

Minutes of a Meeting of the Town Board of the Town of Riverhead held at the Town Hall, Riverhead, New York, on Tuesday, March 4, 1969 at 10:30 A.M.

Present:

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

Absent: Bruno Zaloga, Town Justice

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

The meeting was called to order at 10:30 A.M. by Supervisor Vojvoda.

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

BE IT RESOLVED, That the Minutes of a Meeting of the Town Board held on February 18, 1969, be approved as submitted.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Zaloga, Absent, 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 General Town bills submitted on Abstract No. 5 in the amount of \$12,270.24, Highway Item No. 1 bills in the amount of \$ 973.12, Highway Item 3 bills in the amount of \$1416.65 and Highway Item No. 4 bills in the amount of \$ 1769.41.

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

RESOLVED, That General Town bills submitted in the amount of \$12,270.24, be approved for payment, and

FURTHER RESOLVED, That Highway Item No. 1 bills in the amount of \$ 973.12, Highway Item 3 in the amount of \$ 1416.65 and Highway Item 4 in the amount of \$ 1769.41, be approved for payment.

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

Supervisor Vojvoda asked if anyone wished to be heard. No one responded.

REPORTS

Supervisor's, month of January, 1969. Filed.
Fire Inspector, month of February, 1969. Filed.
Building Inspector, month of February, 1969. Filed.
Police Department, month of February, 1969. Filed.
Recreation Department, Annual for 1968. Filed.
Recreation Department, month of February, 1969. Filed.
Tax Receiver's, dated March 3, 1969. Filed.

COMMUNICATIONS

N. Y. State Dept. of Transportation, dated 2/13/69, Notice of Action establishing stopping prohibition on the north side of Route 25, and west curb line of Griffing Avenue. Filed.

Copies to Town Board, Police Chief and Supt. of Highways.

Department of Audit and Control, dated 2/24/69, submitting Report of Examination of the accounts and fiscal affairs of the Town of Riverhead for the period from 1/1/65 to 12/31/67, and requesting that the report be studied by all town officials. Filed.

Charles E. Raffe, dated 2/19/69, submitting letter in own behalf and as attorney for Claireview Park Co. Inc., notifying Town Board and filing formal complaint concerning work done by Highway Department on Town roads known as Daly Drive and Daly Court. Filed.

Referred to Supt. of Highways.

Suffolk County Sewer Agency, dated 2/25/69, relating to Sewage Disposal, stating agency will arrange conferences with Town representatives to discuss latest problems in water pollution control and sewage disposal. Filed.

Copies to Town Board.

Metropolitan Transportation Authority, dated 2/26/69, acknowledging receipt of resolution opposing proposed jet port at Calverton. Filed.

Alton G. Marshall, Executive Officer to Governor, dated 2/25/69, acknowledging receipt of resolution opposing proposed jet port at Calverton. Filed.

Suffolk Chapter Association for Retarded Children, Inc., dated 2/26/69, expressing appreciation for letters of commendation and offer of help. Filed.

Riverhead Town Planning Board dated 3/3/69, submitting two resolutions adopted on Feb. 19, 1969 as follows:

1. On Petition of Nassau County Council BSA for zoning change from Res. 3 to Industrial 2 on property located on the north side of Middle Country Road, Route 25, Calverton - recommendation being that in the event the proposed comprehensive change to zoning ordinance and map is not adopted within a reasonable time by the Town Board, that the lands of Nassau County Council BSA be changed to Industrial 2 Use District.

COMMUNICATIONS continued:

2. On Petition of Calverton Venture and Potter Instrument Co. for zoning change from Farm 1 to Industrial 2 on property located on the north side of Middle Country Road (Route 25) Calverton- recommendation being that in the event the proposed comprehensive change to zoning ordinance and map is not adopted within a reasonable time by the Town Board that the lands of Potter Instrument Co. and Calverton Venture be changed to Industrial 2 Use District. Filed.

HIGHWAY MATTERS

Alex E. Horton, Supt. of Highways advised the Town Board that an amount of \$15,000 is needed to finance costs of the recent snow storms and requested the Board to authorize borrowings of that amount.

