

Minutes of a meeting of the Town Board of the Town of Riverhead held in the Town Hall on Tuesday, July 1, 1958 at 9:30 A. M.

Present:

William J. Leonard, Supervisor

Otis G. Pike

Bruno F. Zaloga, Jr., Justices of the Peace

John H. Benedict

Elmer A. Stetzky, Councilmen

Also Present: Jacob Harding, Town Attorney, and Myron C. Young, Superintendent of Highways.

Minutes of the meeting of the Town Board held on June 17, 1958, were submitted to the Board and on motion made by Councilman Benedict and seconded by Justice Zaloga, it was Resolved that the minutes be approved as submitted.

A letter dated June 23, 1958 from the Suffolk County District Attorney was read to the Board as follows:

"As an incident to our investigation into the facts in the above entitled case (Pee. v. Nugent) a member of our staff checked the records in the office of your Town Clerk with respect to your canine population.

The results of the investigation show some seeming irregularities in your procedures which I should like to call to your attention for such action as you may deem necessary;

1. Mr. Nugent was appointed Dog Warden by Resolution dated January 3, 1956 but was not reappointed in 1958.
2. In 1957 your dog census was 1052 and 1148 were licensed. In the same year according to your records 1660 were seized and killed.
3. The Dog Warden claimed and received a full \$4.00 fee for the seizure and destruction making a total of \$6640.00 even though he didnot destroy all the animals. See section 114 of the Agriculture and Markets Law.
4. The same section states in part: "Any Person killing a dog under the provisions of this section shall immediately dispose of the carcass and make a written report of such killing and disposition to the clerk. No person failing to make such report shall be entitled to compensation for killing the dog. The clerk shall make and preserve a record of such killing and disposition". There is nothing on file in the Clerk's Office to show that the Dog Warden has complied with or is now complying with this

requirement. This may or may not constitute a crime under Article 170 of the Penal Law.

5. Section 119, subdivision 4 of the Agriculture and Markets Law provides in part that the Town Board may arrange to pay an annual, monthly or daily salary to the Dog Warden instead of paying for his services on a per capita basis. This may be worth considering.

May I respectfully suggest that you discuss the contents of this letter with your Town Attorney with a view of correcting the irregularities mentioned above." End.

Jacob Harding,

Town Attorney offered this reply to Mr. Cohalan's letter.

"I am herewith rendering an opinion pertaining to the contents of a letter dated June 23, 1958, from John P. Cohalan, District Attorney, to the Town Board. The opinion refers to the specific numbered paragraphs of Mr. Cohalan's letter.

1. Mr. Nugent was appointed Dog Warden for the Town of Riverhead to be compensated on a fee basis for each dog as set up by the Dept. of Agriculture and Markets, and to serve at the pleasure of the Town Board. The appointment follows the language of Sections 119 to 123 of the Agriculture and Markets Law. There was no need for a reappointment in 1958. (Also Section #24 of the Town Law).
2. The records on the enumeration, the licensing, and the seizure and killing of dogs are on file in the office of the Town Clerk and the office of the Supervisor.
3. There is nothing to indicate that the lists of dogs, submitted on vouchers pursuant to Section #123 of the Agriculture and Markets Law, are incorrect. The vouchers are audited on a basis that each dog listed therein was seized and destroyed.
4. The Question here is, "Whether a Dog Warden, as defined in Section #119, subdivision 3, of the Agriculture and Markets Law, comes under the purview of Section #114, Paragraph 5, of the same chapter, which states - Any person killing a dog under the provisions of this section shall immediately dispose of the carcass and make a written report of such killing and disposition to the Town Clerk."

I have answered the question in the negative.

On June 20th last I contacted the Department of Audit and Control in Albany. I spoke first to Mr. Alfred Haight, Counsel to the Comptroller, and then to Mr. Freidman of Mr. Haight's office. I am happy to say that Mr. Freidman verified the opinion already held by me. I have requested a follow up in writing.

5. The Town Board has considered other arrangements for paying a Dog Warden, in the past. A study of other methods may be in order, now or for the future.

I also discussed Section #114 with the two gentlemen from the Department of Agriculture and Markets who were here last Thursday. They seemed to agree with me that, although the section applies to feeding and care, it does not apply in regard to filing with the Town Clerk immediately, in so far as the Dog Warden is concerned.

In seeking the intention of the legislators in regard to Section #114 it does not seem logical that they would require a Dog Warden to visit the Town Clerk's Office day after day. The filing was meant for those peace officers, (the local police and Troopers), who have ordinary but not constant occasion to pick up and dispose of a dog. A Dog Warden is in the same status whether he is on a fee basis or a salary basis. If we would not require a Warden, on a salary basis, to perform all this filing we would not require a Warden, on a fee basis, to do it. Nor would we require an Animal Shelter or the ASPCA, with whom we can contract for this type of work. The intention herein is to require anyone, who has not been regularly designated, to file immediately a report of the disposition to collect his fees. The Dog Warden can collect his fees after filing vouchers under Section #123." End.

Letter from District Attorney ordered filed.

Justice Zaloga mentioned that the ASPCA has offered to give a gas chamber for the disposition of dogs to the Town at no cost provided the Town arrange for pick up, delivery and installation of this gas chamber.

It was the consensus of the Board to accept this offer and have this gas chamber delivered to the property of the dog warden.

At 10:15 A.M. notice of public hearing which was duly published was read and submitted to the Board relative to the enactment of a fire ordinance.

Supervisor Leonard declared the Hearing open to anyone wishing to be heard in favor of or objecting to the adoption of this ordinance.

