

Minutes of a Meeting of the Town Board of the Town of Riverhead held in the Town Hall on Tuesday, December 15, 1964 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.

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

RESOLVED, That the minutes of the meeting of the Town Board held in the Town Hall on December 1st, 1964, 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.

Police Chief Grodski appeared before the Board making request for the installation of two street lights in the areas of Suffolk Theatre, East Main Street and the intersection of Peconic Avenue and Main Street, Riverhead, N. Y.

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

WHEREAS, For the welfare and safety of the Police Department during the times of traffic supervision, it is desired that the system of illumination be improved in the areas of Suffolk Theatre, East Main Street and the intersection of Peconic Avenue and Main Street, Riverhead, N. Y., be it therefore

RESOLVED, That an independent contractor be authorized to install two street lights in the aforementioned areas.

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.

The Supervisor's Report for the month of November, 1964 was submitted to the Board and ordered filed.

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 on One (1) New 1965 Dump Truck for use of the Riverhead Town Highway Department, and be it

RESOLVED, That specifications be prepared by the Superintendent of Highways and bids returnable up to 10:00 A. M., on December 28, 1964, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Monday, December 28, 1964 at 10:00 A. M., at the Town Clerk's Office, Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation "Bid on Dump Truck".

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 Highway bills submitted on Warrants dated December 15, 1964 as follows: Machinery Fund Item No. 3-East End Service Station dated November 23, 1964 in the amount of \$733.90, Municipal Machinery Co. Inc., dated November 30, 1964 in the amount of \$505.50 and Miscellaneous Item No. 4 Fund-Mid Island Lumber and Supply Corp., dated December 10, 1964 in the amount of \$607.90 be and are hereby approved.

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.

An application from Monica S. Jeffries for construction of curbs and gutters along 39 Further Lane, Riverhead, N. Y., was submitted to the Board.

The application was ordered filed and the matter referred to Alden W. Young and Alex Horton, Supt. of Highways.

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

WHEREAS, The following application for construction of Curbs and Gutters has been surveyed by Alden W. Young:

Monica S. Jeffries

To be constructed along 39 Further Lane, Town Highway, Riverhead, N. Y.

For the sum of \$100.00 to reimburse the Town for the cost of materials.

The Town shall not exceed the sum of \$250.00.

NOW, THEREFORE BE IT RESOLVED, That the above stated application be approved and that Curbs and Gutters be constructed pursuant to contract and agreement forms submitted by 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, and

BE IT FURTHER RESOLVED, That 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.

The Election Inspector's Report of the annual election for Fire District Commissioner for the Riverhead Fire District was submitted to the Board and ordered filed.

The Election Inspector's Report of the annual election for Fire District Commissioners for the Wading River Fire District was submitted to the Board and ordered filed.

The Flanders Bay Survey Report of 1964 compiled by the Shellfisheries Management Unit, Oakdale, New York, relative to studies of the waters of Flanders Bay in the Towns of Southampton and Riverhead was submitted to the Board and ordered filed.

The Town Clerk was requested to furnish copies of the aforementioned report to the members of the Board.

A communication from the Town of Brookhaven, under date of December 7, 1964 in respect to amending Filing Fees for Site Plan Approval was submitted to the Board.

The communication was ordered filed and referred to the Town Attorney.

A communication from the Wading River Civic Association under date of Nov. 30, 1964 containing recommendations for boat launching facility was submitted to the Board and ordered filed.

A communication from Duane V. Conklin dated Dec. 9, 1964, making request for the Town to cut hedge on Morningside Avenue to permit better vision of traffic.

The communication was ordered filed and the matter referred to Supervisor Wojvoda for reply.

A communication from Mrs. Ann Mattie, 63 Nadel Drive, Riverhead, N. Y., dated Dec. 9, 1964, relative to windshield damage caused by Riverhead Town Highway truck on Osborne Avenue, amount of claim \$83.30, was submitted to the Board.

The communication was ordered filed.

The Town Clerk advised the Board that the matter was referred to the Insurance Broker on December 9th, 1964.

A communication from the State Traffic Commission under date of Dec. 3, 1964, relative to school speed limit signs on Route 25, Aquebogue, N. Y., was submitted to the Board and ordered placed on file.

