

Minutes of a Meeting of the Town Board of the Town of Riverhead held in the Town Hall on Tuesday, July 20, 1965 at 10:30 A. M.

Present:

Robert B. Vojvoda, Supervisor

Bruno F. Zaloga, Jr.

Thomas B. 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 Councilman Grodski.

RESOLVED, That the minutes of the meeting of the Town Board held in the Wading River School, Wading River, N. Y., on July 6, 1965, 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.

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

RESOLVED, That the minutes of the Special Meeting of the Town Board held in the Town Hall on July 14, 1965, 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.

John P. Riesdorff, Water Plant Supt. brought to the attention of the Board the matter of the road in the vicinity of the Park Triangle which was re-routed by the Highway Department, stating that the road should be widened to enable proper parking as presently parking facilities are inadequate.

Police Lieut. Palmer concurred with Mr. Riesdorff stating that pending the widening of said road, parking at this point should be limited or banned.

Donald Rhuda, Supt. of Recreation also concurred, stating that present parking facilities at this point are hazardous.

After some discussion the Board referred the matter to Councilman Young to take up with the Supt. of Highways.

Donald Rhuda, Supt. of Recreation addressed the Board and stated that a surf board was stolen from the South Jamesport Beach and windows were broken in the buildings located at the Beach. Mr. Rhuda informed the Board that he has reported the loss and damage to the Police Department and the Town Insurance Broker.

REPORTS:

Supervisor's, month of June, 1965. Filed.

After being duly advertised Sealed Bids for the purchase of Diesel Oil Requirements for the Town of Riverhead Highway Department for the period of one year from August 1, 1965 to August 1, 1966 were opened at the Office of the Town Clerk on July 19, 1965 at 11:00 A. M., as follows:

Stakey's Fuel Service, P. O. Box 106, Riverhead, N. Y.

Delivered Price Per Gallon (tax exempt) to Town Highway Garage, Osborne Avenue, Riverhead, N. Y.	\$.12
Riverhead Fuel, 950 West Main Street, Riverhead, N. Y.	

Delivered Price Per Gallon (tax exempt) to Town Highway Garage, Osborne Avenue, Riverhead, N. Y.	\$.1249
Tuthill Petroleum Co., Edwards Avenue, Calverton, N. Y.	

Delivered Price Per Gallon (tax exempt) to Town Highway Garage, Osborne Avenue, Riverhead, N. Y.	\$.124
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The Bid Report was ordered filed.

After being duly advertised Sealed Bids for the purchase of Rock Salt Requirements for the Town of Riverhead Highway Department for the period of one year from September 1, 1965 to September 1, 1966, were opened at the Office of the Town Clerk on July 19, 1965 at 11:15 A. M., as follows:

Highway Materials Co. Inc., P. O. Box 70, South Lansing, N. Y.

Price Per Ton of Treated Rock Salt Delivered	\$17.60
Schoenberg Salt Co., Inc., 217 Junius Street, Brooklyn, N. Y.	

Price Per Ton of Treated Rock Salt Delivered	\$14.80
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The Bid Report was ordered filed.

COMMUNICATIONS:

George A. Trutner, 375 Howell Avenue, Riverhead, N. Y., dated July 10, 1965, making application for Construction of Curbs and Gutters. Filed.

Theodore D. Zamber, 373 Howell Avenue, Riverhead, N. Y., dated July 10, 1965, making application for Construction of Curbs and Gutters. Filed.

Peter P. Matyas, dated July 8, 1965, making application for rezoning from Residential to Industrial, property located on Meeting House Creek, Aquebogue, N. Y.

The Town Clerk was directed to make reply requesting that application for rezoning must be submitted in Petition Form including map, and said Petition shall be in quadruplicate, pursuant to Article V, Section 501 of the Zoning Ordinance.

U. S. Dept. of Commerce, Bureau of Census, dated July 13, 1965, submitting Official Certificate of Special Census taken as of April 21, 1965 in the Town of Riverhead. Filed.

COMMUNICATIONS-continued:

Mr. and Mrs. Stanley Macksel, 432 Riverleigh Avenue, Riverhead, N. Y., dated July 9, 1965, making request that residents of Riverside, Flanders and Northampton be allowed Riverhead Town Beach privileges. Filed.

The above matter was tabled for discussion at Joint-Meeting to be scheduled with Town Boards of Southampton and Riverhead Townships.

Wildwood Acres Assoc. Inc., dated July 13, 1965, expressing appreciation to Supervisor Vojvoda for appearance before members of Board of Directors and explaining Proposed Parking Lot matter on July 10th, 1965. Filed.

Adelphi Suffolk College, dated July 7, 1965, requesting permission to collect marine specimen at Town Beaches. Filed.  
Referred to Town Clerk for reply.

Northville Beach Civic Ass'n., dated July 5, 1965, requesting repairs to Boat Ramp on Pier Avenue, Town Beach. Filed.  
Referred to Supt. of Highways and Supt. of Recreation.

Residents of Oak Street and Central Avenue, Wading River, dated July 5, 1965, making complaint relative to speeding boats and jeeps. Filed.  
Referred to Police Chief Grodski and Supt. of Recreation.

Reeves Park Estates Civic Ass'n., dated July 14, 1965, making request for steel mat for Boat Ramp at Reeve's Park Beach. Filed.  
Referred to Supt. of Highways.

Suffolk County, County Attorney's Office, dated July 15, 1965, Notice of Motion relative to Petition of Suffolk County for the purpose of acquiring the real properties along the Peconic River, in the Towns of Southampton, Brookhaven and Riverhead for County purposes. Filed.