HEADS OF DEPARTMENTS

Police Chief Grodski informed the Town Board that the FBI will conduct a Regional School in the Town of Riverhead Police Headquarters, tentative date April 14th or April 21st, 1969.

RESOLUTIONS

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

RESOLVED, That the Superintendent of Highways be and is hereby authorized to pay time and one-half overtime compensation for snow removal for the period from February 1, 1969 to February 15, 1969, for a total of 1137 hours in the sum of \$4,497.12.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Zaloga, Absent, 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 Superintendent of Highways be and is hereby authorized to pay time and one-half overtime compensation for snow removal for the period from February 20, 1969 to February 28, 1969, for a total of 480 hours in the sum of \$2,029.39.

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

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

RESOLVED, that the application of Stanley and Gladys Udell for a Special Permit in accordance with Article II, Section 206A, Paragraph 59 of Zoning Ordinance No. 26, for a mobile home park to be located on Old River Road, Riverhead, New York, be and hereby is denied.

The vote, Councilman Young, Not Voting, Councilman Grodski, Yes, Town Justice Zaloga, Absent, Town Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

RESOLUTIONS

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

RESOLVED, That Highway bills submitted on Abstract dated March 4, 1969, as follows: Machinery Item No. 3-Riverhead Auto Parts, Inc. dated January 31, 1969 for \$517.84; Miscellaneous Item No. 4 - B & L Transportation, Inc. dated February 25, 1969 for \$606.60 and D. H. Hallock & Son dated February 14, 1969 for \$993.43, be and are hereby approved for payment.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Zaloga, Absent, 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 Town Clerk be and hereby is directed and authorized to advertise in the March 6, 1969 issue of the News-Review, the official newspaper of the Town of Riverhead, for bids for the installation of storm sewers for Highway Drainage Project No. 44 at Sound Shore Road, Sound Avenue, Town of Riverhead, New York, and be it

FURTHER RESOLVED, that the Town Clerk be and is hereby designated to open publicly and read aloud on Monday, March 17, 1969 at 11:00 A.M., in the Town Clerk's Office, 220 Roanoke Avenue, Riverhead, New York, all bids which have been received, and be it

FURTHER RESOLVED, that the Town Clerk shall make a record of such bids and present the same at the Town Board Meeting to be held March 18, 1969.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Zaloga, Absent, 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 Notice is hereby given that the State Comptroller has caused the fiscal affairs of the Town of Riverhead, Riverhead, New York, for the period beginning January 1, 1965 to December 31, 1967, to be examined, and that the report of such examination has been filed in the office of the Town Clerk, Town of Riverhead, 220 Roanoke Avenue, Riverhead, New York, where it is available as a public record for inspection by all interested persons.

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

Town Justice Costello offered the following resolution which was unanimously seconded and duly adopted by the Town Board.

RESOLUTIONS continued:A RESOLUTION OF COMMENDATION IN RECOGNITION
OF MERITORIOUS SERVICE RENDERED BY PATROLMEN
FREDERICK ALEXANDER AND ROBERT SLOANE.

WHEREAS, on January 23, 1969, Patrolmen Frederick Alexander and Robert Sloane answered a call for emergency aid to child of Mr. and Mrs. Clyde Barnes of Wading River, New York, and

WHEREAS, on January 23, 1969, Patrolman Frederick Alexander's prompt action to administer mouth to mouth resuscitation to child Ira Barnes and the aptness and skill of Patrolman Robert Sloane in driving said child Ira Barnes in police vehicle to the Central Suffolk Hospital, and the combined efforts of said Patrolmen were instrumental in saving the life of child Ira Barnes, now therefore

BE IT RESOLVED, that the Town Board of the Town of Riverhead desires to convey to Patrolmen Frederick Alexander and Robert Sloane an expression of its commendation and grateful acknowledgement in recognition of the valued services rendered by them and be it further

RESOLVED, that this Resolution be spread upon the minutes of the Town Board and copies thereof certified by the Town Clerk under the seal of the Town of Riverhead be forwarded to Patrolmen Frederick Alexander and Robert Sloane in evidence of the Town Board's appreciation for the heroic contribution they have made. (End).

