

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, August 1, 1967, at 10:30 A. M.

Present:

Robert B. Vojvoda, Supervisor

Bruno F. Zaloga, Jr.

Thomas R. Costello, Justices of the Peace

Vincent B. Grodski

George G. Young, Councilmen

Also present: Shepard M. Scheinberg, Town Attorney.

Alex E. Horton, Supt. of Highways.

Supervisor Vojvoda called the meeting to order at 10:30 A. M.

Justice Zaloga offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Minutes of the Town Board Meeting held in the Town Hall on July 18, 1967, be approved as submitted.

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

REPORTS

Fire Inspector, month of July, 1967. Filed.

Building Inspector, month of July, 1967. Filed.

Police Department, month of July, 1967. Filed.

OPENING BID REPORT-1968 Dump Truck-Highway Department

After being duly advertised the following sealed bids for one (1) 1968 Dump Truck for use of the Riverhead Town Highway Department were opened by the Town Clerk on Monday, July 31, 1967 at 10:00 A. M.:

LYON FORD, INC., Route 58, Riverhead, N. Y.

Year 1968 Make: Ford Model: F950 Delivery Date: 30-55 days

Delivered Bid Price for one (1) New 1968 Dump Truck	\$7,128.71
Less trade-in: One (1) 1952 D4 Caterpillar Bucket Loader	\$ 400.00
Net Price delivered for one (1) New 1968 Dump Truck	<u>\$6,728.71</u>

REPORTS continued:

CASSEL G. M. C. TRUCK SALES CORP., 2 Access Road, Patchogue, N. Y.

Year: 1968 Make: G.M.C. Model: HM8620A Delivery date: ASAP

Delivered Bid Price for one (1) New 1968 Dump Truck	\$8,836.00
Less trade-in: One (1) 1952 D4 Caterpillar Bucket Loader	\$2,362.00
Net Price delivered for one (1) New 1968 Dump Truck	\$6,474.00

TRYAC TRUCK & EQUIPMENT CO. INC., Box 98, Riverhead, N. Y.

Year: 1968 Make: International Model: R190 Delivery date: 6 - 8 weeks

Delivered Bid Price for one (1) New 1968 Dump Truck	\$9,506.75
Less Trade-in: One (1) 1952 D4 Caterpillar Bucket Loader	\$3,059.75
Net Price delivered for one (1) New 1968 Dump Truck	\$6,447.00

MANHASSET FORD, INC., 1225 Northern Boulevard, Manhasset, N. Y. 11030

Year: 1968 Make: Ford Model: F950 Delivery Date: Sept. 22, 1967

Delivered Bid Price for one (1) New 1968 Dump Truck	\$7,829.00
Less Trade-in: One (1) 1952 D4 Caterpillar Bucket Loader	\$ 800.00
Net Price delivered for one (1) New 1968 Dump Truck	\$7,029.00

The Bids were filed for the August 1, 1967 Meeting of the Town Board.

Referring to the Fire Inspector's Report, Justice Costello made the following inquiry: "If the violations as listed on the report are serious, do we give them a length of time to make correction?"

Supervisor Vojvoda stated he believed that a certain number of days are given to correct serious violations and suggested the Board members schedule a meeting with the Fire Inspector to resolve the matter.

COMMUNICATIONS

Edward P. Schroeder, dated July 24, 1967, enclosing plan for parking spaces for the Riverhead Shopping Center. Filed.

Town Clerk directed to inform Mr. Schroeder to meet with the Board at its next Executive Session.

Copy of Police Chief Grodski's letter to Arthur Linquist, advising that the matter of his request for solution to parking problem at North Edwards Avenue will be resolved by the Highway Department as follows: The parking stalls will be changed from diagonal to parallel and marked in yellow and the center of the road will be striped. Filed.

Gordon K. Ahlers, dated July 18, 1967, submitting price of \$1.75 per residence for numbering houses throughout the 8th Election District, also stating it is necessary to survey the centerline distances of roads, lanes and highways to correctly number each house and supplying three copies of maps. Filed.

Matter tabled to the August 15th, 1967 Meeting of the Town Board.

COMMUNICATIONS continued:

Cassel G. M. C. Truck Sales Corp., dated July 31, 1967, relating to re-bid on Dump Truck for use of Town Highway Department, protesting original bid submitted on July 17th met all specifications for the vehicle and requesting Town Board to look into the matter and render a just conclusion. Filed.

The above communication was submitted to the Board during the presentation of the Opening Bid Report on 1968 Dump Truck.

(See Town Attorney's comment re above communication on page 296)

Franklin National Bank, dated July 21, 1967, calling attention to broken section of curbing in front of the bank's premises and requesting repairs be made prior to the Anniversary Celebration. Filed.

