

MINUTES OF A MEETING OF THE TOWN BOARD OF THE TOWN OF RIVERHEAD  
HELD IN THE TOWN HALL ON TUESDAY, JUNE 16, 1959 AT 9:30 A.M.

PRESENT:

OTIS G. PIKE, JUSTICE OF THE PEACE  
JOHN H. BENEDICT, COUNCILMAN  
ELMER A. STOTZKY, COUNCILMAN

ABSENT:

WILLIAM J. LEONARD, SUPERVISOR  
BRUNO F. ZALOGA, JUSTICE OF THE PEACE

ALSO PRESENT: JACOB HARDING, TOWN ATTORNEY, MYRON C. YOUNG,  
SUPERINTENDENT OF HIGHWAYS.

COUNCILMAN BENEDICT OFFERED THE FOLLOWING RESOLUTION WHICH WAS  
SECONDED BY COUNCILMAN STOTZKY.

RESOLVED THAT IN THE ABSENCE OF THE SUPERVISOR, JUSTICE OTIS G.  
PIKE BE AND HE IS HEREBY DESIGNATED TEMPORARY CHAIRMAN FOR THIS  
MEETING.

THE VOTE---COUNCILMAN STOTZKY, YES, COUNCILMAN BENEDICT, YES,  
JUSTICE PIKE, YES, JUSTICE ZALOGA, ABSENT, AND SUPERVISOR LEONARD,  
ABSENT. THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

MINUTES OF THE MEETING OF THE TOWN BOARD HELD ON JUNE 2, 1959,  
WERE SUBMITTED TO THE BOARD AND ON MOTION MADE BY COUNCILMAN  
BENEDICT AND SECONDED BY COUNCILMAN STOTZKY, IT WAS RESOLVED THAT  
THE MINUTES BE APPROVED AS SUBMITTED. THE VOTE---COUNCILMAN  
STOTZKY, YES, COUNCILMAN BENEDICT, YES, JUSTICE PIKE, YES, JUSTICE  
ZALOGA, ABSENT AND SUPERVISOR LEONARD, ABSENT. THE RESOLUTION WAS  
THEREUPON DECLARED DULY ADOPTED.

MRS. PATRICIA TORMEY, CHAIRMAN OF THE ZONING BOARD OF APPEALS,  
APPEARED BEFORE THE BOARD AND SUGGESTED THAT THE TOWN BOARD HOLD  
A MEETING, AS SOON AS POSSIBLE, WITH THE LOCAL CONTRACTORS, REAL  
ESTATE MEN, LAWYERS AND SURVEYORS IN ORDER TO EXPLAIN PERMIT PRO-  
CEEDURES RELATIVE TO THE ZONING ORDINANCE.

IT WAS THE CONSENSUS OF THE BOARD THAT SUCH A MEETING BE HELD  
ON JUNE 24, 1959 AT 8 P.M. IN THE TOWN HALL.

A LETTER DATED JUNE 13, 1959 FROM FRANK SENDLEWSKI, WAS READ  
TO THE BOARD AS FOLLOWS:

"I HAVE INSTALLED A FOUNDATION AT THE CORNER OF  
LINCOLN STREET & OSBORNE AVENUE FOR THE PURPOSE  
OF THE CONSTRUCTION OF TWO RETAIL STORES. I  
REFER THIS TO YOU AS THIS FOUNDATION HAS BEEN  
INSTALLED PRIOR TO THE EFFECTIVE DATE OF ZONING." END.  
LETTER ORDERED FILED.

STATEMENT OF TAX COLLECTIONS DATED JUNE 8, 1959 FROM TAX RECEIVER CHARLES ALLEN HORTON, WAS SUBMITTED TO THE BOARD AND ORDERED PLACED ON FILE.

THE MATTER OF THE PURCHASE OF THE OLD SUFFOLK COUNTY NATIONAL BANK BUILDING ON W. MAIN STREET WAS DISCUSSED BY THE BOARD.

IT WAS THE CONSENSUS OF THE BOARD THAT THEY WERE NOT INTERESTED IN THE PURCHASE OF THIS BUILDING AND THE TOWN CLERK WAS INSTRUCTED TO INFORM MR. JOHN STARK, PRESIDENT OF THE SUFFOLK COUNTY NATIONAL BANK.

NOTICE OF PUBLIC HEARING FOR THE REVISION, AMENDMENT AND RE-ENACTMENT OF THE BUILDING ZONE ORDINANCE OF THE TOWN OF BROOKHAVEN, DATED MAY 19, 1959 WAS SUBMITTED TO THE BOARD AND ORDERED FILED.

