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Minutes of a Meeting of the Town Board of the Town of Riverhead held at the Town Hall, Riverhead, N. Y., Tuesday, October 15, 1968 at 10:30 A. M.

Present:

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

Also present: William C. Haugaard, Town Attorney  
Alex E. Horton, Supt. of Highways.

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

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

RESOLVED, That the Minutes of the Meeting of the Town Board held in the Town Hall on October 8th, 1968, be approved as submitted, and further

RESOLVED, That the Minutes of a Special Meeting of the Town Board held in the Town Hall on October 9th, 1968, be approved as submitted.

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

#### BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined bills submitted on Abstracts No. 19, as follows:

General Town	\$12,833.58
Highway Item No. 1	\$ 2,794.23
Highway Item No. 3	\$ 2,388.90
Highway Item No. 4	\$ 90.43

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

RESOLVED, That General Town bills submitted in the amount of \$12,833.58, be approved for payment, and

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

Highway Item No. 1	\$2,794.23
Highway Item No. 3	\$2,388.90
Highway Item No. 4	\$ 90.43

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

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OPEN BID REPORT ON DUMP TRUCK-HIGHWAY DEPARTMENT

After being duly advertised, the following bids for the purchase of one New 1969 Dump Truck for use of the Town of Riverhead Highway Department were opened by the Town Clerk on Monday, October 14th, 1968 at 10:30 A. M.:  
Cassel G.M.C. Truck Sales Corp., 2 Access Road, Patchogue, N. Y. 11772

Year: 1969 Make: G.M.C. Model: HM8620A

Bid Price for 1 New 1969 Dump Truck	\$11,353.50
Less trade-in - 1 Used 1959 International Dump Truck	2,811.50
New Price Delivered one 1969 Dump Truck	<u>\$ 8,542.00</u>

Delivery date: Approx. 90 days.

Tryac Truck & Equipment Co. Inc., Route 58, Riverhead, N. Y. 11901

Year: 1969 Make: International Model: 2010-A

Bid Price for 1 New 1969 Dump Truck	\$12,087.75
Less trade-in - 1 Used 1959 International Dump Truck	2,388.55
New Price Delivered one 1969 Dump Truck	<u>\$ 9,699.20</u>

Delivery date: 60-75 days.

The bids were filed for the October 15, 1968 Town Board Meeting.

COMMUNICATIONS

Town of Riverhead Planning Board, dated 10/9/68, submitted resolution on referral for recommendation and report on the Petition of Adolph Breitenbach, Jr., Adolph Breitenbach, Sr., Jeannette G. Terry, Raymond McKay and Edward Yanke, Jr., to change zoning Use District from Farm 1 to Business 1 on property running on both sides of Main Road, Aquebogue, N. Y., said resolution recommending to the Town Board that all of the area on both sides of Main Road, Aquebogue that is presently zoned Farm 1 District from Riverhead-Southold Town line running west to the beginning of existing Business 3 at Doctors Path be changed to Business 3 to a depth of 500 feet. Filed.

Suffolk County Medical Society, dated 10/10/68, in reply to Town Board resolution adopted by the Town Board on April 23, 1968, concerning the inability of the local police, in isolated instances, to obtain physicians for the purpose of making a pronouncement. Filed.

Copies to Police Chief Grodski and Town Board. Supervisor Vojvoda to make reply.

John H. McDonald, 632 East Main Street, Riverhead, N. Y., dated 10/7/68, advising of hazardous condition existing in front of his property caused by the dumping of old mufflers, boxes, beer cans and push carts from the A & P Store, making it difficult for pedestrians to walk and asking that this condition be corrected. Filed.

Referred to Police Chief Grodski.

RESOLUTION

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 that curbs and gutters be constructed at a cost to the applicant for materials and an expense not exceeding a sum to the Town as listed hereinafter:

Name	Cost to Applicant	Expense to Town
Theodore Bendel and Robert Wagoner 236 Fishel Avenue 242 Fishel Avenue Riverhead, New York-Riverhead, N. Y.	\$60.00	\$150.00

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, Town Justice Zaloga, Yes, Town 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 bid for One (1) 1969 Dump Truck for use of the Town of Riverhead Highway Department, be and is hereby awarded to Cassel G.M.C. Truck Sales Corp., 2 Access Road, Patchogue, N. Y., at a net cost of \$8,542.00, and

FURTHER RESOLVED, That the acceptance of said bid is subject to the bid specification form submitted by Cassel G.M.C. Truck Sales Corp., and filed in the office of the Town Clerk.

