

8/15/67

301.

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, August 15, 1967, at 10:30 A. M.

Present:

Robert B. Vojvoda, Supervisor

Bruno F. Zaloga, Jr.
Thomas R. Costello, Justices of the Peace

Vincent B. Grodski
George G. Young, Councilmen

Also present: Shepard M. Scheinberg, Town Attorney.

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

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

RESOLVED, That the Minutes of the Town Board Meeting held in the Town Hall on August 1st, 1967, 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.

REPORTS

Supervisor's, month of July, 1967. Filed.

PETITION

Signed by 14 residents of Old North Wading River Road, also called Fire Lane Road, Wading River, N. Y., respectfully petitioning and requesting the Town Board to take immediate steps under appropriate laws or ordinances to prevent the frequent running at large and excessive barking of a substantial number of dogs in their area. Filed.

Referred to Police Chief Grodski and Louis Gatz, Dog Warden.

COMMUNICATIONS

Petition signed by five residents of Third Street, Riverhead, N. Y., requesting improved street lighting on Third Street, Riverhead, N. Y. Filed.

Referred to Lighting Committee.

Mrs. Louise Billard, dated August 3, 1967, requesting street light on Third Street, Riverhead, New York. Filed.

Referred to Lighting Committee.

COMMUNICATIONS continued:

Residents of Wading River, dated August 1, 1967, urging Town Board to consider problems created by turning the old School House in Wading River into a Community Center. Filed.

Referred to Donald Rhuda, Recreation Supervisor.

Wildwood Acres Association, Inc., thanking Town Board and Recreation Department for use of Community Center in Wading River to hold Spaghetti Dinner. Filed.

John Sabotka, dated August 8, 1967, relating to complaint about water puddles in the rear of his property on Point Street, South Jamesport, N. Y. Filed.

Referred to Supt. of Highways.

Suffolk County Chapter, Assessors Association, dated August 1, 1967, outlining appraisal course to be given Assessors and their assistants, starting on the 28th day of September, 1967, to be held one day a week for eight successive weeks, at the rate of \$75.00 per person and requesting Town Board enact the necessary resolution for the Town to absorb the cost. Filed.

State Traffic Commission, dated July 27, 1967, stating that investigation of conditions at the intersection of Route 25 with Wading River-Manor Road at Calverton, New York, resulted in the Commission finding it desirable to order the installation of a two phase, semi-traffic actuated signal at the intersection, and the work will be carried out by the State Department of Public Works. Filed.

State Traffic Commission dated August 4, 1967, stating investigation has been initiated to determine if parking restrictions requested by Town Board are warranted and advising that the Commission can prohibit parking on non-State highways for a distance of 100 feet only from its intersection with a State Highway, and if the parking restrictions are warranted, they will establish the regulation for the 100 feet or the town can establish it for the entire 150 feet by a town ordinance. Filed.

Referred to Town Clerk for reply.

Frederic Block, Esq., dated August 8th, 1967, relating to Mid-Island News being the official County Democratic Newspaper for the year 1967. Filed.

New York Board of Fire Underwriters, dated August 9th, 1967, relating to electrical defects in the Town Hall. Filed.

Referred to Town Attorney and Insurance Broker.

Suffolk County Department of Planning, dated August 8, 1967, relating to Town of Brookhaven amended Bldg. Zone Ordinance. Filed.

Copies to Town Attorney and Building Inspector.

N. Y. District Corps of Engineers, dated August 10, 1967, relating to Public Notice No. 6017, application made by C. Edmonds Allen, for Army Permit to construct a jetty in Great Peconic Bay, Mattituck, N. Y. Filed.

COMMUNICATIONS continued:

Van Rensselaer Skidmore Post #2476, dated August 12, 1967, submitting resolution adopted by Post relating to location of World War 1 and World War II Monuments located at Main and Court Streets and on the southwest corner of High School Grounds, respectively, said resolution asking that the monuments be not moved from their present locations and adding that the monuments were not erected and dedicated by the Town Government, but by the grateful citizens of Riverhead to honor the men who served in the two World Wars and that it is the feeling of the Post that the present locations are most conveniently placed for the annual ceremonies held on Memorial Day and Veterans Day and that the Towns' Veterans should be consulted on any action taken or to be taken in regard to war monuments. Filed.

Referred to Town Clerk for reply.

Town of Brookhaven, dated August 11, 1967 relating to adoption of amendment to Building Code of Town of Brookhaven. Filed.

Copies to Town Attorney and Building Inspector.