State of New York, Water Resources Commission, dated July 15, 1965, relative to Public Notice No. 5464 Dredging Project-Reeve's and Flanders Bay. Filed.

Bob Tommasini, dated July 16, 1965, making complaint on work left unfinished by Highway Department on Further Lane. Filed.  
Referred to Supt. of Highways.

Kenneth W. Ross, Dist. Principal, Central School District No. 2, dated July 19, 1965, relative water draining across Riley Avenue onto school property. Filed.  
Referred to Alden W. Young, Engineer.

Petition for Zoning Change from Business 3 to Farm 1, submitted to the Board by Edwin S. Lapham, Attorney on behalf of Petitioners Edmund A. Hodun, Anthony Hodun, Mary Loper, Rita Hodun, Elinor M. Wernikowski and Thomas Wernikowski. Filed.  
Referred to Planning Board.

Petition containing 34 signatures of residents within the proposed Riverhead Parking District #1 was submitted to the Board, urging proceedings be instituted to make the Riverhead Parking District #1 a reality. Filed.

At this point of the meeting, Supervisor Vojvoda asked if anyone wished to be heard and the following responded:

Mrs. Dauch, owner of property on Point Street, South Jamesport, made request that grade of road in front of her property be corrected. She stated that she does not have a driveway and after a rain storm it is difficult to park or open door of her car due to the high bank.

Mr. Oliver Griffin, Point Street, South Jamesport, stated that other owners of properties in the area are faced with this problem and suggested that the road be raised or a dry well installed.

Colonel Brown, Retired Air Force, stated that he finds it difficult to park a car along the side of his street and requested that grade of road be corrected.

After discussion the Town Board referred the matter to Councilman Young and Supt. of Highways Alex E. Horton.

At this point of the meeting, Supervisor Vojvoda called a Recess at 11:00 A. M., to hold a Public Hearing.

PUBLIC HEARING - 11:00 A. M.

After being duly advertised proof of publication of Notice relative to Proposed Parade and Assembly Ordinance No. 33 was submitted to the Board. Notice was ordered filed.

Supervisor Vojvoda declared the Hearing open and asked if anyone wished to be heard in favor of or in opposition to the aforesaid Ordinance No. 33.

Myron Nelson, President, Eastern Long Island Branch NAACP, appeared in opposition to the Proposed Ordinance stating that it is unconstitutionally vague and it holds too much authority for the Chief of Police or his designee.

W. Burkhardt Turner, Suffolk County Coordinator NAACP, 127 Maple Avenue, Patchogue, appeared before the Board and made a statement in which he alleged that the Proposed Ordinance was unconstitutional as well as unnecessary.

No one else wishing to be heard and no communications having been received thereto, Supervisor Vojvoda declared the Hearing closed at 11:15 A. M.

Supervisor Vojvoda re-opened the meeting.

RESOLUTIONS:

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

RESOLUTIONS continued:

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids on One (1) Used Truck with V-Plow for use of the Town of Riverhead Highway Department, and be it

RESOLVED, That specifications be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A. M. on August 16, 1965, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Monday, August 16, 1965 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 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 the Bid for the purchase of Diesel Oil requirements for the Highway Department for the term of one year, August 1, 1965 to August 1, 1966, be and it is hereby awarded to Stakey's Fuel Service, Riverhead, N. Y., at a net cost of \$.12 per gallon, subject to its bid and specification form submitted, dated July 16, 1965, and filed in the Office of the Town Clerk, and

FURTHER RESOLVED, That the items and services specified shall be purchased as directed by the Supt. of Highways.

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 Bid for Domestic Bulk No. 1 Rock Salt for use of the Highway Department for the period from September 1, 1965 to September 1, 1966, be and it is hereby awarded to Schoenberg Salt Co., Inc., 217 Junius Street, Brooklyn, N. Y., at a price of \$14.80 per ton delivered, subject to the specifications and bid form dated July 19, 1965 and filed in the Office of the Town Clerk, and

FURTHER RESOLVED, That the items and services specified shall be purchased as directed by the Supt. of Highways.

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.

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

RESOLUTIONS continued:George A. Trutner

To be constructed along Howell Avenue, Town Highway, Riverhead, N. Y.  
For the sum of \$60.00 to reimburse the Town for the cost of materials.  
The Town shall not exceed the sum of \$275.00.

Theodore Zamber

To be constructed along Howell Avenue, 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.

L. Maude Eshwei

To be constructed along Howell Ave. & Brook St., Town Highway, Riverhead, N. Y.  
For the sum of \$200.00 to reimburse the Town for the cost of materials.  
The Town shall not exceed the sum of \$500.00.

Lawrence Small

To be constructed along Ostrander Ave., Town Highway, Riverhead, N. Y.  
For the sum of \$70.00 to reimburse the Town for the cost of materials.  
The Town shall not exceed the sum of \$175.00.

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

FURTHER RESOLVED, That the Supervisor be authorized to sign the said contracts in behalf of the Town when the moneys to be paid by above said applicants are turned over and the contracts have been signed, and

BE IT FURTHER RESOLVED, That the Superintendent of Highways be directed to perform the work, and

FURTHER RESOLVED, That application for curbs and gutters by Richard A. Gibbons, Gully Drive, Wading River, be not approved until such time as there are applications for several hundred feet of curb and gutter which are contiguous along the street.

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 Councilman Young.