A LETTER DATED JUNE 8, 1959 FROM ALBIN W. BOBINSKI, RIVERHEAD, WAS READ TO THE BOARD REQUESTING PERMISSION TO ALLOW WATER FROM A POTATO WASHING OPERATION TO ENTER A STORM SEWER DIRECTLY IN FRONT OF HIS PROPERTY AT EDWARDS AVENUE IN CALVERTON.

MATTER REFERRED TO THE HIGHWAY COMMITTEE.

A LETTER DATED JUNE 2, 1959 FROM IRVING KAHN, SECRETARY, RIVERBOG REALTY INC., RIVERHEAD, WAS READ TO THE BOARD AS FOLLOWS:

"PLEASE BE INFORMED THAT THE BUILDINGS SITUATED AT DOCTOR'S PATH AND MIDDLE ROAD, OWNED BY RIVERBOG REALTY, INC., WERE HERETOFORE USED FOR THE PURPOSE OF LIGHT INDUSTRY. EASTERN NATIONAL FOODS, INC., WHICH STILL HAS ITS EQUIPMENT IN ONE OF THE BUILDINGS, USED THE PREMISES FOR A FRESH PEELED POTATO OPERATION. THUS, THE NON-CONFORMING USE FOR THE BUILDING IN THE NATURE OF LIGHT INDUSTRIAL USAGE. THE OTHER BUILDING WAS USED FOR GRADING, PACKING AND STORING VEGETABLES, AND THE PROPERTY GENERALLY WAS USED FOR STORAGE OF TRUCKING EQUIPMENT NECESSARY FOR THE TRANSPORTATION OF VEGETABLE PRODUCTS AND PROCESSED FOODS. WE TRUST THAT THIS USAGE WILL BE CONTINUED TO BE PERMITTED AS A NON-CONFORMING USE AND FOR SUCH OTHER PURPOSES AS WILL CONFORM WITH THE SAID USE OF THE APPROXIMATE FIVE ACRES OF PROPERTY OF WHICH THE AFORESAID BUILDINGS ARE A PART."

END.

LETTER ORDERED FILED.

A LETTER DATED JUNE 12, 1959 FROM THE STATE TRAFFIC COMMISSION WAS READ TO THE BOARD ADVISING THAT IT IS MAKING A SURVEY FOR THE INSTALLATION OF A TRAFFIC LIGHT AT THE INTERSECTION OF ROUTE 25 AND WADING RIVER MANOR ROAD AS REQUESTED BY THE TOWN BOARD.

A LETTER DATED JUNE 13, 1959 FROM JAMESPORT DEVELOPMENT CORPORATION SIGNED BY STANLEY W. STEVENER WAS READ TO THE BOARD AS FOLLOWS:

"KINDLY CONSIDER THE ACCEPTANCE OF TWO ROADS FOR DEDICATION TO THE TOWN OF RIVERHEAD. THE PRELIMINARY PLANS OF SAID ROAD IS ENCLOSED." END.

LETTER AND PLANS ORDERED FILED. MATTER REFERRED TO THE PLANNING BOARD.

A LETTER DATED JUNE 11, 1959 FROM THE CHIEF OF THE RIVERHEAD FIRE DEPARTMENT WAS READ TO THE BOARD REQUESTING IMMEDIATE ACTION TO ELIMINATE THE HAZARDOUS CONDITIONS EXISTING AT THE BUILDING OWNED BY HEDWIG NORRIE, 415 OSBORNE AVENUE, RIVERHEAD.

BUILDING INSPECTOR, LEONARD GRIFFING, SUBMITTED AN INSPECTION REPORT OF THIS BUILDING DATED JUNE 11, 1959.

MATTER REFERRED TO THE TOWN ATTORNEY AND THE BUILDING INSPECTOR.

A LETTER DATED JUNE 5, 1959 FROM THE TRAVELERS INSURANCE CO., WAS READ TO THE BOARD REQUESTING THE BOARD TO FENCE IN ALL DRAINAGE AREAS OWNED OR LEASED BY THE TOWN.

THE TOWN CLERK WAS INSTRUCTED TO ADVISE THE TRAVELERS THAT THERE IS NO MONEY IN THE PRESENT BUDGET TO COMPLY WITH ITS REQUEST, BUT THAT MONIES WOULD BE INCLUDED IN THE 1960 BUDGET FOR THIS PURPOSE.