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

RESOLVED, That Ordinance No. 26 of the Riverhead Town Zoning Ordinance be printed into booklet form by Arthur Penny Associates, pursuant to bid submitted, and

BE IT FURTHER RESOLVED, That the Town Clerk be and is hereby authorized to charge and collect \$1.00 per copy of Ordinance No. 26 of the Riverhead Town Zoning Ordinance.

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

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

RESOLVED, That the Town Clerk is hereby authorized to advertise for Sealed Bids for approximately 50 tubeless tires for use of the Police Department, and be it

RESOLVED, That specifications be prepared by the Chief of Police and Bids returnable up to 11:00 A. M., on December 28, 1964, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Monday, December 28, 1964 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 on Tires".

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 Alden W. Young, P. E., be and hereby is directed to prepare plans and specifications for bulkheading on Peconic River in "East Main Street Parking Area", at Riverhead, New York at a fee not to exceed One Hundred Twenty (\$120.00) Dollars.

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 the Town Clerk be and hereby is directed and authorized to advertise in the December 17th, 1964 issue of the News-Review, the official newspaper of the Town of Riverhead, for bids for the construction of wooden bulkhead on Peconic River in "East Main Street Parking Area", Riverhead, New York, and be it

FURTHER RESOLVED, That the Town Clerk be and is hereby designated to open publicly and read aloud on Monday, January 4, 1965 at 10:00 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 on January 5, 1965.

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 official undertaking in the amount of \$5,000 conditioned for the faithful performance of the duties of Malcolm Stewart as Constable, be and is hereby renewed, and be it

RESOLVED, That the Town Board does and it hereby approves Bond #1209223 for the term beginning January, 1965 and ending December 31, 1965, for Malcolm M. Stewart, Constable, and the Travelers Indemnity Company, Surety, in the amount of \$5,000, and

FURTHER RESOLVED, That copies of this Bond be filed in the Office of the Suffolk County Clerk and the Town Clerk's Office, Town of Riverhead, Riverhead, N. Y.

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.

The following resolution was offered by Justice Zaloga, who moved its adoption, seconded by Justice Costello, to-wit:

BOND RESOLUTION DATED DECEMBER 15, 1964.

A RESOLUTION PROVIDING FOR THE DETAILS AND AUTHORIZING THE SALE OF A \$26,000 STATUTORY INSTALLMENT BOND OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF LAND IN SAID TOWN FOR A PARKING FIELD.

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, adopted a bond resolution on November 17th, 1964, authorizing the issuance of \$26,000 serial bonds of said Town to pay the cost of the acquisition of land in said Town for a parking field in and for said Town, including incidental expenses in connection therewith; and

WHEREAS, it is now desired to provide for the details and authorize the sale of such \$26,000 serial bonds and to provide for other matters in connection therewith, NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The \$26,000 serial bonds described in the preambles hereof, shall be issued in the form of a single typewritten statutory installment bond to be designated substantially LAND ACQUISITION (SERIAL) BOND, 1965, shall be dated January 6, 1965, shall mature in five equal annual installments, payable \$5,200 on January 6 in each of the years 1966 to 1970, both inclusive, shall bear interest at the rate of two and twenty-five hundredths per centum (2.25%) per annum, payable annually on January 6, and shall provide for the payment of the principal and interest thereon in lawful money of the United States of America at the Town Hall, Town of Riverhead, in Riverhead, New York. Such statutory installment bond shall be executed in the name of said Town of Riverhead, Suffolk County, New York, by its Supervisor, sealed with its corporate seal, and attested by its Town Clerk. All other matters relating to the terms, form and contents of said statutory installment bond shall be determined by the Supervisor of said Town, consistent with the provisions of the Local Finance Law.

Section 2. Pursuant to the provisions of paragraph b of Section 63.00 of the Local Finance Law, as last amended, said statutory installment bond is hereby sold at private sale to The Suffolk County National Bank, in Riverhead, New York, at a price of par and accrued interest, if any, it being hereby determined that the total amount of bonds sold by said Town at private sale in accordance with the provisions of said paragraph b of Section 63.00 of the Local Finance Law for its current fiscal year is not in excess of \$30,000. The receipt of the Supervisor shall be a full acquittance to the purchaser of such statutory installment bond, who shall not be obliged to see to the application of the purchase money.

Section 3. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bond as the same respectively becomes due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bond becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bond as the same becomes due and payable.

