

Minutes of a meeting of the Town Board of the Town of Riverhead held in the Town Hall on Tuesday, February 2, 1954 at 10:00 A.M.

Present:

Joseph V. Kelly, Supervisor

William J. Leonard

Otis G. Pike

Austin H. Warner

Frank J. Yousik, Justices of the Peace

Henry M. Zaleski, Town Attorney, and Myron C. Young, Superintendent of Highways, were also present.

Minutes of a meeting of the Town Board held on January 19, 1954, were read and on motion made by Justice Warner and seconded by Justice Pike, it was Resolved that the minutes be adopted as read. The Vote, Justices Leonard, Pike, Warner, and Yousik, Yes; Supervisor Kelly, Yes. The Resolution was thereupon declared duly adopted.

Charles Allen Horton, Receiver of Taxes of the Town of Riverhead, submitted a report of the amount of taxes collected as of February 1, 1954, and the report was ordered placed on file.

The Police Report for the month of January 1954 was submitted to the Board and ordered placed on file.

A communication was read to the Board from Harry G. Penny, Secretary-Treasurer of the Riverhead Fire Department, enclosing a copy of report as Fire District Treasurer, Towns of Riverhead-Southampton for the year ending Dec. 31, 1953 and the report was ordered placed on file.

A communication was read from Edwin W. Carlson, Aquebogue, N.Y. requesting a position as lifeguard at one of the Town beaches this coming summer. The communication was ordered placed on file and the matter referred to Justice Pike and Supervisor Kelly for their consideration. It was agreed by the Board that salaries of lifeguards be fixed at the rate of \$45.00 per week.

Notice of Public Hearing in regard to Ordinance No. #19 Traffic Violations Bureau was read.

Proof of Publication and affidavit of posting the above notice were submitted to the Board and ordered placed on file.

Supervisor Kelly thereupon declared the hearing open, and anyone who wished could be heard at that time.

Justice Warner and Justice Pike questioned the legality of Paragraph C, Section 6, of the Proposed Ordinance, which states that the Traffic Violations Bureau shall send to the owner of the motor vehicle to which the notice was affixed, a letter warning him that he will be held responsible for the appearance of the offender. After discussion, Henry M. Zaleski, Town Attorney, advised that by changing the wording in Paragraph c, Section 6, to read "Owner And/or Operator" the Ordinance would then be satisfactory.

No one else having appeared in favor or opposition to the proposed ordinance, the hearing was thereupon declared closed.

On motion made by Justice Leonard and seconded by Justice Warner it was Resolved that the following be and hereby is enacted, ordained and adopted as an ordinance of the Town of Riverhead, New York:

ORDINANCE #19

TRAFFIC VIOLATIONS BUREAU

BE IT ENACTED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the purpose of assisting the Justices of the Peace of the Town of Riverhead in the disposition of offenses in relation to traffic violations pursuant to the Provisions of Art.14-B, Sections 370, 371 and 372 of the General Municipal Law, the Justices of the Peace of the Town of Riverhead are hereby authorized to establish a Traffic Violations Bureau.

Section 2. The Traffic Violations Bureau shall be in charge of such person, or persons, and shall be open at such hours as the Town Board of the Town of Riverhead may designate.

Section 3. The Traffic Violations Bureau so established is authorized to dispose of violations of traffic laws, ordinances, rules and regulations, when such offenses shall not constitute any traffic infraction known as speeding or a misdemeanor or felony.

Section 4. A person who has received a notice as provided in this ordinance may, within the time specified in said notice, answer at the Traffic Violations Bureau to the charges set forth in such notice, either in person or by written power of attorney, by paying a prescribed fine and, in writing, waiving a hearing in Court, pleading guilty to the charge and giving a power-of-attorney to the person in charge of the bureau to make such a plea and to pay such a fine in court. Acceptance of the prescribed fine and power-of-attorney by the Traffic Violations Bureau shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt which so states.

Section 5. Any person having been guilty of three or more violations of the traffic laws, ordinances, rules and regulations within the twelve preceding months shall not be permitted to pay a fine at the Traffic Violations Bureau but must appear in court at a time specified by the Bureau.

Section 6. The duties of the Traffic Violations Bureau shall be as follows:

(a) It shall accept designated fines, issue receipts and represent in Court such violators as are permitted to plead guilty in accordance with this ordinance and who desire to do plead guilty, waive a court appearance and give a power of attorney.

(b) It shall keep an easily accessible record of all violations of which each person has been guilty during the preceding twelve months whether such guilt was established in court or in the

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Traffic Violations Bureau.