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

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

RESOLVED, That due to the fact that Election Day falls on the same day as the regularly scheduled Town Board Meeting, that the first November Meeting of the Riverhead Town Board be held on Wednesday, November 6th, 1968 at 10:30 A. M., and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to publish Notice of the aforesaid meeting in the News-Review, and to post a copy of the same on the signboard maintained by the Town Clerk.

RESOLUTIONS continued:

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

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

RESOLVED, That the Long Island Lighting Company be and is hereby authorized to make a survey for improved street lighting on Pulaski Street, from Sweezy Avenue to Osborne Avenue, within the Riverhead Lighting District.

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

Supervisor Vojvoda recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 11:00 A. M.

Town Clerk submitted affidavits of posting and publishing Notice of Public Hearing in the matter of the adoption of Local Law No. 3, 1968, "A Local Law Amending Local Law No. 2, 1968, regulating the outdoor storage of abandoned, junked, discarded or unlicensed motor vehicles."

Affidavits were ordered filed.

Town Attorney William C. Haugaard explained that the proposed changes merely amend Local Law No. 2, 1968, "regulating the outdoor storage of abandoned, junked, discarded or unlicensed motor vehicles" and transfer the duty of enforcement of the said Local Law No. 2 from the Building Department to the Police Department and reduces the maximum jail sentence from six months to fifteen days.

Supervisor Vojvoda thereupon declared the Hearing open and asked if anyone wished to be heard at this time.

Mrs. William Schulze of Wading River, N. Y., spoke to the Board on the matter of complaints she had made regarding the storage of old cars, buses and boats on property adjoining her land in Wading River.

Mrs. Schulze stated that despite investigation and report by the Police Department, the situation worsens and asked that something be done to correct the existing eyesore.

Supervisor Vojvoda assured Mrs. Schulze that action will be taken immediately to correct the situation.

Mr. Wickham Tyte made objections on Local Law No. 2 in its entirety, stating that this Law as written is inflexible and arbitrary, as no exceptions have been made for hardship provisions; penalties being excessive; punishment being cruel and unusual and concluded stating that it will not stand the test in court.

Police Chief Grodski asked if the serving of Notice is the function of the Police Department.

PUBLIC HEARING continued:

Town Attorney Haugaard replied stating - " Yes, the combination of service and notice is the function of the Police Department."

No one else wishing to be heard and no communications having been received thereto, Supervisor Vojvoda declared the Hearing closed and re-opened the meeting.

Town Justice Costello stated that a violation of Local Law No. 2 is only an offense and not a criminal one.

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

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF RIVERHEAD AS FOLLOWS:

1. Section 4 of Local Law No. 2, 1968, is amended to read as follows:

"Section 4. NOTICE.

If the provisions of the foregoing sections are believed to be violated, the enforcing officer shall serve a written notice, either personally or by registered, certified or ordinary mail, upon the owner, occupant or person having charge of such private property, to comply with the requirements of this local law. The enforcing officer may determine ownership of any parcel of land in the Town of Riverhead from the current assessment roll of the town, and may serve written notice upon the owner thereof by mailing such notice to the owner at the address listed on the current assessment roll. If the enforcing officer is unable to determine the ownership or address of the owner of said private property, such notification may be made by publishing the same in the official newspaper of the town for two consecutive weeks.

The notice shall be in substantially the following form:

"To the owner, occupant or person having charge of land within the Town of Riverhead briefly described as follows:

.....  
(here describe subject property)

Notice is hereby given that an abandoned, junked, discarded or unlicensed motor vehicle is stored or deposited on the above described property in the Town of Riverhead. This vehicle must be removed therefrom within ten (10) days of this notice, provided, however, that if this notice is served upon you by publication, the said motor vehicle shall be removed within twenty-four (24) days from the first publication date of this notice.

