/71, submitting recommendation and report on Petition of Anker and Goode for Change of Zone from Residence C to Business C on property located on Ostrander Avenue, reading in part as follows:

COMMUNICATIONS continued:

"WHEREAS, the Board finds that north of this parcel there exists a shopping center driveway which is used in conjunction with the shopping center immediately east of this parcel, and a residential area exists on the south side of this parcel, and

WHEREAS, this Board finds that this use would be a desirable use as presented to act as a buffer zone between the business uses in the area and the residential use on the south, and

WHEREAS, the petitioners are willing to covenant with the Riverhead Town Board to restrict the use to a professional office and to construct the building in accordance with the plans as submitted,

NOW, THEREFORE, BE IT RESOLVED that this Board recommends to the Town Board that it grant the change in zoning use district from Residence C to Business C District south of Route 58 along Ostrander Avenue to the southerly line of Lot No. 46, of Block B, "Map of Ostrander Heights" with the condition that: (1) the proposed use be restricted to a professional office or the property will revert back to residential; (2) the proposed building be located with a minimum front yard of 60 feet and a minimum side yard of 35 feet on the south side of the proposed building; (3) the building be constructed as shown on architect's rendering by Donald A. Denis with date of 7-8-69 shown and submitted to this Board this date together with plot plan; and (4) that trees and shrubs be maintained on the south side of property line for screening of residential area," (End)

Town Clerk to advise Petitioner's Attorney to prepare Notice of Public Hearing for December 7th, 1971 at 7:30 P. M.

SPECIAL PERMIT

Application of Edward J. Czebotar and Veronica Czebotar, for Special Permit for Installation of Fuel Tanks and Buildings. (Calverton). Filed.

Referred to Planning Board for recommendation and report.

PETITION

Taxpayers located in the areas of J. T. Boulevard, Fanning Street, Hinda Boulevard and Industrial Boulevard, petitioning Town Board for Change of Zone from Industrial A to Residential C. Filed.

APPLICATION for change of Zone from Industrial A to Residential C on property in area of Clear View Community-Petitioners-Henry Lamb, Jr., and Marjorie E. Lamb. Filed

Referred to Planning Board for recommendation and report.

PUBLIC HEARING-Ordinance No. 15-Waste Disposal -11:00 A. M.

Adjourned from November 3rd, 1971, was again adjourned to 11:00 A. M., on December 7th, pending further study by the Town Board of the Solid and Scavenger Waste Disposal Report compiled by two Urban Science and Engineering Students.

Supervisor Zaloga announced that the Town Board will meet with the students on November 16th, 1971 at 2 P. M.

Mr. Edward Bucholz requested a copy of the report and was invited to sit in on the Meeting.

PERSONAL APPEARANCES

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

Dr. Caryl Granttham stated she questioned the Board's good intentions in sending out the survey for the updating of the Master Plan at this particular time - that we were spending good money and in all the literature of the campaign it was largely lost and suggested that some explanation be given in the press as to what the purpose of this was and new copies be made available to those people who misplaced their copies.

Supervisor Zaloga advised that both the radio and newspaper have releases on this and it was not done any sooner than this because of the campaign and elections - also stated that there are 1000 additional copies available and anyone may call for, write in or pick up the copies at his office.

Miss Lizette Hand informed the Board that a copy of the survey was received at 11 East 2nd Street, addressed to Jetur W. Hand who died 47 years ago and wondered what mailing list was used.

Supervisor Zaloga informed Miss Hand that the mailing was done by Mr. Reuter's office.

Mr. Walter Karl stated that about six years ago Photo Circuits came out here intending to buy 100 acres of land - that cucumbers were planted this year on this land and it is now rotting with odors and has rats running through it - and the last several days there has been a war with hunters - that Photo Circuits has been informed and said it is our problem and not theirs.

Mr. Karl asked the Town Board what action can be taken to clear up the situation.