(c) If a violator of the traffic laws, ordinances, rules or regulations does not appear and answer in response to a notice as provided in this ordinance, the Traffic Violations Bureau shall send to the owner and/or operator of the motor vehicle to which the notice was affixed, a letter warning owner and/or operator that he will be held responsible for the appearance of the offender and that in the event such letter is disregarded for a period of two days, a complaint will be filed and a warrant of arrest issued.

(d) In the event that any person fails to comply with a Notice as provided in this ordinance or fails to make appearance pursuant to a summons directing an appearance in the Traffic Violations Bureau as provided by this ordinance, the Traffic Violations Bureau shall forthwith have a Complaint entered against such person and secure and issue a warrant for his arrest. The Traffic Violations Bureau shall not accept any fines for such person, but shall consider every such person entirely under the jurisdiction of the Court.

(e) The Traffic Violations Bureau shall keep records of all notices issued and arrests made for violations of the traffic laws, ordinances, rules and regulations, and all of the fines collected by the Traffic Violations Bureau and of the final disposition or present status of every case of violation, of the provisions of the traffic laws, ordinances, rules and regulations. These reports shall be public records.

(f) The Traffic Violations Bureau shall perform such other or additional duties and keep such other and additional records as shall be prescribed by the Justice of the Peace of the Town of Riverhead.

Section 7. The power of attorney referred to in Section 4, hereof, shall be in the following form:

POWER OF ATTORNEY: The undersigned pleads guilty to the charge noted hereon and enclosed herewith the sum of \$ _____ cash, check, money order to pay the necessary fine (Circle the one used.)
I hereby appoint the Clerk of the Justice Court as my attorney-in-fact to appear for me in the said Justice Court, to enter a plea of guilty on my behalf and to pay the above fine to such Court if acceptable. Make all checks payable to: "Clerk of Justice Court, Riverhead, N.Y."

Signed _____
Print Your Name _____
Address _____

Section 8. Nothing contained in this ordinance shall authorize the Traffic Violations Bureau to deprive a person of his right to counsel or to prevent him from exercising his right to appear in Court to answer to, explain or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

Section 9. All fines collected upon conviction or plea of guilty of any person charged with a violation of any traffic law,

Ordinance, rule or regulations shall be paid to the Justice Court, of the Town of Riverhead.

Section 10. This Ordinance shall take effect immediately.

The Vote, Justices Leonard, Pike, Warner and Yousik, Yes; Supervisor Kelly, Yes. The Resolution was thereupon declared duly adopted.

A communication dated Feb. 1, 1954 was read to the Board from Robert Vojvoda, East Main Street, Riverhead, N.Y. relative to the drainage problem caused by an irregularity in the sidewalk in front of his business premises at East Main Street, as shown on photographs he enclosed. Mr. Vojvoda mentioned that he had spoken to Mr. Young, Supt. of Highways, and that Mr. Young was of the opinion that the State might consider correcting this condition. Mr. Vojvoda expressed a desire that he was willing to transfer the necessary property to the State to correct this hazard if the Town would consider relinement of the sidewalk to correspond with the proposed new property line. Mr. Vojvoda also felt further improvements over drainage could and would be accomplished by extending the present curb in front of Orchard Court, westerly to Fishel Avenue. The communication was ordered placed on file.

On motion made by Justice Leonard and seconded by Justice Pike, it was Resolved that the Superintendent of Highways, be and he hereby is authorized to proceed with the improvements of the sidewalk situate in front of the Vojvoda's premises on East Main Street, at a cost of approximately \$300.00. The Vote, Justices Leonard, Pike, Warner and Yousik, Yes; Supervisor Kelly, Yes. The Resolution was thereupon declared duly adopted.

Proof of Publication on the Notice of Sale of Highway Department Willys Pickup Truck and Plow was submitted to the Board and ordered placed on file.

Bids were opened as follows:

Suffolk Motor Sales	\$100.00
Rolle Bros.	279.69

On motion made by Justice Yousik and seconded by Justice Warner it was Resolved that the bid of Rolle Bros. of \$279.69 for the Willys Pickup Truck and snow plow be accepted. The Vote, Justices Leonard, Pike, Warner and Yousik, Yes; Supervisor Kelly, Yes. The resolution was thereupon declared duly adopted.

A communication dated January 26, 1954 was read to the Board from William Victoria, Jamesport, N.Y. relative to his premises situated on the southeast corner of Railroad Avenue and Griffing Avenue, in the Town of Riverhead, in which he informed the Board that he is perfectly willing to enter into an agreement or lease with the Town for these premises for use as a parking field. The communication was ordered placed on file, and since this would be of more concern to the County, the Town Clerk was instructed to inform Mr. Victoria to address a letter to the County Board of Supervisors.