If such motor vehicle is not removed on or before the expiration of said ten (10) days from the date hereof, or on or before the expiration of the said twenty-four (24) days from the date of first publication in the event it is served upon you by publication, you are hereby summoned to appear before the town board of the Town of Riverhead, New York, at o'clock M. on the day of , 19 , at which time a hearing will be held to determine why the Town of Riverhead, New York, acting through its duly authorized agents, servants, officers and employees, should not enter upon the said property and remove and cause the said motor vehicle to be destroyed. In the event the Town Board directs that the said motor vehicle be removed

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RESOLUTION continued:

and destroyed, the expense incurred by the Town of Riverhead shall be assessed against said property and shall constitute a lien thereon and be collected in the manner provided by law.

Date:

.....  
Enforcing Officer  
Town of Riverhead. "

2. Section 6 of Local Law No. 2-1968, is amended to read as follows:

"Section 6. PENALTY.

A violation of this local law or any provision or part thereof by any person, firm or corporation is hereby declared to be an offense, punishable by fine not to exceed two hundred fifty dollars (\$250.00), or by imprisonment not to exceed 15 days, or both. Any person, firm or corporation who shall resist or obstruct the duly authorized agents, servants, officers and employees of the Town of Riverhead in the removal and destruction of a motor vehicle by order of the Town Board shall be subject to the fines and penalties provided herein. Each week's continued violation shall constitute a separate and additional offense. "

3. Local Law No. 2-1968, is amended by adding thereto a new Section 10, as follows:

"Section 10. ENFORCEMENT OFFICERS.

The provisions of this Local Law shall be enforced by the Police Department of the Town of Riverhead. "

4. This Local Law shall take effect immediately.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Zaloga, Yes, Town 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 Highways bills submitted on Abstract dated October 15th, 1968, as follows: General Repairs Item No. 1-Alden W. Young, dated 10/2/68 for \$624.00; Machinery Item No. 3-George Malvese & Co., Inc., dated 9/20/68 for \$600.81 and Mutual Steel Co., dated 9/25/68 for \$1,000.82, be and are hereby approved for payment.

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

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

RESOLUTION continued:

RESOLVED, That Stanley Grodski, Recreation Supervisor, be and is hereby authorized to attend the Cortland 18th Annual Field Work Conference in Cortland, N. Y., from November 8th to November 9th, 1968, and that all necessary expenses be paid from Recreation Department appropriations.

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

PERSONAL APPEARANCE

Mr. Harry Rambo asked the Town Board if it is possible to have the sump at Doctor's Path cleaned and scraped by the Highway Department before the winter season sets in.

The matter was referred to the Highway Department Committee.

At 11:15 A. M., Supervisor Vojvoda recessed the meeting to 7:30 P. M.

The recessed meeting resumed at 7:30 P. M. All members of the Town Board were present with the exception of Councilman George G. Young. Also present Town Attorney William C. Haugaard.

PUBLIC HEARING - 7:30 P. M.

Town Clerk submitted affidavits of posting and publishing Notice of Public Hearing on the matter of the adoption of amendments to Town Ordinance No. 37, "Regulating the Use of Beach."

The affidavits were ordered filed.

The following communications were read and ordered filed.

Mrs. Harry Mailinger, Box 142A, Sound Avenue, Riverhead, N. Y., dated 10/3/68, objecting to jeeps using the beaches.

Henry W. Frank of Law firm Siben and Siben, 90 East Main Street, Bayshore, N. Y., dated 10/11/68, requesting the Town Board to not adopt the proposed amendments as written, but to clarify the same so as not to leave the membership of the L. I. Beach Buggy Association, Inc., in limbo.

Town Attorney William C. Haugaard explained the proposed amendments as follows:

" Briefly under our existing ordinance the privilege is granted to owners of motor vehicles the right to apply for a permit from the town government which will authorize the use of public beaches of the town to drive on and a public beach is defined in the ordinance that now exists as the area between the sea up to the high water mark. There is no existing right to use any portion of the beach above the high water mark. There is nothing in the existing ordinance that states the purpose for which people may use a vehicle on the beach.

The proposed amendment does two things. First, it establishes what we call a public use line. This is a surveyed line which is supposed to be at or near the high water mark line and when I say "at" or "near", I mean that because the high water mark sort of bends and turns as you go along - it is very difficult for as a practical matter - you

PUBLIC HEARING - 7:30 P.M. continued:

have to put a stake every ten feet, so we are just going to approximate that and here we are talking of a matter of a few feet one way or the other, according to our surveyor.