Town Attorney John J. Munzel stated that he received a call from someone relative to this matter which concerned two aspects; 1. Lack of cover crop and, 2. The piles of cucumbers which were rotting and attracting rodents. That he had reviewed ordinances and law books - and as far as our municipality is concerned there is nothing within our power that we can do about this - that as far as the question of the cucumbers and the rats are concerned this may be a County Health problem and he so advises the person who called him to contact the County Health Department.

Supervisor Zaloga stated that we can call the County Health Department on this - as for the rats he didn't know what could be done.

Mr. Karl further stated that it is also a fire hazard - it is all dry and if anyone threw a cigarette it would be bad - also that they have asked if the lands could be posted because it is a regular hunter's paradise.

Mr. Karl invited the Town Board to inspect the area on a Sunday.

Mrs. Richard Carey suggested that the County Environmental Board be contacted if the Health Department is not helpful.

PERSONAL APPEARANCES continued:

Mr. Harold Foster, owner of Old Country Store, informed the Board that they have no way of getting out in the rear of the building because the only exit is in the parking field and is used by parked vehicles and the Fire Inspector is insisting a rear exit be made available.

Supervisor Zaloga stated he sees no reason why one parking space cannot be eliminated to make the rear exit available for the Old Country Store.

HIGHWAY DEPARTMENT

Alex E. Horton, Supt. of Highways reported on the following matters:

He had obtained ordinances on excavations and opening trenches from four townships and will meet to study them with Zahn Williamson and Charles Weller.

Requested the Town Clerk to read the following two resolutions for the benefit of Councilman Grodski:

Town Board Minutes of 7/6/71-page 191:

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

RESOLVED, That the Town Clerk be and hereby is authorized to advertise for sealed bids for the Town of Riverhead Highway Department, designated "Bid to Supply and Apply Asphalt Concrete", and be it

RESOLVED, That specifications be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A. M. , on Monday, July 19, 1971, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Monday, July 19, 1971 at 11:00 A. M. , at the Town Clerk's Office, Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation "Bid to Supply and Apply Asphalt Concrete".

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

The resolution was thereupon declared duly adopted.

Town Board Minutes of 8/3/71 - page 225.

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

RESOLVED, That the Bid for approximately 1500 tons of Asphalt Concrete Type IAC to be supplied, hauled, applied and rolled in various sections of the Town of Riverhead, be and is hereby awarded to Rason Asphalt, Inc. , 15 Columbia Street, Port Jefferson Station, N. Y. 11776, at the price of \$13.85 per ton.

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

The resolution was thereupon declared duly adopted. " (End)

Mr. Horton asked if Councilman Grodski had any comments.

Councilman Grodski: "My only comment is, congratulations on winning the election, Alex, and I understood the election was over at 9 o'clock last night. "

Supervisor Zaloga: "Try to leave yesterday behind. "

HIGHWAY DEPARTMENT continued:

Mr. Horton reports further:

That the Insurance Company paid only \$2000 on the claim for the truck and the check was inadvertently credited to the Police Department Account.

Councilman Young stated that the truck was only one year old and the claim should have amounted to \$6000 or \$8000.

Supervisor Zaloga informed Mr. Horton that he will seek further information on the matter.

That nothing has been done about the heat situation for the barn and now that the cold spell is approaching it appears that he will have to take steps to remedy the situation.

That he has been prevented from laying pipes in the "Little Bay" Drainage Project because he has not been able to obtain easements from Mrs. Betty Henninger.

Mr. Munzel stated that Mrs. Henninger had called him and said that this would devalue her property.

Town Board instructed Mr. Munzel to further consult with Mrs. Henninger.