LETTER ORDERED FILED.

A LETTER DATED JUNE 15, 1959 FROM AL SIGAL, SIGAL REALTY CO., WAS READ TO THE BOARD. HE ASKED WHETHER OR NOT THE TOWN WOULD INSTALL A NEW SIDEWALK FROM 138 E. MAIN STREET TO EAST AVENUE AND FROM EAST AVENUE TO ABOUT FIRST STREET.

THE TOWN CLERK WAS INSTRUCTED TO INFORM MR. SIGAL THAT HE CAN CONTRACT WITH THE TOWN FOR THIS WORK, PROVIDED HE WILL AGREE TO PAY FOR THE COST OF THE CONCRETE TO BE USED.

AFTER BEING DULY ADVERTISED SEALED BIDS FOR ONE (1) TRACTOR WITH HYDRAULIC MOWER FOR USE OF THE HIGHWAY DEPARTMENT WERE OPENED AS FOLLOWS:

K.A. PAPISH EQUIPMENT Co.-----	\$2700.00
ROLLE BROTHERS-----	3396.00
LONG ISLAND PRODUCE & FERTILIZER Co.----	2887.60

BIDS ORDERED FILED.

COUNCILMAN BENEDICT OFFERED THE FOLLOWING RESOLUTION WHICH WAS SECONDED BY COUNCILMAN STOTZKY.

RESOLVED THAT THE BID FOR ONE (1) TRACTOR WITH HYDRAULIC MOWER FOR USE OF THE HIGHWAY DEPARTMENT BE AND IT IS HEREBY AWARDED TO K. A. PAPISH EQUIPMENT CO., MATTITUCK, N.Y., AT A TOTAL COST OF \$2700.00, SUBJECT TO ITS BID AND SPECIFICATION FORM SUBMITTED DATED JUNE 15, 1959. (MAKE & YEAR-1959 CASE).

FURTHER RESOLVED THAT THE ACCEPTANCE OF THIS BID IS SUBJECT TO THE APPROVAL OF THE SUFFOLK COUNTY SUPERINTENDENT OF HIGHWAYS.

THE VOTE---COUNCILMAN STOTZKY, YES, COUNCILMAN BENEDICT, YES, JUSTICE PIKE, YES, JUSTICE ZALOGA, ABSENT, AND SUPERVISOR LEONARD, ABSENT. THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ATTORNEY REGINALD C. SMITH APPEARED BEFORE THE BOARD AND MENTIONED THAT GOVERNOR ROCKEFELLER HAD REQUESTED THE STATE DEPARTMENT OF FINANCE AND TAXATION TO MAKE A STUDY OF THE QUESTION OF GOVERNMENT PROPERTY IN THE POSSESSION OF PRIVATE INDIVIDUALS AND CORPORATIONS AND USED FOR PROFIT BY THEM. UPON COMPLETION OF ITS STUDY THE DEPARTMENT IS TO REPORT ITS FINDING TO THE GOVERNOR.

ATTORNEY SMITH STATED THAT THERE WAS A GOOD CHANCE THAT THE BILL RELATIVE TO THE TAXATION OF THE GRUMMAN PLANT IN CALVERTON VETOED BY THE GOVERNOR THIS YEAR WOULD AGAIN BE PRESENTED NEXT YEAR.

HE SUBMITTED A BILL TO THE BOARD FOR HIS SERVICES RELATIVE TO THE VETOED "GRUMMAN" BILL IN THE AMOUNT OF \$903.31.

ACTION ON BILL TABLED UNTIL THE NEXT MEETING.

ATTORNEY SMITH FURTHER STATED THAT ADDITIONAL WORK WAS NECESSARY REGARDING THE PRESENT ASSESSMENT OF THE GRUMMAN PLANT AS GRUMMAN HAS NEGOTIATED A NEW LEASE WITH THE NAVY.

COUNCILMAN BENEDICT OFFERED THE FOLLOWING RESOLUTION WHICH WAS SECONDED BY COUNCILMAN STOTZKY.

RESOLVED THAT ATTORNEY REGINALD C. SMITH BE AND HE IS HEREBY APPOINTED SPECIAL COUNSEL RELATIVE TO THE REASSESSMENT OF THE GRUMMAN AIRCRAFT ENGINEERING CORPORATION PLANT AT CALVERTON,

FURTHER RESOLVED THAT FEES FOR THIS WORK ARE HEREBY LIMITED NOT TO EXCEED \$200.00 PLUS DISBURSEMENTS.