No one appeared objecting to the adoption of this ordinance. Fire Commissioner Forest Yeager attended the meeting. After a lengthy discussion by the Board, Councilman Benedict offered the following resolution which was seconded by Justice Pike.

RESOLVED that public hearing relative to the enactment of a fire ordinance be adjourned to July 15, 1958 at 10:15 A.M.

The Vote---Councilman Stotsky, Yes; Councilman Benedict, Yes; Justice Pike, Yes; Justice Zaloga, Yes; and Supervisor Leonard, Yes. The resolution was thereupon declared duly adopted.

Police Report for the month of June 1958 was submitted to the Board and ordered placed on file.

Justice Pike offered the following resolution which was seconded by Councilman Benedict.

RESOLVED that the following be and they are hereby appointed lifeguards, to serve at the pleasure of the Town Board, retroactive to June 28, 1958:

James Guyder, \$50. per week; William Setek, \$50. per week; Jay Mohms, \$50. per week; Robert Meth, \$80. per week; William Murphy, \$10. per day and Garth Gruenwold, \$50.00 per week.

The Vote---Councilman Stotzky, Yes; Councilman Benedict, Yes; Justice Pike, Yes; Justice Zaloga, Yes; and Supervisor Leonard, Yes. 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 beach custodians to serve at the pleasure of the Town Board retroactive to June 28, 1958: Maitland Cooke, \$60.00 per week; Perry Weisen, \$40.00 per week; John Dolan, \$60.00 per week and Frank Hughes, \$50.00 per week.

The Vote---Councilman Stotzky, Yes; Councilman Benedict, Yes; Justice Pike, Yes; Justice Zaloga, Yes; and Supervisor Leonard, Yes. The resolution was thereupon declared duly adopted.

Mr. H.W. Davids and Mr. Beckwith of the Suffolk County Dept. of Health appeared before the Board relative to sanitary conditions in the Horton Avenue-Middle Road section of the Town.

Mr. Davids urged the Town to extend the sewer district to include this area, and to build recharge basins. He said that this condition could have been prevented if the Town had a building and zoning code. He said that Sanitary code violations do exist but that the Health Department does not want to condemn the area.

It was the consensus of the Board that Davids' proposals would result in prohibitive costs. All suggestions of the Health Department were taken under advisement by the Board, but they felt that the Health Department should first exercise their powers under the various sanitary laws and regulations.

Councilman Benedict offered the following resolution which was seconded by Councilman Stotzky.

RESOLVED that the Long Island Lighting Company make a survey for improved street lighting on Ostrander Avenue from East Main Street north to Northville Turnpike.

The Vote---Councilman Stotzky, Yes; Councilman Benedict, Yes; Justice Pike, Yes; Justice Zaloga, Yes; and Supervisor Leonard, Yes. The resolution was thereupon declared duly adopted.

Councilman Benedict offered the following resolution which was seconded by Justice Pike.

RESOLVED that the Long Island Lighting Company proceed with the installation of street lighting Extension No. 1 of the Riverhead Light District No. 1, as per survey and sketch of the Lighting Company dated June 20, 1958 with the following exceptions:

1. Light on East Hallock Street to be placed on pole No. 28, instead of pole No. 27.
2. Light on East Ackerly Street to be placed on pole No. 29, instead of pole No. 28.
3. Additional lights to be placed on pole Nos. 64, 66 and 68 on Osborne Avenue, north of Route 58 near the Highway barn.

The Vote---Councilman Stotsky, Yes; Councilman Benedict, Yes; Justice Pike, Yes; Justice Zaloga, Yes; and Supervisor Leonard, Yes. The resolution was thereupon declared duly adopted.

A letter dated June 12, 1958 was read to the Board from Edwin A. Hawkins, President, Speed-O-Rama, Inc., requesting a fireworks permit for a display at the Riverhead Raceway on Saturday, July 5th, 1958. Also submitted were certificates of insurance, list of fireworks to be set off, names of persons in charge and sketch of Raceway area to be used.

Justice Pike offered the following resolution which was seconded by Councilman Stotsky.

Whereas, liability insurance with limits of \$100,000/300,000 bodily injury and \$10,000/25,000 property damage having been filed with the Town Clerk, together with other information required by law,

Be It RESOLVED that the Town Clerk be authorized to issue a permit to Speed-O-Rama, Inc., Coram, N.Y., to hold a fireworks display at the Riverhead Raceway, Riverhead, N.Y., on Saturday, July 5th, 1958.

The Vote---Councilman Stotsky, Yes; Councilman Benedict, Yes; Justice Pike, Yes; Justice Zaloga, Yes; and Supervisor Leonard, Yes. The resolution was thereupon declared duly adopted.

A letter dated June 20, 1958 from M.E. Goul, of the State Dept. of Public Works, was read to the Board relative to the installation of stop signs on Town roads where they intersect State Highway 25.

He advised that a survey would be made and the Town Board would be further advised.

Letter ordered filed.

Statements of Tax Collections from the Receiver of Taxes, Charles Allen Horton, dated June 17, 1958 and June 30, 1958, were read to the Board. Communications ordered placed on file.

The Town Board convened as a Board of Audit and examined all Town Bills to date, the totals of which was as follows: General Town---\$4,278.08 and Machinery Fund---\$14,302.53. On motion and vote, it was Resolved that the bills be approved as rendered.

There being no further business on motion and vote, the meeting adjourned to meet on Tuesday, July 15, 1958 at 9:30 A. M.

*Anthony F. Gadzinski*  
Anthony F. Gadzinski, Town Clerk