RESOLVED, That Patricia J. Downs be and she is hereby appointed to work an additional four hours per week from July 23, 1965 through September 3, 1965, at the rate of \$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.

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

RESOLUTIONS continued:

RESOLVED, That Arthur N. Penny and Associates, Inc., 119 Griffing Avenue, Riverhead, N. Y., be and is hereby awarded the contract to print all the necessary forms in connection with the proposed "Building Code Ordinance", at a price not to exceed \$500.00.

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 sum of \$110.50 incurred in connection with publicity for Riverhead's Day at the World's Fair (August 19, 1965) as follows:

Phil Corby, Voucher 676	\$82.50
Riverhead News, Voucher 684	\$28.00

be approved for payment and said sum of \$110.50 be charged to the Town Hall/Publicity Account.

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 and moved its adoption:

RESOLUTION OF THE TOWN OF RIVERHEAD, NEW YORK,  
ADOPTED JULY 20, 1965, AUTHORIZING THE REDEMPTION  
IN PART, OF \$33,000 CAPITAL NOTE-1964 FOR PURCHASE  
OF A CATERPILLAR TRAXCAVATOR AND THE CONSTRUCTION  
OF A GARAGE TO HOUSE THE TRAXCAVATOR AT THE TOWN  
DUMP, TO THE EXTENT OF \$6,600 AND APPROPRIATING SAID  
AMOUNT THEREFOR.

Recital

WHEREAS, The Town of Riverhead, in the County of Suffolk, New York, has heretofore duly authorized, sold and issued its \$33,000 Capital Note-1964 for Purchase of a Caterpillar Traxcavator and the Construction of a Garage to house the Traxcavator at the Town Dump, pursuant to the resolution duly adopted by the Town Board on July 21, 1964, and it is now necessary to redeem said Note to the extent of \$6,600 from a source other than the proceeds of the Capital Note of which said Note has been issued; now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF RIVERHEAD, IN THE COUNTY OF SUFFOLK, NEW YORK, AS FOLLOWS:

Section 1. The \$33,000 Capital Note-1964 for the Purchase of a Caterpillar Traxcavator and the Construction of a Garage to house the Traxcavator at the Town Dump, is hereby authorized to be redeemed on August 5, 1965, to the extent of \$6,600 from funds of said Town now available to said purpose, said funds being a source other than the proceeds of the Capital Note of which said Note was issued, and the said amount of \$6,600 is hereby appropriated therefor.

Section 2. This resolution shall take effect immediately.

RESOLUTIONS continued:

The adoption of the foregoing resolution was seconded by Justice Costello and duly put to a vote on roll call, which resulted as follows:

AYES: Councilman Young, Councilman Grodski, Justice Zaloga, Justice Costello and Supervisor Vojvoda.

NOES: None.

The resolution was declared unanimously adopted.

Justice Zaloga offered the following resolution and moved its adoption:  
CAPITAL NOTE RESOLUTION OF THE TOWN OF RIVERHEAD, NEW YORK, ADOPTED JULY 20, 1965, AUTHORIZING THE RENEWAL IN PART, OF A \$33,000 CAPITAL NOTE-1964 FOR PURCHASE OF A CATERPILLAR TRAXCAVATOR AND THE CONSTRUCTION OF A GARAGE TO HOUSE THE TRAXCAVATOR AT THE TOWN DUMP, BY THE ISSUANCE OF A NEW NOTE IN THE PRINCIPAL AMOUNT OF \$26,400.

Recital

WHEREAS, The Town of Riverhead, in the County of Suffolk, New York, has heretofore duly authorized, sold and issued its \$33,000 Capital Note-1964 for Purchase of a Caterpillar Traxcavator and the Construction of a Garage to house the Traxcavator at the Town Dump, and has authorized the redemption of said Note to the extent of \$6,600, and it is now necessary and desirable to provide for the renewal, in part, of said Note by the issuance of a new Note in the principal amount of \$26,400, now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF RIVERHEAD, IN THE COUNTY OF SUFFOLK, NEW YORK, AS FOLLOWS:

Section 1. The \$33,000 Capital Note-1964 for Purchase of a Caterpillar Traxcavator and the construction of a Garage to house the Traxcavator at the Town Dump, of the Town of Riverhead, in the County of Suffolk, New York, dated August 5, 1964, maturing August 5, 1965, numbered 1, heretofore duly authorized, sold and issued pursuant to the Resolution duly adopted by the Town Board on July 21, 1964, is hereby authorized to be renewed, in part, by the issuance of a new Note in the principal amount of \$26,400, said Note dated August 5, 1964 having been heretofore authorized to be redeemed from a source other than the proceeds of the Capital Note of which it was issued, to the extent of \$6,600, all as hereinabove referred to in the Recital hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York. The maturity of said renewal Note herein authorized shall not be later than one year from its date, and said Note may be further renewed pursuant to the provisions of said Local Finance Law.

Section 2. The terms, form and details of said renewal Note shall be as follows:

Amount and Title:	\$26,400 - Capital Note for Purchase of a Caterpillar Traxcavator and the Construction of a Garage to house the Traxcavator at the Town Dump.
Dated:	August 5, 1965
Matures:	August 5, 1966
Number	R-1

RESOLUTIONS continued:

Denomination

\$26,400.

Interest Rate:

per annum, payable at maturity.

Place of Payment of  
Principal and Interest:

Form of Note:

Substantially in accordance with the form  
prescribed by Schedule B, 2, of the Local Finance  
Law of the State of New York.