The following Resolution was offered by Justice Pike, who moved its adoption, seconded by Justice Yousik, to-wit:

BOND ANTICIPATION RENEWAL NOTE RESOLUTION DATED
FEBRUARY 2, 1954.

A RESOLUTION AUTHORIZING THE RENEWAL OF A \$25,000 BOND ANTICIPATION NOTE IN ANTICIPATION OF THE ISSUANCE AND SALE OF SERIAL BONDS OF THE TOWN OF RIVERHEAD, NEW YORK, FOR THE ACQUISITION OF LAND IN SAID TOWN FOR USE AS A PARKING FIELD.

BE IT RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The object or purpose for which the obligation authorized herein is to renew the outstanding \$25,000 Bond Anticipation Note, 1953, dated August 10th, 1953, numbered 2, and maturing February 10, 1954, issued for the acquisition of land in the Town of Riverhead, New York, either by purchase or condemnation, for use as a public parking field for said Town.

Section 2. Specific reference is hereby made to BOND RESOLUTION DATED MARCH 25, 1953. A RESOLUTION AUTHORIZING THE ACQUISITION OF LAND IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, FOR USE AS A PARKING FIELD FOR SAID TOWN, AT A MAXIMUM ESTIMATED COST OF \$125,000 AND AUTHORIZING THE ISSUANCE OF \$118,000 SERIAL BONDS OF SAID TOWN AND THE ISSUANCE OF \$7,000 CAPITAL NOTE OF SAID TOWN TO PAY THE COST THEREOF, which resolution authorizes the bonds in anticipation of the sale of which the note hereby authorized is to be issued.

Section 3. The amount of the bonds to be issued for the aforesaid object or purpose is in the principal amount of \$118,000. Such bonds are to be serial bonds.

Section 4. The amount of the bond anticipation note hereby authorized which is to be issued in anticipation of such bonds is \$25,000. Its purpose, as aforesaid, is to renew a Bond Anticipation Note in a similar principal amount which is one of three notes totaling \$85,000. outstanding in anticipation of such bonds. The note hereby authorized is a renewal note, and it is not authorized in anticipation of bonds for an assessable improvement.

Section 5. Such bond anticipation note shall be dated February 10, 1954, shall be numbered 2-R, and shall be in the denomination of \$25,000. Such note shall bear interest at the rate of three per centum (3%) per annum, payable at maturity, shall mature October 1, 1954, with prepayment reserved, and shall be payable as to both principal and interest in lawful money of the United States of America at the Suffolk County Trust Company, in Riverhead, New York. Such note shall be executed in the name of said Town of Riverhead, New York, by its Supervisor, sealed with the corporate seal of said Town, and attested by the Town Clerk, and shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEW YORK
COUNTY OF SUFFOLK
TOWN OF RIVERHEAD

BOND ANTICIPATION NOTE, 1954 (RENEWAL)

49

No. 2-R

\$25,000

The Town of Riverhead, in the County of Suffolk, a municipality of the State of New York, hereby acknowledges itself indebted and for value received promises to pay to the bearer of this note the sum of TWENTY FIVE (\$25,000) THOUSAND DOLLARS on the 1st day of October, 1954, together with interest thereon from the date hereof at the rate of three per centum (3%) per annum, payable at maturity. Both principal of and interest on this note will be paid in lawful money of the United States of America at Suffolk County Trust Company, in Riverhead, New York.

This note may be redeemed at any time prior to maturity by said Town upon giving written notice to the holder, and interest shall cease after the date fixed for redemption.

This note is not registerable.

This note is one of a total authorized issued of \$118,000 issued pursuant to the provisions of a resolution entitled:

"BOND ANTICIPATION RENEWAL NOTE RESOLUTION DATED FEBRUARY 2, 1954.

A RESOLUTION AUTHORIZING THE RENEWAL OF A \$25,000 BOND ANTICIPATION NOTE IN ANTICIPATION OF THE ISSURANCE AND SALE OF SERIAL BONDS OF THE TOWN OF RIVERHEAD, NEW YORK, FOR THE ACQUISITION OF LAND IN SAID TOWN FOR USE AS A PARKING FIELD."

duly adopted by the TownBoard of such Town of Riverhead, New York, on the 2nd day of February, 1954.

The faith and credit of such Town of Riverhead, New York, are hereby irrevocably pledged for the punctual payment of the principal of and interest on this note according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this note exist, have happened and have been performed; and that this note, together with all other indebtedness of such Town of Riverhead is within every debt and other limit prescribed by the Constitution and laws of such State.