THE VOTE---COUNCILMAN STOTZKY, YES, COUNCILMAN BENEDICT, YES, JUSTICE PIKE, YES, JUSTICE ZALOGA, ABSENT, AND SUPERVISOR LEONARD, ABSENT. THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

A LETTER AND SKETCH DATED JUNE 12, 1959 FROM THE LONG ISLAND LIGHTING COMPANY RELATIVE TO A SURVEY FOR IMPROVED STREET LIGHTING IN THE EAST MAIN STREET PARKING FIELD WAS REFERRED TO THE BOARD.

LETTER AND SKETCH ORDERED FILED. MATTER REFERRED TO COUNCILMAN BENEDICT.

A LETTER AND SKETCH DATED JUNE 8, 1959 FROM THE LONG ISLAND LIGHTING COMPANY RELATIVE TO A SURVEY FOR IMPROVED STREET LIGHTING ON MAIN STREET IN JAMESPORT FROM ROUTE 25 TO FRONT STREET WAS REFERRED TO THE BOARD.

LETTER AND SKETCH ORDERED FILED. MATTER REFERRED TO COUNCILMAN BENEDICT.

COUNCILMAN STOTZKY OFFERED THE FOLLOWING RESOLUTION WHICH WAS SECONDED BY COUNCILMAN BENEDICT.

RESOLVED THAT THE TOWN CLERK BE AND HE IS HEREBY AUTHORIZED TO ADVERTISE FOR BIDS FOR ONE (1) USED JEEP, 4 WHEEL DRIVE STATION WAGON, NOT OLDER THAN 1956 YEAR FOR USE OF THE AUXILIARY POLICE. BIDS TO

BE RETURNABLE UP TO 10 A.M. ON JULY 7, 1959.

FURTHER RESOLVED THAT APPLICATION BE MADE FOR MATCHING FUNDS RELATIVE TO THIS PURCHASE.

THE VOTE---COUNCILMAN STOTZKY, YES, COUNCILMAN BENEDICT, YES, JUSTICE PIKE, YES, JUSTICE ZALOGA, ABSENT, AND SUPERVISOR LEONARD, ABSENT. THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

JUSTICE PIKE OFFERED THE FOLLOWING RESOLUTION WHICH WAS SECONDED BY COUNCILMAN STOTZKY.

RESOLVED THAT THE FOLLOWING BE AND THEY ARE HEREBY APPOINTED LIFEGUARDS TO SERVE AT THE TOWN BEACHES EFFECTIVE JUNE 27, 1959, TO AND INCLUDING LABOR DAY 1959, TO BE PAID WEEKLY: JAY MOHNS, \$55. PER WEEK, DIANE MURPHY, \$50. PER WEEK, JAMES TAYLOR, \$10. PER DAY, WILLIAM MURPHY, \$10. PER DAY.

FURTHER RESOLVED THAT THE FOLLOWING BE AND THEY ARE HEREBY APPOINTED APPOINTED BEACH CUSTODIANS TO SERVE AT THE TOWN BEACHES EFFECTIVE JUNE 27, 1959, TO AND INCLUDING LABOR DAY 1959, TO BE PAID WEEKLY: MAITLAND COOKE, \$60. PER WEEK, JOSEPH BOURGEOIS, \$45. PER WEEK, JOHN CARLSON, \$60. PER WEEK AND FRANK HUGHES, \$55. PER WEEK.

THE VOTE---COUNCILMAN STOTZKY, YES, COUNCILMAN BENEDICT, YES, JUSTICE PIKE, YES, JUSTICE ZALOGA, ABSENT, AND SUPERVISOR LEONARD, ABSENT. THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

AFTER BEING DULY ADVERTISED SEALED BIDS FOR ONE (1) 1959 CAR FOR USE OF THE POLICE DEPARTMENT WERE OPENED AS FOLLOWS: NET PRICE INCLUDES TRADE-IN ALLOWANCE ON 1958 CHEVROLET.

CRABTREE-O'KEEFE CHEV. Co.-----	\$1199.80
DODGE OF RIVERHEAD-----	1212.00

BIDS ORDERED FILED.

COUNCILMAN BENEDICT OFFERED THE FOLLOWING RESOLUTION WHICH WAS SECONDED BY COUNCILMAN STOTZKY.