Section 3. Said Note is hereby sold to  
at the price of par, to bear interest at the rate of  
per annum, payable at maturity, and the Supervisor is hereby authorized to deliver  
said Note to said purchaser upon receipt of the principal amount, plus accrued interest,  
if any, from the date of said Note to the date of delivery.

Section 4. Said Note shall contain the recital of validity prescribed by Section  
52.00 of said Local Finance Law, and shall be a general obligation of the Town, payable  
as to both principal and interest by a general tax upon all the taxable real property with-  
in the Town, without limitation of rate or amount. The faith and credit of the Town are  
hereby irrevocably pledged to the punctual payment of the principal and interest on said  
Note and provision shall be made in the budget of the Town by appropriation for the  
redemption of the Note to mature in such year and for the payment of interest to be due  
in such year.

Section 5. Said Note shall be executed in the name of the Town by its Supervisor  
and the corporate seal of said Town shall be affixed thereto and attested by its Town Clerk.

Section 6. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Justice Costello and duly  
put to a vote on roll call which resulted as follows:

AYES: Councilman Young, Councilman Grodski, Justice Zaloga, Justice Costello  
and Supervisor Vojvoda.

NOES: None.

The resolution was declared unanimously adopted.

At this point of the meeting, Supervisor Vojvoda called a Recess at 11:30 A. M.,  
to hold a Public Hearing.

PUBLIC HEARING - 11:30 A. M.

After being duly advertised proof of publication of Notice relative to the Matter  
of Extension No. 4 of Riverhead Light District in the Town of Riverhead, County of Suffolk,  
State of New York, was submitted to the Board.

Notice was ordered filed.

Supervisor Vojvoda declared the Hearing open and asked if anyone wished to be  
heard in favor of or in opposition to the aforesaid Notice.

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

Supervisor Vojvoda re-opened the meeting.

RESOLUTIONS:

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

-----X

IN THE MATTER	:	ORDER
OF	:	
The establishment of Extension No. 4 of the Riverhead Lighting District, in the Town of Riverhead, Suffolk County, New York.	:	Establishing Extension of Lighting District.

-----X

The petition in this matter, together with the necessary map attached thereto, having been filed with the Town Board and an Order having been duly adopted by said Board on July 6, 1965, calling for a hearing of all persons interested in the matter on the 20th day of July, 1965, at 11:00 o'clock in the forenoon, at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, and a hearing having been duly held at such time and place and it having been duly resolved and determined at such hearing that that the petition was duly signed and acknowledged as required by law and was otherwise sufficient and the Town Board having determined that it is in the public interest to grant the relief sought, and the Town Board having further determined in the affirmative:

- (a) That the petition complies with the requirements of Section 191 of the Town Law as to sufficiency of signers according to the boundaries of the proposed extension,
- (b) That the petition is signed and acknowledged as required by law and is otherwise sufficient,
- (c) That all the property and property owners within the proposed extension are benefited thereby,
- (d) That all the property and property owners benefited are included within the limits of the proposed extension,
- (e) That it is in the public interest to grant the relief sought, and the permission of the State Comptroller not being required for the extension of said District, as provided by Town Law, Section 194, Subdivision 6; it is hereby

RESOLVED AND ORDERED that an Extension of the Riverhead Lighting District, to be known as Extension No. 4 of the Riverhead Lighting District, as described below, be and the same is hereby established, to wit:

BEGINNING at a point formed by the intersection of the northerly line of Extension #1 of the Riverhead Lighting District with the westerly line of the land of Thomas McKay, and running thence from said point of beginning westerly along the northerly line of Extension #1 of the Riverhead Lighting District; thence continuing northerly and westerly along the easterly and northerly lines of said Extension #1 to a point 275 feet westerly of the westerly line of Roanoke Avenue, thence northerly on a line parallel to Roanoke

RESOLUTIONS continued:

Avenue to a point, which is distant northerly 150 feet at right angles from a continuation westerly of the southerly line of the land of Clarence Anderson; thence easterly on a line parallel and distant 150 feet at right angles northerly from the continuation of the southerly line of the land of Clarence Anderson to a point, which is 400 feet easterly of the easterly line of Roanoke Avenue; thence southerly along a line to a point on the southerly line of the land of Clarence Anderson, which point is 395 feet easterly along the southerly line of the land of Clarence Anderson to a point in the westerly line of the land of Thomas McKay; thence southerly along the westerly line of the land of Thomas McKay to the point or place of beginning.

Dated: July 20, 1965.

Robert B. Vojvoda

Supervisor

Bruno Zaloga, Jr.

Justice of the Peace

Thomas R. Costello

Justice of the Peace

Vincent B. Grodski

Councilman

George G. Young

Councilman

Certified by  
Helene M. Block, Town Clerk.

Members of the Town Board of the Town of  
Riverhead, New York.

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 it is hereby authorized to make a survey for Street Lighting in Riverhead Light District Extension No. 4, established pursuant to resolution of the Town Board on July 20, 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.

At this point of the meeting, Supervisor Vojvoda called a Recess at 11:45 A. M., to hold a Public Hearing.

PUBLIC HEARING - 11:45 A. M.

After being duly advertised proof of publication of Notice relative to Proposed Ordinance No. 32, Regulating Removal and Other Disciplinary Action for Employees in the Non-competitive Classes, was submitted to the Board. Notice was ordered filed.

Supervisor Vojvoda declared the Hearing open and asked if anyone wished to be heard in favor of or in opposition to the aforesaid Notice.