So that the public use line essentially will be at or near the high water mark line and we are going to make it clear by posting where this line is, if this ordinance is passed, so that everyone would know where they may go and where they may not go. This is for the protection obviously of the adjoining upland owners.

The second section of the ordinance is that which is intended to limit the use of vehicles on the beach to persons who are going fishing - for fishermen only. This is the intention of Section 3 - subdivision E.

I shall be glad to answer any questions."

Thereupon Supervisor Vojvoda declared the hearing open and asked if anyone wished to be heard in favor of or against the proposed amendments.

Vernon E. Warner, President of LIBBA, stated he realizes there is not enough police protection to enforce this ordinance and asked if the town proposes to hire more police to enforce the proposed amendments relating to public use line or can the 100 Deputy Sheriffs help in any way to enforce same.

Police Chief Grodski replied: "That this was never passed on to us as a law enforcement agency, but that the special deputies would help us in policing this ordinance. If it was passed on to us, I am not aware of it. It was my understanding that it was for different circumstances such as hurricanes, storm or such. As I understand it is a fisherman's organization and they offer special services which I was not aware of until today."

Supervisor Vojvoda asked Chief Grodski, "Being there are so many deputized sheriffs, could we work with them and have them catch the problems in that area because there are so many of them and they are there all of the time?"

Police Chief Grodski replied: "A deputy sheriff has no arresting powers. He is merely a civilian deputized to report what he observes are violations. I was not aware until tonight that they have such members in their group."

Kenneth Thurber, Wading River, member of LIBBA Board of Directors told of many lives saved by LIBBA and of their being harrassed and shot at while being in waters and stated he was against the proposed amendments and requested the Town Board to obtain arresting powers for the deputized sheriffs through the Board of Supervisors.

Harry Jackson, Riverhead, speaking as a taxpayer asked why they will have to pay to have private properties posted.

Town Attorney replied: "Because there is a problem in the area."

PUBLIC HEARING - 7:30 P.M. continued:

Eric Kempel, Wading River, owner of beach property complained of being recipient of garbage, urine, defecation, burning of his stairs, abuse and violations right and left and stated that this not only applied to his property but adjoining properties as well.

Mr. Kempel further stated that the men always come fishing at high tide, never at low tide, stay all night and also remove signs.

Mr. Kempel objected to allowing beach buggies on beaches and stated that contraceptives and defecation are poor signs of research.

Burriss Jenkins, Northside Road, Wading River, rendered a lengthy discourse on the need for protecting private property.

M. E. Felt, Northside Road, Wading River stated objection to the proposed amendments for the reason that the fishermen are never anywhere near the high water mark.

Mrs. Eric Kempel agreed with the sentiments as expressed by her husband.

Mrs. Doris Jenkins spoke about cost of property, homes and taxation and the inability of her daughter and guests to use the beach because of the surf casters being there and the litter of broken bottles, beer cans and other garbage left on the beach and stated it was necessary to establish what is private property and what is public property.

Mrs. Ann Miloski, Calverton, stated she was ~~against~~ the proposed amendments and suggested that property owners close off their property instead of the town having to establish a high water mark. Also stated that beer drinking on town beaches is a police matter.

Mrs. Miloski further stated that when her turkeys are stolen she doesn't run to the town to ask that an ordinance be drawn against turkey stealing.

Supervisor Vojvoda made request that people wishing to be heard ~~adhere~~ to the matter at hand.

Mrs. Charles Edwards, Calverton, made objection to the proposed amendments.

Patrick Raimond, Regional Director, Vice President LIBBA, Legislative Dr. U. M. S., Recreational Delegate of Suffolk County Chambers of Commerce read a communication quoting law as spelled out in Tiffany's Real Property Law, Chapter 17, Par. 6 and 7 under Rights of fishing in or hunting on water.

Communication ordered filed.

Mr. Jenkins objected to Mr. Raimond's remarks as suggesting that 50,000 fishermen be allowed to use our beaches.

(Followed by cries of "no," "no" from the audience).

William Skarka, Riverhead, stated his objection to having to pay for postings of private properties.

PUBLIC HEARING - 7:30 P.M. -continued:

Charles Edwards, Calverton, made objection to the proposed amendments.

Elmer Norman, Aquebogue, spoke against ordinance in its present form.