WHEREAS THE DIFFERENCE IN THE BIDS IS ONLY \$12.20 AND

WHEREAS THE 1959 DODGE OFFERED BY DODGE OF RIVERHEAD IS HEAVIER AND MORE POWERFUL AND THEREFORE BETTER SUITED FOR POLICE USE,

NOW THERE BE IT RESOLVED THAT THE BID FOR ONE (1) CAR FOR USE OF THE POLICE DEPARTMENT BE AND IT IS HEREBY AWARDED TO DODGE OF RIVERHEAD, FOR ONE (1) 1959 DODGE PURSUIT CAR AT A NET COST AFTER TRADE-IN ALLOWANCE FOR A 1958 CHEVROLET OF \$1212, SUBJECT TO ITS SPECIFICATION AND BID FORM SUBMITTED DATED JUNE 16, 1959.

THE VOTE---COUNCILMAN STOTZKY, YES, COUNCILMAN BENEDICT, YES, JUSTICE PIKE, YES, JUSTICE ZALOGA, ABSENT, AND SUPERVISOR LEONARD, ABSENT. THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

TOWN ATTORNEY HARDING REPORTED THAT HE HAD PREPARED NEW APPLICATIONS AND CONTRACT FORMS FOR THE INSTALLATION OF CURBS AND GUTTERS AND/OR SIDEWALKS PURSUANT TO OPINION RECEIVED FROM THE STATE COMPTROLLER.

COUNCILMAN BENEDICT OFFERED THE FOLLOWING RESOLUTION WHICH WAS SECONDED BY COUNCILMAN STOTZKY.

RESOLVED THAT THE TOWN CLERK BE AND HE IS HEREBY AUTHORIZED TO GIVE PUBLIC NOTICE IN THE NEWS-REVIEW, THE OFFICIAL NEWSPAPER PUBLISHED IN THE TOWN, AS FOLLOWS:

"TAKE NOTICE THAT A PUBLIC HEARING WILL BE HELD BEFORE THE RIVERHEAD TOWN BOARD AT THE TOWN HALL, 220 ROANOKE AVENUE, RIVERHEAD NEW YORK, ON JULY 21, 1959 AT 10:30 A.M. ON A PROPOSAL TO ENACT THE FOLLOWING ORDINANCE:-

ORDINANCE NO. 27

ORDINANCE PURSUANT TO THE PROVISIONS OF SECTION 130, SUBDIVISIONS 11 & 17, OF THE TOWN LAW OF THE STATE OF NEW YORK, AS AMENDED,  
REGULATING THE USE OF THE WATERWAYS WITHIN THE TOWN OF RIVERHEAD.

SECTION 1. SHORT TITLE.

THIS ORDINANCE SHALL BE KNOWN AS THE "WATERWAYS ORDINANCE OF THE TOWN OF RIVERHEAD.

SECTION 2. LEGISLATIVE FINDINGS.

IT IS HEREBY DECLARED AND FOUND THAT THE OPERATION OF BOATS IN THE WATERS OR WATERWAYS OF THE TOWN OF RIVERHEAD, N.Y. IS A MATTER AFFECTING THE PUBLIC INTEREST AND CONSEQUENTLY SHOULD BE SUBJECT TO THE SUPERVISION AND ADMINISTRATIVE CONTROL OF MUNICIPAL AUTHORITY FOR THE PURPOSE OF SAFEGUARDING THE PUBLIC.

SECTION 3. AREAS COVERED.

(A) THE FOLLOWING RULES AND REGULATIONS SHALL, EXCEPT WHEN PROHIBITED BY THE LAWS OF THE UNITED STATES, APPLY TO ALL WATERS OR WATERWAYS IN THE TOWN AND TO ALL WATERS OR WATERWAYS ADJACENT, TO A DISTANCE OF 1500 FEET FROM THE SHORE, AND PROVIDED FURTHER THAT THEY SHALL NOT APPLY TO WATERS OR WATERWAYS IN THE CHANNEL SYSTEM, IF ANY, UNDER THE SUPERVISION OF THE LONG ISLAND STATE PARK COMMISSION.

(B) ALL PROVISIONS OF THE NAVIGATION LAW OF THIS STATE, OF THE INLAND RULES ENACTED BY CONGRESS AND GOVERNING THE NAVIGATION OF THE INLAND WATERS OF THE UNITED STATES AND OF THE PILOT RULES FOR UNITED STATES INLAND WATERS, APPLICABLE TO THE CHANNEL SYSTEMS RELATIVE TO THE RULES FOR VESSELS PASSING EACH OTHER, AS TO LIGHTS ON VESSELS AND OTHER MATTERS CONSISTENT WITH THE PROPER USE OF THE CHANNEL SYSTEMS, SHALL BE COMPLIED WITH BY ALL VESSELS NAVIGATING SAID SYSTEMS.