IN WITNESS WHEREOF, the Town of Riverhead, New York, has caused this note to be signed by its Supervisor and its corporate seal to be hereunto affixed and attested by its Town Clerk, and this note to be dated as of the 10th day of February, 1954.

TOWN OF RIVERHEAD, NEW YORK
By Joseph V. Kelly
Supervisor

(CORPORATE SEAL)

ATTEST:

Anthony Gadzinski
Town Clerk

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Section 6. The Supervisor of said Town is hereby authorized to sell such note at private sale for a sum not less than the par value thereof, plus accrued interest, if any.

Section 7. The faith and credit of the Town of Riverhead are hereby pledged for the payment of such note and interest thereon, and unless otherwise paid, the same shall be paid from the proceeds derived from the sale of said bonds.

Section 8. This resolution shall take effect immediately.

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

Supervisor Joseph V. Kelly	Voting	Yes
Justice William J. Leonard	Voting	Yes
Justice Otis G. Pike	Voting	Yes
Justice Austin H. Warner	Voting	Yes
Justice Frank J. Yousik	Voting	Yes

The Resolution was thereupon declared duly adopted.

A communication dated January 22nd was read to the Board from Harry A. Finkelstein, Riverhead, N.Y. together with a preliminary plan showing the location of two proposed roads, namely River-Bogue Lane and Midwood Drive, connecting Middle Road and Doctor's Path at Aquebogue, New York, for the dedication to the Town as public highways. The communication was ordered placed on file, and the matter referred to the Planning Board.

Proof of Publication of the Annual Report of the Supervisor for the Year 1953 was submitted to the Board and ordered placed on file.

A communication dated Jan. 11, 1954 was read from Still Oil Company, Inc. Selden, L.I., N.Y. William Becker, Manager, advising that they propose to install a gasoline service station on the southeast corner of Pulaski Street and Osborne Avenue in Riverhead. They propose to install two 6000 gallon underground gasoline storage tanks, and request information as to whether or not a permit is required. The Communication was ordered placed on file, and the matter referred to the Town Attorney.

A communication was read to the Board from Joseph Lutz, Riverhead, N.Y. as follows: "I hereby tender my resignation as School Traffic Officer at the St. John's School Crossing as of this date. My reason for resigning is because of ill health and I feel at this time that I am unable to fulfill my duties satisfactorily." The communication was ordered placed on file.

On motion made by Justice Warner and seconded by Justice Leonard, it was Resolved that the resignation of Joseph Lutz, Riverhead, N.Y. as School Traffic Officer, effective as of this date, be accepted. The Vote, Justices Leonard, Pike, Warner, and Yousik, Yes; Supervisor Kelly, Yes. The Resolution was thereupon declared duly adopted.

On motion made by Justice Pike and seconded by Justice Leonard it was Resolved that Bruno Cybulski, Riverhead, N.Y. be and he hereby is appointed School Traffic Officer at the St. John's School Crossing, salary fixed at the rate of \$1.50 per hour, payable semi-monthly effective as of February 2, 1954. The Vote, Justices Leonard, Pike, Warner and Yousik, Yes; Supervisor Kelly, Yes. The Resolution was thereupon declared duly adopted.

On motion made by Justice Pike and seconded by Justice Leonard it was Resolved that the salary of John A. Gatz, as Police Patrolman of the Town of Riverhead, be fixed at the rate of \$4,000 Per Annum, payable semi-monthly, effective as of 2/15/54. The Vote, Justices Leonard, Pike, Warner and Yousik, Yes; Supervisor Kelly, Yes. The Resolution was thereupon declared duly adopted.

On motion made by Justice Pike and seconded by Justice Yousik, it was Resolved that the Supervisor be and he hereby is authorized to enter into contracts and negotiate with owners for the purchase of the property at Jamesport, N.Y. for a Town Bathing Beach. The Vote, Justices Leonard, Pike, Warner and Yousik, Yes; Supervisor Kelly, Yes. The Resolution was thereupon declared duly adopted.

On motion made by Justice Pike and seconded by Justice Yousik it was Resolved that the thirty minute parking restriction on West Second Street be limited to between the hours of 9:00 A.M. to 5:30 P.M., said resolution to take effect immediately. The Vote, Justices Leonard, Pike, Warner and Yousik, Yes; Supervisor Kelly, Yes. The Resolution was thereupon declared duly adopted.

The Town Board convened as a Board of Audit and examined all Town Bills to date, the totals of which were as follows: General Town Fund--\$6,124.52 and Highway Machinery Fund--\$1,773.16.

There being no further business on motion and vote the meeting adjourned to meet on Tuesday, February 16, 1954 at 10:00 A.M.

Anthony F. Gadzinski
Anthony F. Gadzinski, Town Clerk