Supervisor Vojvoda reported that the matter is being resolved.

Eastern Outboard Racing Club, Inc., dated July 24, 1967, requesting permission to hold regatta at beach in Aquebogue at foot of Meeting House Road on August 20th, 1967. Filed.

Town Board granted permission with the stipulation that proper precautions be taken.

Sal Martinelli, dated July 25, 1967, making request for street light in front of home on Second and Center Street, South Jamesport. Filed.

Referred to Lighting Committee.

Long Island Lighting Company, dated July 26, 1967, submitting plan for street lighting on Route 25A, Hulse Landing Road and also on Route 25 and Wading River Road, outlining added cost to Wading River Lighting District of \$336.00 per annum. Filed.

Referred to Lighting Committee.

Stephen J. Grodski, Past President, N. Y. State Association of Chiefs, Inc., dated July 28, 1967, expressing appreciation to members of the Town Board for their cooperation in enabling him to fulfill the Presidency Office of the Association during the year 1966-67. Filed.

PERSONAL APPEARANCES

Mrs. Grace Bone, Sound Shore Road, Northville, addressed the Board and asked the status of her mother's (Mrs. John R. Wilson) request to correct the existing drainage problem on Sound Shore Road.

Highway Supt. Alex E. Horton informed the Board that a report of costs on this project will be submitted by Alden W. Young.

Jacob Harding, Esq., appeared before the Board representing Alex E. Horton, Supt. of Highways in relation to Sealed Bids on one Dump Truck for use of the Town Highway Department and stated that the letter written by Cassel affects the Highway Supt. as well as the Town Board and as such he would be subject to suit if there was one. That Mr. Horton has asked for his advice which has been given to him and which he will also impart to the Board.

PERSONAL APPEARANCES continued:

Mr. Harding continued saying that he has studied the situation and stated as follows: "On the previous submitting of bids, the Cassel Corp. in submitting its bid met all specifications and was approximately \$300 lower. There was a variation - a non-vital one so far as the bid was concerned in that the model was set off as 1968 instead of 1967. It is more than apparent that the 1968 model is at least equal to the 1967 model, and I will come back to the equivalencies later. It was a type of variation which should not upset the bid legally.

Mr. Harding continued: "Using the variation as an excuse or reason, the Board rejected all bids. Then the Board set forth the same specifications on a new bid request, itself, changing the model desire to a 1968. The Cassel Corp. since its original bid was reasonable and fair, submitted naturally the same bid. By the action of the Board and the Attorney, however, the successful bidder was now placed in a position which was unfair from a competitive standpoint. He was completely at the mercy of other bidders. Now another bid, bidding on a later model no less, than his first bid, was \$300 lower than he was the first time and apparently is a low bid by \$27."

Mr. Harding continued: "Now I say that the situation made it impossible for the first successful bidder to engage in open competitive bidding the second time - and the law requires that we have open competitive bidding. And I now underline the word competitive. His fair and reasonable bid made it possible for another to underbid by \$27.00. Actually Cassel's bid is the lowest bid in open competitive bidding and I so advised the Supt. of Highways. This bid should be given to the Cassel Corp. as it should have been given in the first place."

Mr. Harding continued: "I suggest a method of handling bids which may improve the situation. We used to have the system when bids came in, the Attorney and Supt. of Highways would retire to another room and come back with the recommendations of the Supt. of Highways and also of the Town Attorney - and much of the detail work was taken away from the Town Board and theirs was merely a formality."

Mr. Harding continued: "I say either give this bid to the lowest responsible bidder or reject all bids again and then wait awhile. But in any case of this sort, any members of the Board should never be concerned with any person that they want to get the bid. The Town Board should act in good faith and in the interest of the public. It can reject this latest token lower bid. This new allegedly low bid now by Tryac is an indication that Cassel the successful first bidder submitted a fair and reasonable bid and therefore his bid should be accepted. It is as a result of the Cassel bid that you now have a bid \$27 lower."

Mr. Harding continued: "This 1968 model was equivalent on the first bid to the 1967 - at least. And the law says that specifications that do not provide for equivalencies, in effect exclude full and fair competition, in a 1954 Case 75 State Department of Education 94. This was an equivalency and I say the first bid should have been accepted."

Mr. Harding continued: "Now as I say, sometimes it is nice that we can discuss these things but as a result of the request of the Supt. of Highways I have come in to give my advice in the matter."

Shepard M. Scheinberg, Town Attorney: "First of all, Mr. Harding's comments seem to indicate that there was some collusion between the Town Board and Tryac."