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

BE IT RESOLVED, That a Home Rule Request entitled "AN ACT to amend the town law, in relation to screening facilities required by zoning boards of appeals and zoning ordinances in the County of Suffolk", be forwarded to the New York State Assembly and Senate.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Zaloga, Absent, 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.

BUDGET NOTE RESOLUTION OF THE TOWN OF RIVERHEAD
NEW YORK, ADOPTED MARCH 4, 1969, AUTHORIZING THE
ISSUANCE OF A NOTE IN THE AMOUNT OF \$15,000 FOR THE
PURPOSE OF DEFRAYING COSTS OF SNOW REMOVAL.

RESOLUTION continued:

WHEREAS, The Superintendent of Highways has advised the Town Board that an amount of \$15,000 is needed to finance costs of snow removal, and has requested the Board to authorize borrowings of said amount of \$15,000 to defray costs of snow removal,

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board of the Town of Riverhead for the specific purpose of providing for payment of expenses for the removal of snow and ice heretofore incurred, pursuant to Section 29.00 of the Local Finance Law, does hereby authorize the issuance of its Budget Note in the amount of \$15,000 to finance such cost and expense.

2. Such Note shall be dated March 7th, 1969, and its power to fix and determine the exact date of such Note is hereby delegated to the Supervisor. Such Note shall be numbered 1 and shall mature in the year 1970. The power to fix and determine the date upon which such Note shall become due and payable is also delegated to the Supervisor.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Zaloga, Absent, 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 - 10:45 A.M.

Town Clerk submitted affidavits of posting and publishing Public Notice Calling Public Hearing on Code of Ethics - Ordinance No. 39.

The affidavits were ordered filed.

William C. Haugaard, Town Attorney addressed the Board and explained as follows: "That a hearing has been held on the proposed Code of Ethics-Ordinance No. 39 at one time and it was decided to make some changes, in particular, the code creates a Board of Ethics for the Town of Riverhead to consist of five members, including the Town Attorney to serve ex-officio. The composition of the Board shall include not more than two persons from the same political party. The Board is to adopt its own rules and regulations and render advisory opinions to persons requesting it as to the municipal employees problems or as presented by the heads of departments. Also incorporated in the code are special rules pertaining to executive sessions of the Town Board."

Thereupon Supervisor Vojvoda declared the Hearing open and asked if anyone wished to be heard in favor of or against the proposed Code of Ethics-Ordinance No. 39.

Jacob Harding, Esq., addressed the Board relative to Section 3, paragraphs a and b of the proposed ordinance and recommended caution and a gradual approach in regard to the appointment of the Board of Ethics to prevent a possible perpetration of a fraud.

PUBLIC HEARING - 10:45 A. M. continued:

Mr. Harding referred to the disturbance that took place in a couple of western townships where the legality of definite terms for Board members of the Board of Ethics was questioned as also the method of political selection.

Mr. Harding referred to the word "political" in paragraph "b" of the proposed ordinance and stated that since it is there, he recommends that the appointments be made similar to the method used in the Board of Elections; Mr. Wowak and his committee would recommend appointees from their enrollments and Mr. Semel and his committee and Mr. Tyte and his committee would do likewise, then representatives will be had truly and honestly from each political party.

Supervisor Vojvoda thanked Mr. Harding and said his recommendations would be taken under advisement.

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

PUBLIC HEARING - 11:00 A. M.

Town Clerk submitted affidavits of posting and publishing Public Notice Calling Public Hearing on proposed amendment to Zoning Ordinance No. 26. The affidavits were ordered filed.

William C. Haugaard, Town Attorney explained as follows: "This amendment to the Town Zoning Ordinance would allow persons in the Riverhead Public Parking District to cover lot areas 100% via building by special permit and subject to standards and conditions of the Town Board."

Supervisor Vojvoda thereupon declared the Hearing open and asked if anyone wished to be heard in favor of or against the proposed amendment.

Mr. Joseph Lopez, representing the Riverhead Chamber of Commerce, recommended the adoption of the proposed amendment.

Town Justice Costello stated he wished to speak for himself and for Town Justice Zaloga who is in absentee that they are wholeheartedly in favor of this amendment for the reason that the merchants on main street are in a position where they are paying higher taxes because of the parking area and also it is their belief that it will enhance the esthetic beauty of the Town of Riverhead in allowing the merchants to construct their facilities and put the face of the building towards the rear of the parking area.