John R. McNulty, dated August 11, 1967, relating to Dolphin Way Estates, Sound Avenue, Riverhead, New York, requesting release of Bond #100698 on completion of road improvements. Filed.

Referred to Town Attorney.

Mrs. Jeanne Z. Lewin, dated August 15, 1967, congratulating Town Board on their enthusiasm and leadership and all of the Committees who worked to make the 175th Anniversary Celebration of the Founding of Riverhead Township a great success. Filed.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following bills submitted on Abstracts No. 16; General Town - \$21, 106.34, Highway Item No. 1 - \$4, 434.97, Highway Item No. 2, \$248.40, Highway Item No. 3, \$4, 167.08 and Highway Item No. 4, \$399.14.

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

RESOLVED, That General Town bills submitted in the amount of \$21, 106.34, be approved for payment, and

FURTHER RESOLVED, That Highway Item No. 1 bills in the amount of \$4, 434.97, Highway Item No. 2 bills in the amount of \$248.40, Highway Item No. 3 bills in the amount of \$4, 167.08 and Highway Item No. 4 bills in the amount of \$399.14, 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.

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 hire John Welch, as Laborer in the Highway Department, effective August 7th, 1967, payable bi-weekly at the rate of \$1.75 per hour.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, No, 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 application for the construction of curbs and gutters has been received by the Town Board and reviewed by the Highway Committee, which recommends curbs and gutters be constructed at the cost to the applicant for materials and the expense not exceeding a sum to the Town as listed hereinafter:

<u>Applicant</u>	<u>Cost to Applicant</u>	<u>Expense to Town</u>
Janice T. Conklin Duryea Street, Riverhead, N. Y.	\$162.00	\$415.00

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 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 Town Clerk be and is hereby authorized to advertise for sealed bids for Gasoline for use of the Town of Riverhead Highway Department, for the period from September 1, 1967 to August 31, 1968, 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 28, 1967, and be it further

RESOLVED, That the Town Clerk be and is hereby designated to open publicly and read aloud on Monday, August 28, 1967 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 Gasoline."

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.

RESOLUTIONS continued:

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

RESOLVED, that Highway bills submitted on Abstracts dated August 15th, 1967, as follows:

General Repairs Item 1 - Stakey's Fuel Service, dated August 1, 1967 in the amount of \$594.80, Machinery Fund Item 3 - Municipal Machinery Company, Inc., dated July 24, 1967 and August 4, 1967 in the amount of \$695.41, be and are hereby 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.

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

RESOLVED, That Edward Nienstedt be and is hereby appointed to serve as a Lifeguard effective August 5, 1967, to and including September 4, 1967, to be paid bi-weekly at \$1.50 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.

WHEREAS, Laddie Decker was appointed Beautification Supervisor at \$70.00 per week effective July 1, 1967, and

WHEREAS, He was appointed to more responsibilities effective July 31, 1967,

BE IT HEREBY RESOLVED, That Laddie Decker's salary be increased from \$70.00 per week to \$110.00 per week, effective July 31, 1967 to and including August 19, 1967 and to serve at the pleasure of the Town Board.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, No, and Supervisor Vojvoda, Yes. The resolution was thereupon declared duly adopted.

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

WHEREAS, William Hipp was appointed Beautification Supervisor at \$70.00 per week effective July 1, 1967, and

WHEREAS, William Hipp has indicated his inability to serve,

BE IT HEREBY RESOLVED, That the appointment of William Hipp as a Beautification Supervisor made in a Town Board resolution on July 20, 1967, be and it is hereby rescinded, effective July 31, 1967.

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.

RESOLUTIONS continued:

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

RESOLVED, That Juliana Kulesa, be and is hereby appointed as Stenographer from the Suffolk County Civil Service Commission Certification of Eligibles List, Stenographer CR 3- dated July 25, 1967, to serve in the Office of the Justices of the Peace, at the rate of \$3640.00 per annum, payable bi-weekly, effective August 28th, 1967, for a probationary period of six months.

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 Supervisor be and is hereby authorized to transfer the sum of \$5,469.00 from the General Town Current Surplus Account to the following Budgetary Subsidiary Accounts:

Police Department Expenses	\$1,823.00
Building Department/Building Inspector-Car	\$1,823.00
Fire Inspector-Car	\$1,823.00
	<u>\$5,469.00</u>

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 Board of Assessors and Harry H. Fleischman, Clerk, be and are hereby authorized to attend the Appraisal Course given by the Society of Real Estate Appraisers at a location to be determined at a later date, to be held one day a week for eight successive weeks starting on September 28, 1967, and that all necessary expenses related thereto be paid.

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.