Drue Harter, Riverhead stated that the high water mark has been established on the south shore and asked what we were speaking of here - the high water mark or the mean high water mark.

Town Attorney explained that it is defined in the amendment - that above the mean high water mark belongs to the upland owner and below it is public property - the ordinance specifically defines this line to be three feet above mean sea level as determined by the U. S. Coast and Geodetic Service.

(At this point many people differed with Mr. Haugaard).

Mr. Haugaard further stated that it is important to realize that where as the property below the mean high water line is State property the State has delegated to the Town the right to regulate it and this right of regulation would include that the right absolutely excludes vehicles. That what the Town is doing is establishing a line that approximates mean high water - and it might be a little higher or it might be a little lower. That this line is not something that is a flexible thing. This is a definite line that a surveyor can establish.

Robert Nielsen, Riverhead, asked if he was correct in hearing the line would vary four feet.

Town Attorney replied, "Yes, this is what the surveyor Bill Miller said - it would vary."

Arthur Sarno, Riverhead, spoke on high water mark lines.

Mike Punda, Wading River, stated they could not go fishing because of the sign put in the water by the town.

Vincent De Carle, Aquebogue, stated there is an ordinance to protect the property owner and asked protection for his buggy.

Town Attorney advised that no one has the right in the upland when the tide is high.

At this point the Town Attorney was requested to read Section 11 of the Ordinance.

Police Chief Grodski stated that before jetties are approved you must obtain rights-of way.

Frank Painter, Jr., Riverhead, stated objection to the amendments.

John Guy, Riverhead, asked who determines where the line is.

PUBLIC HEARING - 7:30 P.M. continued:

Town Attorney advised that a surveyor can determine where this line is - and stated that this line will be done each year. The beach will move in and out quite often. In the amendment we say that a line will be done each year and once this is established it will merely be a matter of leveling it off. There is only a serious problem on one area in our town. You don't have a right to trespass on private property. We will put up posts about every 500 feet.

William Danowski, Riverhead, stated that if there is going to be a change - the beach will work in sooner if the buggies ride in one straight line and you are asking for erosion by limiting it to four feet.

Vernon Warner stated that he saw no necessity for amending this ordinance as proposed - that the town has a capable police chief who will enforce it and if the properties are posted, anyone trespassing will be in violation and should be prosecuted.

Kenneth Thurber offered to assist the Police Department and stated he is certain everything will work out well.

Mrs. Jenkins asked that a line be established and that the law be enforced.

Frank Painter, Jr., asked why we can't adhere to the Tiffany's Chapter 17 section.

Town Attorney stated we will abide by it if it can be established.

Mrs. Marie Schmidt, Wading River, told about the mess left on the beach and asked if the town agrees that above the high water mark is private property than why doesn't it agree to establish a penalty for trespassing on these lands.

Mrs. Schmidt further stated that if the town would establish a penalty the owners of property would have less cause to complain.

Town Justice Zaloga stated he has had complaints for years and he would defy anyone to establish a true high water line.

Judge Zaloga continued stating in answer to the complaints on signs that the signs were placed there for a reason - that the Town Board wanted to try and test something.

Judge Zaloga suggested that the land owners and beach buggy operators try to reach a compromise for the sake of two or three feet.

(Followed by a round of applause).

Supervisor Vojvoda stated that he was certain everyone would agree that the members sitting on the Board are faced with a tough problem and further stated that everything said at this Hearing will be taken into consideration before any action is taken on the proposed amendments.

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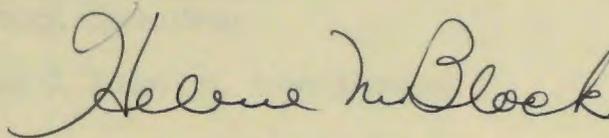
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PUBLIC HEARING - 7:30 P.M. continued:

No one else wishing to be heard and no further communications having been received thereto, Supervisor Vojvoda declared the Hearing closed and re-opened the meeting.

The Town Board reserved its decision on the matter of the adoption of amendments to Ordinance No. 37.

There being no further business on motion and vote, the meeting adjourned at 9:15 P. M. , to meet on Wednesday, November 6th, 1968 at 10:30 A. M.



Helene M. Block, Town Clerk.

HMB.