Mrs. Patricia Tormey asked if off-street loading zones were considered in this amendment.

Supervisor Vojvoda replied saying that it is hoped this will encourage the merchants to use the back of stores for unloading.

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

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

RESOLUTION continued:

-----X
 In the Matter of the
 adoption of the Amendment to Zoning
 Ordinance No. 26, of the Town of River- :
 head, Suffolk County, New York.

RESOLUTION

-----X
 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 and other statutes made and provided in connection with the a-
 doption of an Amendment to Zoning Ordinance No. 26, of the Town of Riverhead,
 Suffolk County, New York,

NOW, THEREFORE, BE IT RESOLVED and this Town Board hereby or-
 dains and enacts the following Amendment to Zoning Ordinance No. 26 of the Town
 of Riverhead:

"Town Zoning Ordinance No. 26 is hereby amended by adding thereto a new
 Section 301 (L) reading as follows:

Section 301 (L) Notwithstanding any other provision of this ordinance, the
 Town Board may, by special permit, subject to such standards and conditions as
 it deems necessary or reasonable, allow, within the Riverhead Public Parking
 District No. 1, a total building area up to 100% of the area of the parcel of land
 held in one ownership, either by erection of a new building, or by alteration or
 extension of an existing building. "

AND the Town Clerk is hereby authorized and directed to enter the said
 Amendment to Zoning Ordinance No. 26 of the Town of Riverhead in the News-Review,
 the official newspaper published in the Town, and to post a copy of the same, on the
 signboard maintained by the Town Clerk, pursuant to Subdivision 6 of Section 30 of
 the Town Law, and to file in her office affidavits of said publication and posting.

The Amendment to Zoning Ordinance No. 26 of the Town of Riverhead shall
 take effect ten days after such publication and posting.

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

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

-----X
 In the Matter of the
 adoption of Ordinance No. 39, entitled "Code
 of Ethics", of the Town of Riverhead, Suffolk :
 County, New York.

RESOLUTION

-----X

RESOLUTION continued:

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 and other statutes made and provided in connection with the adoption of Ordinance No. 39, entitled "Code of Ethics" of the Town of Riverhead, Suffolk County, New York,

NOW, THEREFORE, BE IT RESOLVED and this Town Board hereby ordains and enacts the following Ordinance No. 39, entitled "Code of Ethics" of the Town of Riverhead:

CODE OF ETHICSSection 1. Definitions:

The definitions of words and phrases set forth in Section 800 of the General Municipal Law, as the same may have been and hereafter may be amended, shall apply to this Code.

Section 2. Application:

The provisions of this Code shall apply to the conduct of officers and employees of the Town of Riverhead, except to the extent that such provisions are inconsistent with Article 18 of the General Municipal Law, in which case the provisions of Article 18 shall apply and govern such conducts.

Section 3. Board of Ethics:

a. There is hereby created and established a Board of Ethics of the Town of Riverhead. The Board shall consist of five members, four of whom shall be appointed by the Town Board from among residents of the Town who are not Town employees or officers, and who shall serve without compensation, and at the pleasure of the Town Board. The fifth member shall be the Town Attorney, ex-officio.

b. The composition of the Board shall include not more than two persons enrolled in the same political party.

c. The Board shall forthwith select from among its membership a chairman, and shall promulgate its own rules and regulations, consistent with this ordinance and the provisions of law, pertaining to and establishing forms and procedures for carrying out the provisions and intent of this ordinance. The Board shall maintain appropriate records of its proceedings and opinions.

d. The Board shall render advisory opinions with respect to this Code, and with respect to the application of the provisions of Article 18 of the General Municipal Law to the officers and employees of the Town. All requests for opinions shall be in writing; shall be rendered only to the person requesting the same, or in addition, to the head of his department; and may be requested only by the municipal officer or employee involved or by the head of his department.