SECTION 4. DEFINITIONS.

(A) THE TERM "BOAT" SHALL INCLUDE EVERY VESSEL PROPELLED IN ANY MANNER OTHER THAN BY HAND, BUT SHALL NOT BE DEEMED TO INCLUDE PUBLIC VESSELS OF THE UNITED STATES, OR OF THE STATE OF NEW YORK OR ANY MUNICIPALITY THEREIN.

(B) THE TERM "CHANNEL SYSTEM" AS USED IN THIS ORDINANCE SHALL MEAN MAIN CHANNELS, CROSS CHANNELS CONNECTING WITH THEM, BASINS AND BATHING AREAS.

(C) THE TERM "OWNER" SHALL INCLUDE THE PERSON UNDER WHOSE NAME THE VESSEL WAS LAST REGISTERED WITH THE UNITED STATES COAST GUARD, IF REQUIRING REGISTRATION, AND IN ANY OTHER CASE THE LAST KN OWN OWNER, OR THE PERSON WHO CLAIMS LAWFUL POSSESSION OF SUCH VESSEL BY VIRTUE OF LEGAL TITLE OR EQUITABLE INTEREST THEREIN WHICH ENTITLES HIM TO SUCH POSSESSION.

(D) THE TERM "SKIN DIVING" SHALL INCLUDE ANY PERSON SWIMMING WITH THE INTENT TO EXPLORE OR PHOTOGRAPH IN LOCAL WATERS OR TO HUNT FISH THEREIN, INCLUDING ANY PERSON USING ANY SELF CONTAINED UNDERWATER BREATHING APPARATUS COMMONLY KNOWN AS AN AQUA LUNG, BUT SHALL NOT INCLUDE BONA FIDE SALVAGE OPERATIONS DISPLAYING PROPER SIGNALS.

#### SECTION 5. SANITATION.

(A) DISCHARGING OF TOILETS IS PROHIBITED IN AREAS DESIGNATED OR WHICH MAY HEREAFTER BE DESIGNATED AS BASIN, DOCK OR BATHING AREAS.

(B) DUMPING OF OIL, REFUSE, GARBAGE OR WASTE IS PROHIBITED.

#### SECTION 6. MOORING.

(A) BOATS SHALL NOT MOOR OR ANCHOR IN ANY CHANNEL AND IN NO CASE SHALL VESSELS MOOR TO OR ANCHOR WITHIN FIFTY (50) FEET OF ANY CHANNEL MARKER OR SO AS TO INTERFERE WITH THE FULL USE OF THE CHANNEL.

(B) BOATS SHALL NOT MOOR OR ANCHOR SO AS TO ENDANGER THE SAFETY OF, OR CAUSE DAMAGE TO, ANY BOAT PREVIOUSLY ANCHORED OR MOORED, NOR SO AS TO INTERFERE WITH THE MOORING OF ANY BOAT PREVIOUSLY LAID DOWN. ANY BOATS SO MOORED OR ANCHORED SHALL BE REMOVED BY THE OWNER OR PERSON IN CHARGE THEREOF BY ORDER OF THE TOWN BOARD OR ANY DULY AUTHORIZED OFFICER OR AGENT THEREOF OR MEMBER OF THE TOWN POLICE OR BAY CONSTABLE OF THE TOWN. IF SAID BOAT IS NOT REMOVED AFTER ORDERS TO SO REMOVE IT, IT MAY BE REMOVED BY OR AT THE DIRECTION OF THE TOWN BOARD OR ANY DULY AUTHORIZED OFFICER OR AGENT THEREOF OR MEMBER OF THE TOWN POLICE OR BAY CONSTABLE OF THE TOWN, AT THE EXPENSE OF THE OWNER OR PERSON IN CHARGE OF SAID VESSEL TO BE ENFORCED BY CIVIL SUIT.