Town Attorney Shepard M. Scheinberg addressed the Board and stated that in his opinion this Ordinance is one that has been needed in the Town of Riverhead for many years and recommended that the Board give its favorable consideration to its adoption.

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

Supervisor Vojvoda re-opened the meeting.

RESOLUTIONS:

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

WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law in order that an ordinance may be adopted by the Town,

NOW, THEREFORE, By virtue of the authority vested in it by the Town Law and other statutes made and provided, the Town Board of the Town of Riverhead hereby ordains and enacts the following Ordinance No. 32, Regulating Removal and Other Disciplinary Action for Employees in the Non-competitive and Labor Classes:

TOWN OF RIVERHEADORDINANCE 32REGULATING REMOVAL AND OTHER DISCIPLINARY ACTION FOR EMPLOYEES IN THE NON-COMPETITIVE AND LABOR CLASSES.ARTICLE ILEGISLATIVE FINDINGS

Section 1. 0 The Town Board declares and find that the application and development of the concept of Civil Service in relation to local municipal government has worked to the benefit of the public, the administration of good government, and the welfare of public employees and that, in furtherance of these aims and in the interest of continuing to attract qualified people into the employment of the Town, the benefits and protections now afforded by the Civil Service Law of the State of New York to employees in the competitive class of the classified service with respect to removal and disciplinary action ought to be extended also to employees of the Town of Riverhead in the non-competitive and labor classes of the classified service.

RESOLUTIONS continued:ARTICLE II  
DEFINITIONS

Section 2.0 For the purposes of this ordinance, unless otherwise expressly provided herein, the following words or phrases shall have the meaning given herein. The word "shall" is always to be construed in the mandatory sense and not merely in a directory sense.

(a) "Non-competitive class of the classified Civil Service shall include all full time employees and positions not included in the exempt or the labor classes, for which positions the Suffolk County Civil Service Commission has not found or does not find it to be practicable to determine the merit and fitness of applicants by competitive examinations, such positions being specifically named in Appendix C of the Rules of the Suffolk County Civil Service Commission, as amended.

(b) "Labor class" of the classified Civil Service shall include all full time unskilled laborers and all positions listed in Appendix C of the Rules of the Suffolk County Civil Service Commission, as amended.

ARTICLE III  
PROBATIONARY PERIOD AND PERMANENT EMPLOYMENT

Section 3.0 Each original appointment or employment hereafter made in the non-competitive or labor classes shall be for a probationary period of six months, pursuant to the provisions of Rule XVII of the Rules of the Suffolk County Civil Service Commission.

Section 3.1 A written report on the probationer's services shall be made on forms to be supplied by the Town Clerk and shall be filed in the office of the Town Clerk and shall thereupon be submitted to the Town Board for appropriate action in the form either of permanent appointment or termination of employment.

ARTICLE IV  
REMOVAL AND OTHER DISCIPLINARY ACTION

Section 4.0 No person who shall have attained the status of a permanent employee in the non-competitive or labor classes; pursuant to the provisions of Article III of this Ordinance and Rule XVII of the Rules of the Suffolk County Civil Service Commission, shall be removed from his position or employment or otherwise subjected to any disciplinary penalty except in compliance with the provisions of Section 75 of the Civil Service Law of the State of New York and Rule XXI of the Rules of the Suffolk County Civil Service Commission, and except as set forth in Section 4.2 and Section 4.4.

Section 4.1 The hearings prescribed by Section 75 of the Civil Service Law of the State of New York shall be held by the Town Board or by a person, or persons, designated in writing by the Town Board for that purpose.

Section 4.2 Section 4.0 shall not apply where the basis for removal from position or employment, or disciplinary penalty is insubordination or commission of a crime.

Section 4.3 The department head shall file a formal written report with the Town Clerk within seven days of the removal from position or employment or disciplinary penalty,

RESOLUTIONS continued:

setting forth in detail the reasons for his removing an employee from his position or employment or otherwise subjecting an employee to any disciplinary penalty.

Section 4.4 Should the Town Board, upon the examination of the written report of the department head as prescribed in Section 4.3 of this ordinance, find that the basis for such removal or disciplinary action was founded upon a charge of a commission of a crime or insubordination; it may, by a majority vote of those present at a regularly called Town Board meeting, order a hearing to be given as set forth in Section 4.0 and Section 4.1 of this ordinance.

ARTICLE VSEVERABILITY, TITLE AND EFFECTIVE DATE

Section 5.0 If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5.1 This Ordinance shall be known and may be cited as the "Town of Riverhead Ordinance Regulating Removal and Other Disciplinary Action for Employees in the Non-Competitive and Labor Classes."

Section 5.2 This ordinance shall take effect immediately.

The adoption of Ordinance No. 32, Regulating Removal and Other Disciplinary Action for Employees in the Non-competitive and Labor Classes, of the Town of Riverhead shall take effect ten (10) days after publication and posting.

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 Supervisor be and is hereby authorized to execute the probationary forms as set forth in Article III, Section 3.1 of Ordinance No. 32, Regulating Removal and Other Disciplinary Action for Employees in the Non-competitive and Labor Classes.

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 ambulance offered to the Town of Riverhead by The Northville Dock Corporation, together with the amount of \$10,845.05 being all the moneys received by the Community Ambulance Drive and offered to the Town of Riverhead for the purchase and upkeep of a Community Ambulance, be and are hereby accepted by the Town of Riverhead, and be it

RESOLUTIONS continued:

FURTHER RESOLVED, That a special Town Fund be established for the Ambulance Fund and that the Supervisor be authorized to draw upon this Fund as he deems necessary.