Town Attorney John J. Munzel reported as follows:

In the matter of the Case of LiBrizzi (Jamesport Hotel) vs. Munson:

"An application made by the Attorneys for the Petitioners to stay the Town from proceeding and enforcing the Zoning Ordinance - a matter which was held before Justice Costello. Judge Ritchie rendered the decision in that in which he granted the injunction thereby staying the Town from proceeding and suggesting that if the Town wouldn't proceed further - the Town should bring its own plenary action against the operators of the Jamesport Hotel - to cease and desist - this of course would put the burden of proof upon the Town to show that it was a nursing home as was alleged in our papers - and that's where the matter sits at this time. I might say that at this time we don't have sufficient evidence - but I think it could be obtained. I understand Bay Shore is having some very similar problems and I think we should investigate the situation very carefully because I also have heard rumors and that's all they are, that there is another such facility functioning upon Sound Road and I think that if this is going to be an expanding type of operation that the Town Board wants to look very closely into any such operation and perhaps we should proceed with this regardless. "

Supervisor Zaloga asked the feeling of the members of the Board in this matter.

Judge Costello: "Basically the question revolves around whether or not this is a nursing home or a hotel and I think that if we can see that it is a nursing home, then it's an allowable use but if we say it's a hotel and they say it's a nursing home - well, I think once and for all it should be settled. This was initiated because of the complaints of people in the area - these people were wandering around - it should be resolved legally whether this place is a hotel or a nursing home. I would suggest that the Building Inspector get together with Mr. Munzel and decide where this other place is practicing on Sound Avenue and if it is a nursing home, whether it is permitted there. "

Town Attorney's report continued:

Councilman Young: "I spoke to the head doctor at the Northport Veteran's Hospital who said these people can live anywhere they want. They have been discharged from the hospital and they are free to come and go. They have medication which they administer themselves - so maybe they are a bit slow in certain ways - but yet the Federal Government has certified them to be perfectly safe and capable of taking care of themselves and capable of operating in society. Now, how can you say this is a nursing home?"

Mr. Munzel: "We had a brochure and it strongly indicates that it is a minimal care nursing home. I think one of the answers is an amendment to the Zoning Ordinance to allow this in certain districts and/or by special permit of the Town Board so that we can insure that the persons there are getting at least a minimal health care. Although they technically are able to function on the outside, these men have been institutionalized so long they really are not that capable of functioning. This is a very arguable point."

Supervisor Zaloga: "I might say if we go along with this then the Hotel Perkins can do this also."

Judge Costello: "I want to say to Councilman Young that the problem arose from complaints - from people living around there and I spoke to several people too. We spoke to social workers, we had meetings with them. I was very concerned about the people down there. If you want them I have no objections."

Councilman Young: "But these people we are talking about are also people."

Supervisor Zaloga: "Yes, but what are you going to do about zoning - if they are reaching zoning then let's toss the whole thing out and let everybody do what they want. You're a veteran, I'm a veteran and Tom is a veteran. We all feel for them."

Town Clerk: "But we received a recent letter from a couple who spoke for the people who complained in the beginning, asking that the complaints be withdrawn and expressing regret that they were made in the first instance."

Supervisor Zaloga: "This was only two people and the complaints were made by the Jamesport Civic Association and we haven't heard from them."

Mrs. Richard Carey asked Mr. Munzel if this were even a minimal nursing home wouldn't there be certain requirements they would have to live up to - which they would not as a hotel?

Mr. Munzel: "Yes, one thing comes to my mind is a sprinkler system - which would be required in one thing and not the other."

Mrs. Carey: "They don't have these things and obviously it is still a hotel."

Mr. Munzel: "Or is it a nursing home in violation of being a nursing home?"

Councilman Young: "If they had money enough they could live in the Hotel Perkins."

Town Attorney suggested the matter be taken under advisement.