Mr. Harding: "No, no, I never said that. Please read back what I said."

Town Attorney: "I hope you didn't mean it."

Mr. Harding: "I certainly did not and if I did I apologize immediately."

Town Attorney: "Secondly, you talk about fairness. Tryac Truck bid on a 1967 model that was required by the specifications. Their bid was higher than that of the Cassel bid for a 1968 model. We do not know whether if they bid initially on a 1968 model whether their price would be lower than Cassel. We don't know but what possibly production of a 1968 model is less than a 1967 model. On the second bid it indicates that they could certainly meet the price of Cassel and go \$27 cheaper. So the fact that Cassel came in with a lower price on a 1968 model which was not asked for and the specifications were submitted by the Supt. of Highway Office and he requested a 1967 model and not a 1968 model. So when you speak of fairness let us be fair to all parties Cassel as well as Tryac."

Town Attorney continued: "No doubt as submitted in the second bids, the bids of Cassel was a fair and reasonable price for a 1968 model. But I feel that that alone does not say they should be given the bid. In order to be fair to all parties concerned because there seems to be a quite-a-do over this, I recommend to the Board that these bids also be rejected because Mr. Harding seems to indicate on behalf of the Supt. that they can wait for this truck chassis. Time is not of the essence here--is that correct Alex?"

Mr. Horton: "Well, we can wait a couple of months but we need it for January."

Town Attorney: "Since time is not of the essence here, I recommend to the Board in fairness to all concerned, reject these bids and re-submit them."

Mr. Harding: "I would like to just make one short answer - '67, '68, '69, '72, that year is absolutely inconsequential. It's the same as a semi-colon instead of a colon. The same as a dot instead of a dash. The specifications are in there and they are the things that count - not what they might call it - white or black or blue or yellow or 1967 or 1968. The Cases indicate on equivalencies that that is immaterial. Now, I gave the alternative, the Town Attorney recommends that be bids be rejected, certainly if the Cassel bid isn't accepted that should be done. But I still say that this Board has the right to accept."

Town Attorney: "In rebuttal, Tryac went by the bid specification. You have got to be fair to him also - if we are talking about fairness."

Justice Costello: "And then on the third bid if Tryac is unsuccessful, does he have the right to come in and object?"

Justice Zaloga: "Suppose you had a 1966 model that was bid and the specifications called for 1967?"

Mr. Harding: "I have read Cases--they don't go back a year, but they go up a year."

Justice Zaloga: "Mr. Harding, I just want to say one thing. I think that you did perhaps, but you didn't mean to perhaps---(inaudible)---that we perhaps were trying to bid into somebody or something else. This isn't true. We are not trying to bid into anybody. The Supt. of Highways prepares specifications and certainly all of us in this room know that if you want to bid into a certain machine for a certain specification - its very simple. You go down and get their specification and advertisement and bid in. Certainly we have no intentions of doing that."

Supervisor Vojvoda: "The local bidder was the successful one the first time and we rejected it. If you want a newer model for less money then----."

Town Attorney: "The first bid was rejected."

After further discussion the Town Board decided to reject the second bids also and re-advertise at a later date.

Town Attorney's comment after communication of Cassel G.M.C. Corp. was read to the Board. See page 293 for communication.

Town Attorney Scheinberg objected to the communication of Cassel as being absolutely wrong in stating the Town Board acted on the suggestion of a competitor to reject the original bid and to re-bid for a 1968 chassis.

Mr. Scheinberg stated further that the specifications called for 1967 and therefore we could not accept the 1968 and it was his suggestion to reject the bids and that the competitor was not involved.

RESOLUTIONS

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

RESOLVED, That all bids received by the Town Clerk on July 31, 1967 for one (1) 1968 Dump Truck for use of the Town Highway Department, be and are hereby rejected.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was there-upon 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 pay overtime compensation for the period from July 3, 1967 to July 31, 1967 for a total of 31 hours in the amount of \$84.10.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, No, and Supervisor Vojvoda, Yes. The resolution was there-upon declared duly adopted.