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 July 20, 1965 as follows: General Town - \$9,255.41, General Repairs Item No. 1 - \$8,813.01, Machinery Item No. 3 - \$682.56 and Miscellaneous Item No. 4 - \$172.84.

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

RESOLVED, That the General Town bills as submitted in the amount of \$9,255.41, be approved for payment, and

FURTHER RESOLVED, That General Repairs Highway Item No. 1 bills in the amount of \$8,813.01, Machinery Highway Item No. 3 bills in the amount of \$682.56, and Miscellaneous Highway Item No. 4 bills in the amount of \$172.84, 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.

The Board recessed at 12:00 Noon to reconvene at 2:30 P. M.

The Board reconvened at 2:50 P. M., with all members present.

Councilman Young made the following statement: "I listened carefully to all of the objections raised at the Public Hearing this morning to the adoption of Parade and Assembly Ordinance No. 33. The main objection raised was that this Ordinance violates the First Amendment to the Constitution guaranteeing freedom of speech, in this case freedom of expression. Now it is very obvious that if we all talk at once no one is heard. We must regulate this freedom in order to exercise it. To insure that everyone demonstrates who wants to we must have some plan- some regulation. I believe this Ordinance gives everyone of us, regardless of race, creed or color a procedure to follow in order to be heard, and rather than restricting our freedom, helps to guarantee it. I certainly will be more than willing to get a Permit before making any sort of public demonstration."

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

WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law in order that an ordinance may be adopted by the Town,

NOW, THEREFORE, By virtue of the authority vested in it by the Town Law and other statutes made and provided, the Town Board of the Town of Riverhead hereby ordains and enacts the following Ordinance No. 33, Parade and Assembly.

RESOLUTIONS continued:PARADE AND ASSEMBLY ORDINANCE NO. 33

SECTION 1. The Town Board of the Town of Riverhead by this ordinance seeks to remove the danger to health and life caused by the possibility of congestion by parades or assemblies on the sidewalks, streets, avenues, highways, parkways and other public places in the Town of Riverhead. The Town Board hereby declares that this ordinance shall in no way interfere with the right of public assembly, but is strictly for the purpose of regulating traffic, both vehicular and pedestrian.

SECTION 2. Definitions. For the purpose of this ordinance the terms "parade" and "assembly" are defined as an organized procession or march.

SECTION 3. No parade or assembly shall be permitted upon the sidewalks, streets, avenues, highways or parkways, or other public places in the Town of Riverhead unless a permit shall have been first obtained from the Chief of Police of the Town of Riverhead, or his designee, after application therefor in writing to said Chief of Police, or his designee.

SECTION 4. All assemblies and parades, warranted by law, held in any of the streets, roads, avenues, highways or parkways or any other public places in the Town of Riverhead, where public discussions are held, shall have an American Flag, the dimensions of which shall be not less than 36 inches by 60 inches, conspicuously displayed at all times during the holding of such assemblies. No red or black flag, and no banner, ensign or sign having upon it any inscription opposed to organized government, or which is sacrilegious or which may be derogatory of public morals shall be displayed at any such assembly or in any public place or carried through the streets of the Town of Riverhead in any procession or parade. This provision shall not apply to the flag of any nation friendly to the United States, when same is displayed along with the flag of the United States of America.

SECTION 5. Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor, and conviction therefor shall be punishable by imprisonment in the County Jail for a term not to exceed six months or by a fine not to exceed \$50.00 or by both fine and imprisonment.

SECTION 6. If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

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 inquired if anything is being done by the Highway Department to black-top, grade and oil the Roanoke Avenue Parking Field.

After discussion, the matter was referred to Councilman Young to take up with the Supt. of Highways.

Justice Costello called to the attention of the Board the matter of a recent complaint he had received from a family living in a motel who were unable to secure a physician for their ailing child.

Justice Costello stated that the family made numerous different calls and were unable to find an available Doctor to respond to this emergency and the child was taken to the hospital by ambulance.

Justice Costello further stated that a situation of this nature is very serious and suggested that the Board set up a system with the local Medical Society whereby there would be a physician available in time of emergency at any hour of the day, and added that perhaps the Board should pursue further the matter of a Police Physician for the Town.

After discussion on the matter, Supervisor Vojvoda volunteered to set a meeting with the Medical Society to resolve the situation.

Justice Costello also called to the attention of the Board that many of the streets in the Town of Riverhead are in need of marking and striping.

After discussion, the Board decided to resolve this matter with the Supt. of Highways.

#### RESOLUTIONS:

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

RESOLVED, That a Public Hearing be held at 11:00 A. M., on August 3, 1965 at the Town Hall, 220 Roanoke Avenue, Town of Riverhead, N. Y., to consider Proposed Building Code Ordinance No. 35, and

BE IT FURTHER RESOLVED, That the Town Clerk be and hereby is directed and authorized to publish in the July 22nd, 1965, issue of the News-Review, the Official Newspaper of the Town of Riverhead, the following Notice of Public Hearing to consider Proposed Building Code Ordinance No. 35.

**PUBLIC NOTICE  
CALLING PUBLIC HEARING  
PLEASE TAKE NOTICE** that a Public Hearing will be held at 11:00 A. M., on August 3, 1965, at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, to consider Proposed Building Code Ordinance No. 35 as follows:

**BUILDING CODE  
Town of Riverhead  
Ordinance No. 35**

#### **SECTION 1 GENERAL PROVISIONS**

Those rules and regulations promulgated pursuant to Article 16 of the Executive Law of the State of New York, collectively known as the State Building Construction Code, are applicable to all buildings and construction in the Town of Riverhead; said rules and regulations are hereinafter referred to as "the Code".