#### SECTION 7. HAZARDS TO NAVIGATION.

ANY VESSEL WHICH BECOMES A MENACE TO NAVIGATION OR UNSEAWORTHY, OR SINKS, GROUNDS OR BECOMES OTHERWISE DISABLED, SHALL BE REMOVED BY THE OWNER OR PERSON IN CHARGE THEREOF ON ORDER OF THE TOWN BOARD OR ANY DULY AUTHORIZED OFFICER OR AGENT THEREOF OR MEMBER OF THE TOWN POLICE OR BAY CONSTABLE OF THE TOWN. IF SAID BOAT IS NOT REMOVED AFTER ORDERS SO TO REMOVE IT, IT MAY BE REMOVED BY OR AT THE DIRECTION OF THE TOWN BOARD OR ANY DULY AUTHORIZED OFFICER OR AGENT THEREOF OR MEMBER OF THE TOWN POLICE OR BAY CONSTABLE OF THE TOWN, AT THE EXPENSE OF THE OWNER OR PERSON IN

CHARGE OF SAID VESSEL TO BE ENFORCED BY CIVIL SUIT.

SECTION 8. SPEED AND OPERATION NEAR BATHERS.

(A) No boat shall be operated at a greater speed than five (5) miles per hour within one-fourth of a statute mile from shore except at inlets or where a channel approaches the shore line closer than one-fourth of a statute mile.

(B) No boat or vessel propelled other than by hand shall cruise or be operated within 100 feet of any life lines or bathing float or if there be no life or bathing float, then within 150 feet of any public or semi-public beach regularly used for bathing or swimming, nor shall such boat or vessel cruise or be operated in excess of five (5) miles per hour within 50 feet of any person bathing or swimming except at inlets or where a channel approaches the shore line closer than one-fourth of a statute mile, except where designated by local ordinance.

SECTION 9. WATER SKIING.

(A) No person shall operate a boat or vessel for towing a person on water skis, a surf-board or similar device unless there is in such boat or vessel a person, of suitable age and discretion other than the operator, in a position to observe the progress of the person being towed.

(B) No person shall ride on water skis, a surf-board or similar device, or use or operate a boat or vessel to tow a person thereon between the period from one hour after sunset to one hour after sunrise.

(C) No person shall ride on water skis, a surf-board or similar device, or use or operate a boat or vessel to tow a person thereon in any channel, or within 150 feet of any public or semi-public bathing beach or public dock, or within 50 feet of any swimmer or bather. Nor shall any such person engaged in such activities come within 300 feet of the shore line unless they approach or depart perpendicular to the shore line and solely for the purpose of commencing or ending the ride.

SECTION 10. OPERATION OF BOATS.

(A) Every person operating a boat at all times operate the same in a careful and prudent manner and at such a rate of speed as not to disturb the reasonable comfort, or endanger the property of another or the life or limb of any person, or so as to interfere with the free and proper use of the waters of the said channel.

(B) No boat shall be operated in such a manner as to throw up a wake which is dangerous to life or limb of a person, boats or other property.

SECTION 11. MUFFLERS.

NO PERSON SHALL OPERATE A BOAT PROPELLED WHOLLY, OR PARTLY BY AN ENGINE OPERATED BY GAS, GASOLINE, NAPHTHA, DIESEL OIL OR OTHER SUBSTANCE WITHOUT HAVING THE EXHAUST FROM THE ENGINE RUN THROUGH A MUFFLER OR SO CONTROLLED BY THE INTRODUCTION OF WATER INTO THE EXHAUST PIPE OR LINE SO AS TO MUFFLE THE NOISE OF EXHAUST IN A REASONABLE MANNER.

SECTION 12. AQUATIC EVENTS.

NOTHING HEREIN CONTAINED SHALL PROHIBIT THE TOWN BOARD FROM ISSUING SPECIAL PERMITS FOR AQUATIC EVENTS, BOAT RACES OR OTHERWISE UNDER PROPER SUPERVISION IN LIMITED AREAS FOR LIMITED PERIODS.

SECTION 13. SKIN DIVING.

(A) NO "SKIN DIVING" SHALL BE UNDERTAKEN IN ANY FAIRWAY OR CHANNEL OR IN ANY WATERS WHERE THE SAME MAY INTERFERE WITH REASONABLE AND PROPER OPERATION OF BOATS OR WITHIN 150 FEET OF ANY PUBLIC OR SEMI-PUBLIC BEACH REGULARLY USED FOR BATHING AND SWIMMING OR WITHIN 50 FEET OF ANY PERSON BATHING OR SWIMMING.

