

12/2/69

392.

Minutes of a Meeting of the Town Board of the Town of Riverhead held at the Town Hall, Riverhead, New York, on Tuesday, December 2, 1969 at 10:30 A.M.

Present:

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

Absent: George G. Young, Councilman

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

The Meeting was called to order at 10:30 A.M., by Supervisor Zaloga.

George G. Young, Councilman, absent due to illness.

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

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

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

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following bills submitted on Abstracts No. 23:

General Town	\$25,750.37 ✓
General Repairs -Highway Item No. 1	, 873.25 ✓
Machinery - Highway Item No. 3	668.85 ✓
Miscellaneous- Highway Item No. 4	2,174.11 ✓

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

RESOLVED, That General Town Bills submitted in the amount of \$25,750.37, be approved for payment, and

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

Highway Item No. 1	\$ 873.25
Highway Item No. 3	\$ 668.85
Highway Item No. 4	\$2,174.11

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

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

REPORTS

After being duly advertised the following Bids for Liquid Asphalt for use of the Town of Riverhead Highway Department, were opened by the Town Clerk on Monday, December 1, 1969 at 10:15 A.M.

Asphalt Cutback:	BIMASCO, INC. Hauppauge, N. Y. 11787	R. O. WELCH ASPHALT CO. Riverhead, N. Y. 11901	SOUTH SHORE ASPHALT, INC. Bayshore, N. Y. 11706	ASPHALTS, INC. Mattituck, N. Y. 11952
Per Gal.				
MC-0	\$ .20	\$ .1894	\$ .1930	\$ .1940
MC-1	\$ .20	\$ .1894	\$ .1930	\$ .1940
MC-2	\$ .20	\$ .1894	\$ .1930	\$ .1940
MC-3	\$ .20	\$ .1894	\$ .1930	\$ .1940
RC-2	\$ .20	\$ .1894	\$ .1930	\$ .1940
RC-3	\$ .20	\$ .1894	\$ .1930	\$ .1940

The Bids were filed for the December 2, 1969 Town Board Meeting.

After being duly advertised the following Bids for Ready-Mix Concrete for use of the Town of Riverhead Highway Department, were opened by the Town Clerk on Monday, December 1, 1969 at 10:30 A.M:

Ready-Mix Concrete:	Riverhead Redi-Mix Corp., P. O. Box 172, Kroemer Ave. Riverhead, N. Y. 11901	Suffolk Cement Products Inc., Route 58, Calverton, N. Y. 11933
A. 1-2-3		
Price Cubic Yd.	\$16.75	\$15.25
B. 1-2-3		
Price Cubic Yd.	\$15.75	\$14.25
C. 1-2-3		
Price Cubic Yd.	\$20.25	\$17.25

The Bids were filed for the December 2, 1969 Town Board Meeting.

After being duly advertised the following Bids for Grits for use of the Town of Riverhead Highway Department, were opened by the Town Clerk on Monday, Dec. 1, 1969 at 10:45 A.M:

Price per Cubic Yard:	Brookhaven Aggregates, Whiskey Road Coram, N. Y. 11727	Roanoke Marbro Sand & Gravel Corp. P. O. Box 172 Riverhead, N. Y. 11901
Grit delivered to Town Yard:	\$4.50	\$3.57
Grit picked up at plant:	\$3.25	\$4.57

The Bids were filed for the December 2, 1969 Town Board Meeting.

REPORTS continued:

After being duly advertised the following Bids for One New 1970 Tractor with Loader for use of the Town of Riverhead Highway Department were opened by the Town Clerk on Monday, December 1, 1969 at 11:00 A. M:

	Rolle Bros. Sales & Service, Inc. Riverhead, N. Y.	Island Ford Tractor Sales, Inc. Mattituck, N. Y.	Lyon Tractor Co. Riverhead, N. Y.	Lyon Tractor Co. Riverhead, N. Y. ALTERNATE BID	Tryac Truck & Equipment Riverhead, N. Y.
YEAR:	1970	1970	1970 or 1969	1969	1970
MAKE:	White-Oliver	Ford	Allis-Chalmers	Allis Chalmers	International
MODEL:	2-44-L	3400	615	400	2444
Delivered Bid Price for One New 1970 Tractor-Loader:	\$7,028.00	\$6,535.00	\$7,197.00	\$5,798.94	\$6,885.40
LESS-Trade-in: One Used 1961 Ford Bucket-Loader:	\$2,379.20	\$2,000.00	\$1,967.00	\$1,348.94	\$2,190.40
NET PRICE delivered One New 1970 Tractor-Loader:	\$4,648.80	\$4,535.00	\$5,230.00	\$4,450.00	\$4,695.00

The Bids were filed for the December 2, 1969 Town Board Meeting.

OPEN BID REPORT-Three Police Cars :

After being duly advertised the following Bids for Three (3) New 1970 Police Vehicles for use of the Town of Riverhead Police Department, were opened by the Town Clerk on Monday, December 1, 1969 at 11:15 A. M:

Jericho Motors, Inc., 311 Jericho Turnpike, Mineola, New York 11501

Make of 1970 Vehicles: FORD

Approximate date of delivery: 60 DAYS

Cost of Three Vehicles:

\$8,280.00

Less Allowance on 1966 Ford, 1967 Ford & 1968 Dodge:

\$ 900.00

NET COST, Less Excise Tax on delivery:

\$7,280.00

The Bid was filed for the December 2, 1969 Town Board Meeting.