#### **SECTION 2 DESIGNATION OF BUILDING INSPECTOR**

The Building Inspector is hereby designated as the Superintendent of Buildings under the Code. The Town Board of the Town of Riverhead may appoint a deputy building inspector as the need may appear, to act under the supervision of the Building Inspector and to exercise any portion of his powers and duties. Whenever the Building Inspector is absent or unable to act, the deputy building inspector is authorized to perform his functions.

#### **SECTION 3 RESTRICTIONS ON EMPLOYEES**

No officer or employee of the Building Inspector's office shall engage in any activity inconsistent with his duties or with

the interests of the Building Inspector's office; nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the Town of Riverhead, excepting only that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by him, and not constructed for sale.

#### **SECTION 4 DUTIES AND POWERS OF BUILDING INSPECTOR**

(a) Whenever by law, rule or regulation in respect to the

building code the words "Superintendent of Buildings" are used they shall be deemed to mean the building inspector or his deputy as the case may be. The building inspector shall administer and enforce all rules, regulations, laws and ordinances applicable to the building code and to the construction, alteration, repair, removal and demolition of buildings and structures, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof.

(b) He shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for

which such applications have been received or such permits have been issued for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.

(c) He shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinance or regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from generally recognized and authoritative service and inspection bureaus, provided the same are certified by a responsible official thereof.

(d) Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, he may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies.

#### SECTION 5

##### THE BUILDING INSPECTOR'S RECORDS AND REPORTS

(a) The Building Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected, inspections reports, and notices and orders issued. All such records shall be public records open to public inspection during business hours.

(b) The Building Inspector shall, annually, submit to the Town Board a written report and summary of all business conducted by the Building Inspector, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending.

#### SECTION 6

##### APPLICATION FOR BUILDING PERMIT

(a) No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion, or change in the nature of the occupancy, of any building or structure, or cause the same to be done, without first obtaining a building permit separate and distinct from that required by

the Zoning Ordinance from the Building Inspector for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature. An application for a building permit is not required where there is no change in the perimeter of an existing structure which is being repaired, improved or remodeled at a cost not exceeding \$750.00 or for such kinds, types and methods of repairs, improvements and alterations as the Town Board shall specify from time to time in regulations adopted by said board by resolution applicable to this ordinance.

(b) Application for a building permit shall be made to the Building Inspector on forms provided by him.

(c) Copies of plans and specifications and a plot plan in accordance with the requirements of Zoning Ordinance No. 26, Town of Riverhead, shall accompany every application for a permit and shall be filed in triplicate.

(d) Plans shall be drawn to scale upon substantial paper or cloth and the essential parts shall be drawn to a scale of not less than one eighth (1/8) inch to one (1) foot.

(e) All plans and specifications shall be of sufficient clarity to indicate the nature and character of the work proposed and show that the Code will be complied with throughout. Computations, strains sheets, stress diagrams and other data necessary to show the correctness of the plans shall accompany same when required by the Building Inspector.

(f) Application shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

(g) Plans and specifications shall bear the signature of the person responsible for the design and drawings and where

required by Section 7302, as amended, of Article 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer.

(h) Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the

work, subject to the approval of the Building Inspector.

#### SECTION 7

##### ISSUANCE OF BUILDING PERMIT

(a) The Building Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within a reasonable time.

(b) Upon approval of the application and upon receipt of the legal fees therefor, he shall issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto.

(c) Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "Approved". One set of such approved plans and specifications shall be retained in the files of the Building Inspector and the other set shall be returned to the applicant together with the building permit and shall be kept at the building site open to inspection by the Building Inspector or his authorized representative at all reasonable times.

(d) If the application together with plans, specifications and other documents filed therewith does not conform to all of the requirements of the applicable building regulations, the Building Inspector shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

(e) The permit holder or his agent shall keep posted in a conspicuous place on the work the permit card and shall keep same posted until the completion of the work.

#### SECTION 8

##### DEMOLITION PERMITS

Demolition permits shall be applied for the same as building permits, but with no plans needed. However, specifications and diagrams, showing methods to be used for needling or shoring adjacent buildings, may be required by the Building Inspector.

#### SECTION 9

##### PERFORMANCE OF WORK UNDER BUILDING PERMIT

The performance of work shall conform to the regulations for starting and completion of work as set forth in Zoning Ordinance No. 26 of the Town of Riverhead.

#### SECTION 10

##### BUILDING PERMIT FEES

No permit shall be issued until the fee prescribed in this section shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid. The minimum fee for any building permit, whether the same be for installation of plumbing system or for a heating system, or any other building permit which is necessary or required under the provisions of the Code shall be \$5.00 for each permit. The fees hereunder shall include the applicable required fee for the zoning permit as set forth in Zoning Ordinance No. 26 of the Town of Riverhead.

For each building permit, where the construction costs shall exceed \$1,000, an additional fee of \$2.00 per thousand dollars or fraction thereof, in addition to the original charge of \$5.00, shall be paid, which charge shall be computed up to a total of \$50,000 of building costs, and for each building permit where the construction costs shall exceed \$50,000, an additional fee of \$1.00 per thousand dollars or fraction thereof shall be paid.