Section 4. It is hereby determined that the period of probable usefulness of the object or purpose for which said bond is issued, pursuant to subdivision 21 (a) of paragraph a of Section 11.00 of the Local Finance Law, is thirty years, computed from January 6, 1965, there being no bond anticipation notes issued or to be issued prior to such date. It is hereby further determined that such bonds shall mature over a period not in excess of five years, computed as hereinabove set forth.

Section 5. It is hereby further determined that no officer or agent of said Town has an interest in said Suffolk County National Bank which prohibits the sale of said bonds.

Section 6. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Young	Voting	Yes
Councilman Grodski	"	Yes
Justice Zaloga	"	Yes
Justice Costello	"	Yes
Supervisor Vojvoda	"	Yes

The resolution was thereupon declared duly adopted.

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

WHEREAS a proceeding was commenced in the Supreme Court, Suffolk County by Grant Hoerner, petitioner against the Board of Zoning Appeals and

WHEREAS this Town Board did heretofore retain Pierre G. Lundberg, Esq., West Main Street, Riverhead, N. Y., as attorney to represent said Zoning Board of Appeals and

WHEREAS the litigation in the Supreme Court, Suffolk County resulted in a determination that the petition be dismissed in favor of said Zoning Board of Appeals and

WHEREAS on December 4, 1964, the said Grant Hoerner did serve a Notice of Appeal in said proceeding to the Appellate Division, Second Department.

Be it therefore RESOLVED that Pierre G. Lundberg, Esq., Riverhead, New York be and he is hereby retained as attorney for the Board of Zoning Appeals for the Town of Riverhead to defend said appeal and that he do all things necessary in that regard and that he be paid a reasonable compensation for his services as such attorney in said appeal.

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.

At this point of the meeting Supervisor Vojvoda recessed the Regular Meeting to hold a scheduled Public Hearing.

At 11:00 A. M., Notice of Public Hearing to consider the adoption of Proposed Ordinance No. 31, known as the Excavation Ordinance of the Town of Riverhead was submitted to the Board.

The Notice was ordered filed.

Supervisor Vojvoda declared the Hearing open to anyone wishing to be heard in favor of or in opposition.

Town Attorney Shepard M. Scheinberg addressed the Board and stated that as a result of several meetings held with John E. Hurley and Alden W. Young relative to the proposed Excavation Ordinance No. 31, it was resolved that some of the exceptions in said proposed Ordinance be broadened to make the Ordinance more lenient.

Mr. Scheinberg recollected that the original Public Hearing on said Ordinance held on May 19, 1964 was adjourned to make further amendments, and recited the amendments which were included in the present Ordinance, namely; Section 2, - Exceptions a, b, c, d, e, f, 1. and 2.

Mr. Scheinberg defined the exceptions which it was felt should be altered to make the Ordinance less strict, to wit:

"a. Removing topsoil, loam or sand when such removal is necessary as an accessory use or is made for the purpose of farming or is made for the purpose of an improvement on said property."

"b. To include the words 'loam and sand'."

"Exceptions c, d, e, f, 1. and 2. to read the same."

John E. Hurley, Attorney, addressed the Board on behalf of the Sand, Gravel and Topsoil Operators and stated that the owners and operators feel the proposed Excavation Ordinance is very fair and thanked the Board for its interest and concern in their behalf.

Mr. Hurley further stated that the people who are engaged presently in this business have one further proposal and that is to amend that portion of Section 8, that deals with operation within the Winter months and that the proposal for the consideration of the Board is:

"With certain stated conditions, a person engaged in taking topsoil from land be able to operate within the Winter months, and

1. Location of operation must be filed, and
2. That the location be within 1/4 or 1/2 mile from any State, County, Town Road, or any road shown on any approved and filed subdivision map.
3. That the provision be made that if this is a permitted exception that the ground must be subject to all the other provisions.
4. To increase the permissible time to running this type of business by adding a period of one month in the Spring, moving the date to March first instead of April first."

Mr. Hurley further continued that because of the fact there are two planting seasons here, the Board should consider increasing the time that it is allowed to take topsoil as set forth in Section 8, and also consider that subject to all the provisions of Section 8, it allow the removal of topsoil within the three prohibited months with an additional proviso that any one going to take topsoil within those prohibited months that they only be allowed to take from a place that is 1/4 or 1/2 mile from any State, County, Town Road or any road shown on any approved and filed subdivision map.