WHEREAS, The Time Certificate of Deposit of the General Town Current Surplus Account in the amount of \$125,000, will mature on the 20th day of August, 1967, and

WHEREAS, The funds of this deposit are not currently needed for transfer, BE IT THEREFORE RESOLVED, That the Supervisor is hereby authorized to redeem this Certificate of Deposit and re-deposit the principal and interest on a Time Certificate of Deposit, for a period of time to be determined by the Supervisor.

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.

RESOLUTIONS continued:

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

RESOLVED, That the Long Island Lighting Company be and is hereby authorized to make a survey for improved street lighting on Third Street, Riverhead, New York, within the Riverhead Street Lighting District.

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 to hold a Public Hearing.

PUBLIC HEARING - 11:00 A. M.

Town Clerk submitted Affidavits of Posting and Publishing Notice of Hearing in relation to Assessment Rolls for Leonard Street and Francis Street -Terminal Park Road Improvement District, Wading River, New York.

Affidavits were ordered filed.

Supervisor Vojvoda thereupon declared the Hearing open and asked anyone wishing to be heard in favor of or against the aforesaid matter to so speak.

No one wishing to be heard in favor of or against the aforesaid matter and no communications having been received thereto, Supervisor Vojvoda declared the Hearing closed and re-opened the meeting.

RESOLUTION

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

-----X

In the Matter of the
Third Amended Petition of the Owners :
of more than one-half of the real property
fronting on Leonard Street and Francis
Street, private roads of rights of way, for t
the improvement of said streets.

RESOLUTION

:
-----X

WHEREAS, an Assessment Roll has been prepared by this Town Board and in connection with the District improvements consisting of the construction of a pavement of bituminous stabilized soil with an oil wearing surface, concrete curbs, catch basins, leaching basins, recharge areas, storm sewers and other necessary drainage structures and to do all necessary work incidental to the above, situate at Wading River, Town of Riverhead, Suffolk County, New York, which said roll was completed and filed in the Office of the Town Clerk, of said Town, on or about the 13th day of July, 1967, and

RESOLUTION continued:

WHEREAS, Due Notice of the completion of said assessment roll and of the time and place when and where this Board would meet to hear and consider any objections that might be made to said roll and for the purpose of reviewing, correcting and amending the same, was duly given by the Town Clerk by the publication of due notice thereof in the News-Review, a newspaper published in the Town of Riverhead, and the Town Board met at the time and place specified, and a hearing was duly had upon said assessment roll, NOW, THEREFORE, BE IT

RESOLVED, that said Assessment Roll be and it hereby is, approved, affirmed and adopted by the Town Board as originally proposed and filed; and it is further

RESOLVED, that the Town Clerk be instructed to annex to said assessment roll a warrant which shall be signed by the Supervisor and countersigned by the Town Clerk, commanding the Town Tax Collector to collect from the several persons named in said assessment roll, the sum or sums opposite their respective names, and to pay the same to the Supervisor of the Town.

The adoption of the foregoing resolution was duly put to a vote for a roll call which resulted as follows:

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

NAYES: None.

The foregoing resolution was declared duly adopted.

Supervisor Vojvoda speaking on behalf of the Town Board, commended Police Chief Stephen J. Grodski for the efficient manner in which the police agencies handled the crowds during the 175th Anniversary Celebration Parade on Saturday, the 12th day of August.

Police Chief Grodski thanked the Board and stated that he has dispatched letters of appreciation to all police agencies who cooperated in assisting the local Police Department during this parade and also to the Departmental Heads of these agencies.

Justice Zaloga addressed Mr. Henry Fioto (in the audience) and requested that he remove and place elsewhere the "blue bomber" presently parked outside of the telephone pole in front of his Auto Hospital business.

Mr. Fioto expressed agreement to comply with the request as made by Justice Zaloga.

Supervisor Vojvoda recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 12:00 Noon

Town Clerk submitted Affidavits of Posting and Publishing Notice Calling Public Hearing on proposal to amend Zoning Ordinance No. 26 of the Town of Riverhead as Amended, relating to Article I - Section 103 - Paragraph 38 - Structure.

The Affidavits were ordered filed.

Supervisor Vojvoda thereupon declared the Hearing open and asked anyone wishing to be heard in favor of or against the aforesaid matter to so speak.

Edward R. Munson, Building Inspector being present entered into a discussion with the Town Board and made the following comment at the outset:

"The proposed amendment will be difficult to enforce. That the problems which we have had throughout our zoning is the case that the statements are too liberal and each person reads it one way and I read it another way. This is so ambiguous that it doesn't tell you anything but square footage and when you get into that 50 square foot what does it do for signs and so forth. How are we going to control our signs?"