RESOLUTIONS continued:

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

WHEREAS, the following application for the construction of curbs and gutters has been received by the Town Board and reviewed by the Highway Committee, which recommends curbs and gutters be constructed at the cost to the applicant for materials and the expense not exceeding a sum to the Town as listed hereinafter:

<u>Applicant</u>	<u>Cost to Applicant</u>	<u>Expense to Town</u>
Walter R. Lane Duryea Street, Riverhead, N. Y.	\$35.00	\$90.00

NOW, THEREFORE BE IT RESOLVED, that the above stated application be approved and that curbs and gutters be constructed pursuant to a contract with the aforementioned applicant, and be it

FURTHER RESOLVED, that the Supervisor be authorized to sign the said contract in behalf of the Town when the moneys to be paid by above said applicant are turned over and the contract has been signed by him, and

BE IT FURTHER RESOLVED, that upon the execution of the contract the Superintendent of Highways be directed to perform the work.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, 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 hereby is directed and authorized to advertise in the August 10, 1967 issue of the News-Review, the official newspaper of the Town of Riverhead, for bids for the improvement of highway, known as Columbus Avenue, Riverhead, New York, and be it

FURTHER RESOLVED, that the Town Clerk be and is hereby designated to open publicly and read aloud on Friday, August 25, 1967 at 11:00 A. M., in the Town Clerk's Office, 220 Roanoke Avenue, Riverhead, New York, all bids which have been received, and be it

FURTHER RESOLVED, that the Town Clerk shall make a record of such bids and present the same at the Town Board Meeting to be held September 5, 1967.

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

Councilman Grodski offered the following resolution which was seconded by Justice Zaloga.

RESOLVED, That the Supervisor be and is hereby authorized to transfer the sum of \$130.00 from the General Town Current Surplus Account to Budgetary Subsidiary Town Hall/Special Elections Account.

RESOLUTIONS continued:

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

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

RESOLVED, That Peter Muller be and he is hereby appointed to serve as a Lifeguard effective July 29, 1967, to and including September 4, 1967, to be paid bi-weekly at \$1.75 per hour and to serve at the pleasure of the Town Board.

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

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

WHEREAS, Thomas Brady was appointed Lifeguard at \$1.60 per hour effective June 17, 1967, and

WHEREAS, He was appointed to more responsibilities effective July 29, 1967

BE IT HEREBY RESOLVED, That Thomas Brady's salary be increased from \$1.60 per hour to \$1.75 per hour, effective July 29, 1967 to and including September 4, 1967 and to serve at the pleasure of the Town Board.

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

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

RESOLVED, That the Long Island Lighting Company be and is hereby authorized to make a survey for a street light at Second and Center Street, South Jamesport, New York, within the South Jamesport Street Lighting District.

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

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

RESOLVED, That the Long Island Lighting Company be and is hereby authorized to install street lighting on Route 25A and Hulse Landing Road and also on Route 25 and Wading River Road, as per plan submitted under date of July 26, 1967, outlining costs of \$336.00 per annum to the Wading River Lighting District.

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

RESOLUTIONS continued:

Justice Zaloga offered the following resolution which was seconded by Councilman Young.

RESOLVED, that the Town Clerk be and is hereby authorized to publish in the August 3, 1967, edition of the News-Review the following Notice of Public Hearing:

"Pursuant to Section 265 of the Town Law and Section 501 of the Zoning Ordinance No. 26 of the Town of Riverhead, Suffolk County, New York, a public hearing will be held by the Riverhead Town Board at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, on the 15th day of August, 1967, at 12:00 noon of said day on the following proposal to amend said Zoning Ordinance No. 26 of the Town of Riverhead, as Amended, as follows:

Article I - Section 102 - Paragraph 38 - Structure

Amended to read:

Structure: A combination of materials, other than a building, forming a construction that is safe and stable. Excluded shall be a combination of such materials having a total floor area of less than fifty (50) square feet, and which are used for purposes other than family dwelling, storage, business, farm or industrial purposes.

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

BE IT FURTHER RESOLVED, that the Town Clerk send a copy of the Notice of Public Hearing amending Zoning Ordinance No. 26 of the Town of Riverhead to the Towns of Southampton, Brookhaven and Southold and to the Long Island State Park Commission and Suffolk County Department of Planning.

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

UNFINISHED BUSINESS

Town Board to schedule meeting with Riverhead Planning Board to discuss the matter of changing Road Deduction Rules and Regulations.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following bills submitted on Abstracts No. 15: General Town - \$13,786.21, Highway Item No. 1 - \$9,832.81, Highway Item No. 3 - \$1,060.67 and Highway Item No. 4 - \$34.58.

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

RESOLVED, That General Town bills submitted in the amount of \$13,786.21, be approved for payment, and

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300.

RESOLUTION continued:

FURTHER RESOLVED, That Highway Item No. 1 bills in the amount of \$9,832.81, Highway Item No. 3 bills in the amount of \$1,060.67 and Highway Item No. 4 bills in the amount of \$34.58, be approved for payment.

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

There being no further business on motion and vote, the meeting adjourned at 11:45 A. M., to meet on Tuesday, August 15, 1967 at 10:30 A. M.

Helene M. Block

Helene M. Block, Town Clerk.

HMB.