RESOLUTION continued:Section 4. Special Rules pertaining to executive sessions of the Town Board:

a. No person shall appear before the Town Board in executive session unless he shall previously have advised the Town Clerk of his intention and purpose to do so. The name, stated purpose and the fact of such person's appearance shall be entered in the minutes of the Town Board meeting immediately following such executive session.

b. Except in cases where the stated purpose does not involve a proposed ordinance or local law of the Town, or change thereof, or a special right, permit or exception thereunder, the Town Clerk shall cause the entire meeting to be recorded by tape recorder, or similar device, and shall retain tapes of such proceedings for twelve months following final action by the Board on the matter discussed at such session. Such tape recordings shall be public records and any person may cause the same to be played, and make transcriptions of the same, under reasonable rules of the Town Clerk.

c. The provisions of this Section shall not apply to the appearance before the Town Board in executive session of any officer or employee of the Town, nor to the appearance of any person hired by or under contract with the Town, in respect to any matter, covered by his office, employment or contract, nor shall they apply to the appearance before the Town Board in executive session of the officer, employee or agent of any municipal corporation, district or agency, nor to the officer, employee or agent of the government, agency or subdivision of any State or of the United States in respect to any matter relating to their official duties.

d. Any person violating any of the provisions of this Section shall be subject to a fine of not more than \$100.00.

Section 5. Title: Severability: Effective date:

This ordinance may be cited as the "Code of Ethics of the Town of Riverhead." Should any section or portion thereof contained herein be declared invalid, such invalidity shall not affect the remaining provisions of this Code. This Code shall take effect ten days after publication and posting as required by law.

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

UNFINISHED BUSINESS

The application for creation of Tidewood Park District and request for street lighting in the Tidewoods subdivision was discussed by the Board.

Edward Munson, Building Inspector informed the Board that Mr. Calace offered a location for recreation purposes and a site was selected by former Recreation Supervisor Don Rhuda.

It was decided that the Town Attorney notify Mr. Calace to appear at the next meeting of the Town Board and the matter be resolved at that time.

HEADS OF DEPARTMENTS

Edward Munson, Building Inspector called the Board's attention to the Excavation Ordinance No. 31 and stated: "Since we have eliminated Section F of the Ordinance, we now run into the situation where the six presently operated pits will be involved in living up to the letter of the law in its entirety. Which means when they apply for their permits for this coming year - five expire in June and one expires in September - they now must go through eight or nine different steps whereby they have to supply in detail a three dimensional map of the plot, plan for elevations of drainage around the edge of the property, mortgages, payment of taxes, certifications from the Department of Public Works, the location near highways, certifications from Commissioner of Agriculture and Marketing on Golden Nematode, a proposed plan for the existing operation of the pit, how long it will take, how deep they will go - then after reviewing the application the Town Board may require additional information or waive any of the foregoing requirements."

Mr. Munson continued saying, "And now they also must have a plan for rehabilitation. Which means when the period ends in June for these permits they must submit plans for bringing the property back to the level that it is at the date of the anniversary of their permit. Now that the Ordinance is in force, they must rehabilitate to the depth at the time the permit is issued. We have not issued from 1969 to 1970. There are also controls on the term of the permit - you can issue year to year or you can issue on the basis of how long they think they will go excavating to the limits of the sand and gravel or loam they are taking out of the pit."

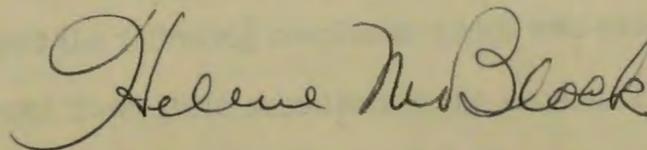
Mr. Munson suggested that permits be issued from year to year in order to control the conditions.

Mr. Munson further suggested that the operators be notified immediately as to what they are now faced with as it will take time to get surveys, proofs, etc., and it will give them time to protect themselves.

Mr. Munson also taked to the Board about Raymond Wiwczar having passed the Civil Service Housing Inspector's examination and asked that something be done to certify him to that position.

The Town Attorney was requested to prepare the necessary resolutions for the next meeting of the Town Board.

There being no further business on motion and vote, the meeting was adjourned at 11:15 A.M. to meet on Tuesday, March 18, 1969 at 10:30 A.M.



Helene M. Block, Town Clerk

HMB.