Justice Costello asked if the signs should be excluded the same way as the fences are excluded and if an exclusionary provision is needed in there to exclude the signs.

Mr. Munson replied saying he would like to see it spelled out the way it was previously and that it be written so that it isn't debatable everytime you open the book and that the definitions be clarified so that a person reading the ordinance will know what he is required to do.

Pierre Lundberg, Special Counsel stated that he personally prefers to see the general language of structure adopted rather than get into specifics as his experience in drafting is that every time you start to be specific you leave something out and then when the thing comes along you have nothing to fall back on.

Mr. Munson stated that we are losing a view of the fact that we are dealing with people not engineers, contractors, builders or lawyers, and the terminology is always based too broadly and interpretations have to be made by someone with a higher education than himself.

Supervisor Vojvoda stated that the Board realizes Mr. Munson has to use a certain amount of discretion and that he can interpret this very easily and he only had one year of college.

A discussion on definitions of dwellings was entered into.

Justice Costello stated that he thinks there should be some kind of rules or regulations to put down the intent and when somebody comes in to tell them the dwelling is this, or a fence or a sign is this and this is what is used as a guide post for discretion.

PUBLIC HEARING - 12:00 Noon continued.

Mr. Munson stated that that's what caused the whole thing because he interpreted tree houses as structures.

Justice Zaloga stated that the Justices in Court are reversed by attorneys in their interpretation of the law - discretion - interpretation - this has to happen.

Mr. Munson stated that what has happened has not been corrected.

Justice Zaloga stated that this amendment is a lot better than anything we have ever had and that he thinks Mr. Munson has the ability to cope with it.

Mr. Munson stated he doesn't think it's projecting what we are aiming at.

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.

Special Counsel Pierre Lundberg made recommendation that no action be taken by the Board on the proposed amendment contained in today's Hearing and that this proposed amendment relating to structure be re-published with an additional amendment relating to Permits, for a Public Hearing to be held on the 5th day of September, 1967.

RESOLUTION

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish in the August 24th, 1967, edition of the News-Review the following Notice of Public Hearing:

"Pursuant to Section 265 of the Town Law and Section 501 of the Zoning Ordinance No. 26 of the Town of Riverhead, Suffolk County, New York, a public hearing will be held by the Riverhead Town Board at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, on the 5th day of September, 1967, at 11:00 A. M. o'clock of said day on the following proposals to amend said Zoning Ordinance No. 26 of the Town of Riverhead, as Amended, as follows:

(1) Article I - Section 102 - paragraph 38 - Structure, Amended to read:

STRUCTURE - A combination of materials, other than a building, forming a construction that is safe and stable. Excluded shall be a combination of such materials having a total floor area of less than fifty (50) square feet, and which are used for purposes other than family dwelling, storage, business, farm or industrial purposes. Also excluded shall be fences six (6) feet in height or less.

(2) Article IV - Section 402 - Permits - First paragraph is amended to read:

RESOLUTION continued:

No building, structure, or other construction specifically required by this ordinance to have a permit, shall be erected, added to or structurally altered until a permit therefore has been issued by the Zoning Administrator. Before any main building which has been erected, added to or structurally altered may be occupied or used a Certificate of Occupancy shall be obtained from the Zoning Administrator. No premises for which a use permit is required by this Ordinance shall be used for such purposes until a permit therefor has been issued by the Zoning Administrator. Where a variance, special exception or special permit is required, no such permit shall be issued until a copy of the determination of the appropriate body granting such variance, special exception or special permit is filed with the office of the Zoning Administrator.

BE IT FURTHER RESOLVED, that the Town Clerk send a copy of the Notice of Public Hearing amending Zoning Ordinance No. 26 of the Town of Riverhead, to the Towns of Southampton, Brookhaven and Southold, the Long Island State Park Commission and the Suffolk County Department of Planning.

Any person desiring to be heard on the proposed amendment should appear at the time and place specified.

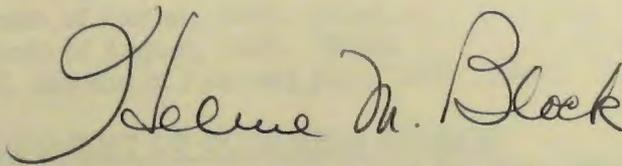
Dated: August 15, 1967

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD

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 12:20 P. M., to meet on Tuesday, September 5th, 1967 at 10:30 A. M.



Helene M. Block, Town Clerk