The Board held a discussion on the matter of changing the months and it was resolved to alter that part of Section 8, to read, "between the first day of December and the first day of March," and also Section 11-(2) to read, "between March 1st and December 1st of any year."

Mr. Joseph Barczak addressed the Board and inquired if heaped topsoil could be moved during the months of January and February.

The Board concurred that there would be no restrictions on removing topsoil from a stockpile.

Mr. George Schmelzer addressed the Board in respect to "Section 12-Penalties" and stated that he interprets it to read that almost anyone one can be blamed for a violation but the lawyers, and further stated that in the future corrections should be made in this Ordinance as the biggest violator has been the Town itself, and that a good half of this Ordinance is of no practical use.

At this point it was noted that Mr. Schmelzer had been late in making his appearance and Town Attorney Scheinberg reiterated for his benefit, the exceptions as read at the outset of the Hearing.

Police Chief Grodski made inquiry in respect to the classification of this Ordinance as "an Offense", and asked if a violator was entitled to a jury trial.

The Board informed Chief Grodski that a violation would be considered, "an Offense".

Mr. Schmelzer made inquiry of the Board as how this Ordinance would apply to the proposed Jamesport Salt Water Harbor or any dredging operation.

The Board informed Mr. Schmelzer that no permit will be needed on dredging operations on the Sound or any harbors.

No one else wishing to be heard, Supervisor Vojvoda declared the Hearing closed at 11:25 A. M.

The Board assigned Town Attorney Shepard M. Scheinberg to confer with Attorney John E. Hurley for the purpose of finalizing the alterations on the proposed Ordinance No. 31 and the Town Clerk was directed to place the matter of the adoption of the said Proposed Excavation Ordinance No. 31 on the Calendar for the January 5th, 1965 meeting of the Board.

Supervisor Vojvoda declared a Recess at 11:30 A.M., to reconvene at 2:00 P. M.

The Board reconvened at 2:00 P. M., with all members present.

The matter of salary raises for two part-time Clerks as requested by Tax Receiver Irene J. Pendzick was discussed by the Board and the request was denied.

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

RESOLVED, That Edward R. Munson, Building Inspector be and is hereby directed to inspect the premises owned by Mrs. Hattie Norris, located at 415 Osborne Avenue, Riverhead, N. Y., and to make a written report of his findings to 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.

RESOLVED, That the Supervisor be authorized to transfer from the General Town Current Surplus Account the sum of \$17,339.15, to the following subsidiary accounts as follows:

Police Department Expenses	\$7,430.47
Sanitation/Town Dump/Salaries	828.90
Sanitation/Town Dump/Expenses	3,229.26
Town Clerk/Office Expenses	115.80
Little League Fields Account	110.37
Enterprises/Salaries/Attendants and Lifeguards	1,202.45
Enterprises/Services	217.50
Enterprises/Supplies	89.44
Enterprises/Equipment	798.18
Enterprises/Expenses Parking Fields	1,363.50
Miscellaneous/Retirement Town Share	1,460.87
Town Board/Other Expenses	492.41
Total	<u>\$17,339.15</u>

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.

The Town Board convened as a Board of Audit and examined all Town bills submitted on Warrants dated December 15, 1964 as follows: General Town - \$28,520.47, General Repairs Highway Item No. 1-\$19,510.06, Machinery Highway Item No. 3-\$9,062.80 and Miscellaneous Highway Item No. 4-\$4,023.71.

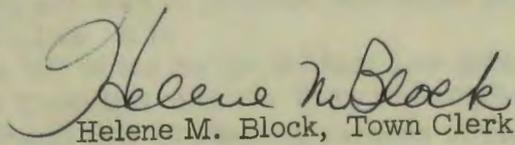
Justice Zaloga offered the following resolution which was seconded by Justice Costello.

RESOLVED, That the General Town bills as submitted in the amount of \$28,520.47, be approved for payment, and

FURTHER RESOLVED, That General Repairs Highway Item No. 1 bills in the amount of \$19,510.06, Machinery Highway Item No. 3 bills in the amount of \$9,062.80 and Miscellaneous Highway Item No. 4 bills in the amount of \$4,023.71, be approved for payment.

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.

There being no further business, the meeting adjourned at 2:30 P. M., to meet on Wednesday, December 30, 1964 at 9:30 A. M.


Helene M. Block, Town Clerk