RESOLUTIONS

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

WHEREAS in response to advertisement, bids for four (4) 1972 Police Cars for use of the Riverhead Town Police Department less trade-in allowance on four (4) presently Town-owned vehicles, were received by the Town Clerk on Monday, November 1st, 1971 at 11:00 A. M. , as follows:

Garsten Motors, Inc. 1175 West Main Street Riverhead, N. Y. 11901	\$10,504.00
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Dodge of Riverhead, Inc. 642 West Main Street Riverhead, N. Y. 11901	\$13,374.87
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and,

WHEREAS, Garsten Motors, Inc. , in letter under date of November 1, 1971, has indicated that an error of \$3,000 has inadvertently been made in transcribing the figures for their bid,

BE IT RESOLVED, that the bid of Garsten Motors, Inc. , be and is hereby rejected, and be it

FURTHER RESOLVED, that the bid for the aforesaid four 1972 Police Cars be and is hereby awarded to Dodge of Riverhead, Inc. , 642 West Main Street, Riverhead, N. Y. 11901, in the amount of \$13,374.87.

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

The resolution was thereupon declared duly adopted.

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

RESOLVED, That the bid for One (1) used double drive ten-wheel Platform Truck for use of the Riverhead Town Highway Department, be and is hereby awarded to Hi-Way Auto Body, North Highway, Southampton, N. Y. 11968, at a net cost of \$2,200.00 subject to its bid and specification form submitted October 26, 1971, and filed in the Office of the Town Clerk, and be it

FURTHER RESOLVED, That the acceptance of said bid is subject to the approval of the Suffolk County Superintendent of Highways/Commissioner of Public Works of the County of Suffolk.

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

The resolution was thereupon declared duly adopted.

RESOLUTIONS

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

RESOLVED, That Highway bill submitted on Abstract dated November 3rd, 1971, as follows: General Repairs Item No. 1-Mobil Oil Corporation, dated October 8, 1971, in the sum of \$670. 72, be and is hereby approved for payment.

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

The resolution was thereupon declared duly adopted.

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

RESOLVED, That the Superintendent of Highways be and is hereby authorized to hire Frank Block as Laborer in the Highway Department, to serve a six-months' probationary period, at an hourly salary of \$2. 75 payable bi-weekly, effective October 18, 1971.

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

The resolution was thereupon declared duly adopted.

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

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids for One (1) New 1972 Pickup Truck for use of the Town of Riverhead Highway Department, and be it

RESOLVED, That specifications be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A. M. on Tuesday, November 16, 1971, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Tuesday, November 16, 1971 at 11:00 A. M., at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Pickup Truck. "

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Zaloga, 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 bill of George H. Autenreith, Assessor, for expenses incurred in attending Assessors Training Program, Albany, N. Y., from October 11th to October 15th, 1971, in the amount of \$173. 00, be and is hereby approved for payment.

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

The resolution was thereupon declared duly adopted.

11/3/71

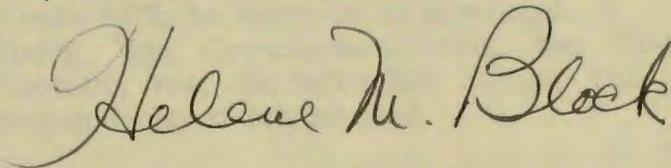
354.

Re: Exchange of Land-Town of Riverhead and Phillips Estate-Forge, Calverton.
Town Attorney John J. Munzel asked the Town Clerk if any permissive referendum petitions have been filed regarding the resolution on the land exchange at the Forge in Calverton.

Town Clerk advised that several people came in and read the resolution and had asked questions, but no petitions have been filed.

Mr. Munzel commented for the record: "That several residents of the area also came down to see him to find out precisely what lands were being exchanged. That the lands involved are very narrow shore lands and marsh lands and according to the residents none are suitable for building plots and the purpose of the land exchange is that by some quirk in ancient history, we had the Town of Riverhead and an individual as joint owners of certain parcels of land up there. That the individual died and the estate is all tied up because they can't do anything with the lands and also to obtain some lands adjacent to Forge Road and the other road - and that's why it was done. And if there is no permissive referendum we can proceed with this. "

There being no further business on motion and vote, the meeting adjourned to meet on Tuesday, November 16th, 1971 at 10:30 A. M.



Helene M. Block, Town Clerk

HMB.