Basis for computing valuation of construction for purposes of fee charges, is as follows:

Fees shall be based on the square foot basis of the proposed building, upon the use to which said building is to be put, or upon the cost thereof, as hereafter set forth. Various types of buildings, classified according to the use, shall be valued as follows:

A. Dwellings: One and Two Family

\$10.00 per square foot

B. Multiple Family, Apartments, Hotels, Motels, Boarding Houses, Nursing and Convalescent Homes

12.50 per square foot

C. Garages, attached or unattached 3.00 per square foot

D. Accessory Buildings, Utility Buildings

2.50 per square foot

E. Mercantile, Business, Office Buildings, Garage and Service Stations, Places of Public Assembly, Assembly Halls and Club Houses

8.00 per square foot

F. Factory Buildings (finished types)

8.00 per square foot

G. Factory Buildings (unfinished types)

6.00 per square foot

The method of estimating the cost of the proposed building shall be based on the ground floor area with additional stories to be half as much as the cost of the ground floor area.

Plumbing, heating, standpipe, sprinkler, elevator or electrical work, etc., are all included in the terms "construction or alteration work." When filed with complete construction plans all such work is included under one fee. Fees to be paid for other Building Inspector's permits:

\$5.00 for a permit to demolish a building, unless said demolition is a necessary part of an alteration for which a permit has been issued.

\$1.00 for a duplicate Certificate of Occupancy.

26% of original fee for a renewal permit fee.

No fee shall be charged for bona fide religious, charitable, educational organizations, where such exemptions are consistent with provisions applicable to taxes generally.

#### SECTION 11 REVOCAION OF BUILDING PERMIT

The Building Inspector may revoke a building permit theretofore issued and approved in the following instances:

(a) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;

(b) Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law;

(c) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications; or

(d) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

#### SECTION 12 STOP ORDERS

Wherever the Building Inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances or regulations, or not in conformity with the provisions of an application, plans, or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, or the person performing the work, to

suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail.

#### SECTION 13 RIGHT OF ENTRY

Any building inspector, upon the showing of proper credentials and in the discharge of his duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

#### SECTION 14 CERTIFICATE OF OCCUPANCY

(a) No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector, in addition to any which may be required under Zoning Ordinance No. 26 of the Town of Riverhead.

(b) No building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit shall continue to be occupied or used for more than thirty (30) days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Inspector, in addition to any which may be required under the Zoning Ordinance No. 26 of the Town of Riverhead.

(c) No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector, in addition to any which may be required under Zoning Ordinance No. 26 of the Town of Riverhead.

#### SECTION 15 RECORDS

There shall be maintained in the Building Inspector's office a record of all findings of violations of this law and code.

#### SECTION 16 ISSUANCE OF CERTIFICATE OF OCCUPANCY

(a) A certificate of occupancy shall be issued where appropriate, within thirty (30) days after application therefor is made. Failure to act upon such application within thirty (30) days shall constitute approval of such application and the building or

portion thereof may thereafter be occupied as though a certificate of occupancy had been issued.

(b) The certificate of occupancy shall certify that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, ordinances and regulations, and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put.

(c) The certificate of occupancy provided for in this Section is in addition to any which may be required under Zoning Ordinance No. 26 of the Town of Riverhead.

#### SECTION 17 TESTS

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform with the requirements of the applicable building laws, ordinances or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.

#### SECTION 18 PENALTIES FOR VIOLATION

(a) It shall be unlawful for any person, firm, or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of this ordinance or to fail in any manner to comply with a notice, directive or order of the Building Inspector, or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

(b) For any and every violation of the provisions of this ordinance the owner or general agent of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed, or shall exist and any builder, architect, tenant, contractor, sub-contractor, construction superintendent or their agents, or any other person taking part or assisting in any such violation shall be liable to a fine or penalty not exceeding One Hundred (\$100.00) Dollars for each and every violation. Whenever such person has received written notice from the Building Inspector that such violation exists or is being committed, each day subsequent to the receipt of such notice that such violation

Continues shall constitute a separate and distinct violation of this ordinance. Any violation of this ordinance or any part thereof, shall constitute disorderly conduct and any person violating the same shall be a disorderly person.

(c) Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, sub-contractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of the New York State Building Construction Code, or any order, notice, directive, permit or certificate of the Building Inspector made thereunder shall be punishable by a fine of not more than five hundred dollars (\$500.00), or thirty days in jail, or both. Each day that a violation continues after receipt of written notice of the same shall be deemed a separate offense.

(d) This section shall not apply to violations of the provisions of the New York State Building Construction Code punishable under Section 385 of the Executive Law of the State of New York; nor to violations of the provisions of the Multiple Residence Law punishable under Section 304 of the Multiple Residence Law of the State of New York.

**SECTION 19  
ABATEMENT OF VIOLATION**

Appropriate actions and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises; and these remedies shall be in addition to the penalties prescribed in the preceding section.

**SECTION 20  
VALIDITY**

It is hereby declared to be the intention of the Town Board of the Town of Riverhead that the sections, paragraphs, sentences,

clauses, and words of this ordinance are severable; and, if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections, of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this ordinance as the same would have been enacted by the Town Board without the incorporation in this Ordinance of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections.

Any person desiring to be heard shall appear at the time and place above specified.

Dated: July 20, 1965

BY ORDER OF  
THE TOWN BOARD  
TOWN OF RIVERHEAD,  
NEW YORK

HELENE M. BLOCK,  
Town Clerk

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 on motion and vote, the meeting adjourned at 3:15 P. M. to meet on Tuesday, August 3, 1965 at 10:30 A. M.

*Helene M. Block*  
Helene M. Block, Town Clerk

HMB.