(B) NO PERSON SHALL ENGAGE IN SKIN DIVING WITHOUT DISPLAYING THE INTERNATIONAL DIVING FLAG OR AUTHORIZED SKIN DIVING FLAG OF SUITABLE SIZE CONSISTING OF RED FLAG WITH DIAGONAL WHITE STRIPE ADEQUATELY DISPLAYED BY FLOAT, BUOY OR BOAT AT ALL TIMES, AND WITHOUT A PERSON OF SUITABLE AGE AND DISCRETION OTHER THAN THE SKIN DIVER IN A POSITION AS LOOKOUT.

(C) NO PERSON SHALL USE, OPERATE OR DISCHARGE UNDER WATER ANY SPEAR GUN OR SIMILAR APPARATUS WITHIN 100 FEET OF ANY PUBLIC OR SEMI-PUBLIC BEACH, REGULARLY USED FOR BATHING OR SWIMMING OR WITHIN 50 FEET OF ANY BATHER OR SWIMMER.

SECTION 14. POLICE.

THE POLICE DEPARTMENT AND BAY CONSTABLES OF THE TOWN ARE HEREBY EMPOWERED TO ENFORCE THE PROVISIONS OF THIS ORDINANCE AND EVERY PERSON IN CHARGE OF A VESSEL NAVIGATING OR USING THE WATERWAYS OF THE TOWN SHALL AT ALL TIMES OBEY THE LAWFUL ORDERS OF THE MEMBERS OF SUCH POLICE DEPARTMENT AND BAY CONSTABLES AND SUCH OFFICERS SHALL HAVE THE RIGHT TO STOP ANY VESSEL NAVIGATING OR USING THE WATERWAYS OF THE TOWN FOR THE PURPOSE OF ENFORCING THIS ORDINANCE.

SECTION 15. PENALTIES.

(A) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ORDINANCE SHALL BE GUILTY OF AN OFFENSE AND SHALL, UPON CONVICTION, BE SUBJECT TO A FINE OF NOT TO EXCEED \$500.00 OR IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

(B) THE TOWN BOARD MAY ALSO MAINTAIN AN ACTION OR PROCEEDING IN THE NAME OF THE TOWN IN A COURT OF COMPETENT JURISDICTION TO COMPEL COMPLIANCE OR TO RESTRAIN BY INJUNCTION THE VIOLATION OF THIS ORDINANCE.

SECTION 16. SEVERABILITY.

IF ANY CLAUSE, SENTENCE, SECTION, PARAGRAPH OR PROVISION OF THIS ORDINANCE SHALL BE ADJUDGED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT INVALIDATE THE REMAINDER OF THIS ORDINANCE, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, SECTION, PARAGRAPH OR PROVISION DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

SECTION 17. REPEAL OF CONFLICTING ORDINANCES.

ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR CONFLICTING WITH THE PROVISIONS OF THIS ORDINANCE, ARE HEREBY REPEALED INsofar AS THE SAME AFFECT THIS ORDINANCE, PROVIDED, HOWEVER, THAT SUCH REPEAL SHALL BE ONLY TO THE EXTENT OF SUCH INCONSISTENCY AND CONFLICT, AND IN ALL OTHER RESPECTS THIS ORDINANCE SHALL BE IN ADDITION TO OTHER ORDINANCES REGULATING AND GOVERNING THE SUBJECT MATTER COVERED BY THIS ORDINANCE.

THE VOTE---COUNCILMAN STOTZKY, YES, COUNCILMAN BENEDICT, YES, JUSTICE PIKE, YES, JUSTICE ZALOGA, ABSENT, AND SUPERVISOR LEONARD, ABSENT. THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

THE TOWN BOARD CONVENED AS A BOARD OF AUDIT AND EXAMINED ALL BILLS TO DATE, THE TOTAL OF WHICH WAS AS FOLLOWS: GENERAL TOWN---\$5,552.29 AND MACHINERY FUND---\$656.15. ON MOTION MADE BY COUNCILMAN STOTZKY AND SECONDED BY COUNCILMAN BENEDICT, IT WAS RESOLVED THAT THE BILLS BE APPROVED AS RENDERED. THE VOTE--- COUNCILMAN STOTZKY, YES, COUNCILMAN BENEDICT, YES, JUSTICE PIKE, YES, JUSTICE ZALOGA, ABSENT, AND SUPERVISOR LEONARD, ABSENT. THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

THERE BEING NO FURTHER BUSINESS ON MOTION AND VOTE, THE MEETING ADJOURNED TO MEET ON TUESDAY, JULY 7, 1959 AT 9:30 A.M.

*Anthony F. Gudzinski*  
ANTHONY F. GUDZINSKI, TOWN CLERK

AFG:MVB