No action was taken by the Town Board on the aforesaid Police Cars Bid.

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### COMMUNICATIONS

Frank J. Yousik, dated 12/1/69, tendering resignation as Town Assessor as of December 27, 1969 to December 31, 1969. Filed.

#### Town of Brookhaven:

1. Notice of Public Hearing re amendment to Chapter 85 of Code relating to Golf Courses.

2. Notice of Public Hearing re amendment to Chapter 85 of Code relating to Swimming Pool Fencing.

3. Notice of Public Hearing re amendment to Chapter 85 of Code relating to "K" Business.

4. Notice of Public Hearing re amendment to Chapter 85 of Code relating to Nursing Homes.

Filed. Copies to Town Attorney and Building Inspector.

Carl G. Kemp, Wading River, N. Y., dated 11/24/69, requesting street light on Pole #3, located on Oliver Street, Wading River, N. Y. Filed.

Copy to Lighting Committee.

Otto Stahl, dated 11/27/67, tendering resignation as School Crossing Guard, effective December 1, 1969. Filed.

Suffolk County Planning Department of Planning, dated 11/26/69, stating that the following proposed zoning actions; Anker and Good, Ostrander Avenue and Fresh Pond Road & Route 25 - Timber Park, Calverton, are matters for local determination. Filed: Copies to Town Board Members.

Harold W. Hutchinson, dated 11/22/69, stating he has applied to U. S. Army Corps of Engineers for Permit to dredge in creek adjoining his property in Aquebogue and asking for Permit from Town to conduct this operation. Filed.

The matter was referred to the Town Attorney and Building Inspector.

Alden W. Young, dated 12/1/69, submitting three copies of plan for proposed dredging in Reeve's Creek, Aquebogue, being submitted by Harold W. Hutchinson to the U.S. Army Corps of Engineers. Filed.

Copies to Town Board Members, Town Attorney and Building Inspector.

### REPORTS

Supervisor's, month of October, 1969. Filed.

Fire Inspector, month of November, 1969. Filed.

Building Inspector, month of November, 1969. Filed.

### PETITION

Vera Lee, Change of Zone from Industrial B to Residence C on Griffing Avenue, Riverhead, New York, property.

Referred to Planning Board for recommendation and report.

RESOLUTIONS

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

BE IT RESOLVED, That Stanley Grodski, Acting Recreation Supervisor, be and is hereby authorized to enter into a public works contract with East End Asphalt, Inc., for the paving of the Stotzky Park tennis courts at a cost of \$1950.

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

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

BE IT RESOLVED, That the Town Board hereby ratifies the action of the Supervisor in redeeming the Ambulance Fund Time Certificate of Deposit in the sum of \$7500 on November 24th, 1969.

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

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

RESOLVED, That Town Justice Elect, Robert G. Leonard, shall furnish a Public Official Bond in the amount of \$4,000.00,

FURTHER RESOLVED, That the Town Board does and hereby approves Bond #1572399, (2 year term), Robert G. Leonard, Principal and the Travelers Indemnity Co., Surety in the amount of \$4,000.00,

FURTHER RESOLVED, That a copy of this Bond be filed in the Office of the Suffolk County Clerk.

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

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

RESOLVED, That Supervisor Elect, Bruno Zaloga, shall furnish a public official bond in the amount of \$40,000.00,

FURTHER RESOLVED, That the Town Board does and hereby approves Bond #1572398, (2 year term), Bruno Zaloga, Principal and the Travelers Indemnity Co., Surety, in the amount of \$40,000.00,

FURTHER RESOLVED, That a copy of this Bond be filed in the Office of the Suffolk County Clerk.

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

RESOLUTIONS

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

RESOLVED, That Town Justice Elect, Thomas R. Costello, shall furnish a Public Official Bond in the amount of \$4,000.00,

FURTHER RESOLVED, That the Town Board does and hereby approves Bond #1209826 (4 year term), Thomas R. Costello, Principal, and the Travelers Indemnity Co., Surety in the amount of \$4,000.00,

FURTHER RESOLVED, That a copy of this Bond be filed in the Office of the Suffolk County Clerk.

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

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

RESOLVED, That the official undertaking in the amount of \$5,000 conditioned for the faithful performance of the duties of Malcolm Stewart as Constable, be and is hereby renewed, and be it

RESOLVED, That the Town Board does and it hereby approves Bond #1209223 for the term beginning January 1, 1970 and ending December 31, 1970, for Malcolm M. Stewart, Constable, and the Travelers Indemnity Company, Surety, in the amount of \$5,000, and

FURTHER RESOLVED, That a copy of this Bond be filed in the Office of the Suffolk County Clerk.

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

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

RESOLVED, That the Town Board of the Town of Riverhead does and hereby approves Bond #1407726 for the term beginning January 1, 1970 and ending December 31, 1970, for Edward R. Munson, Constable, and the Travelers Indemnity Company, Surety, in the amount of \$1,000.00, and

FURTHER RESOLVED, That a copy of this Bond be filed in the Office of the Suffolk County Clerk.

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

RESOLUTIONS

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

RESOLVED, That the Town Board of the Town of Riverhead does and hereby approves Bond #1407727 for the term beginning January 1, 1970 and ending December 31, 1970, for Raymond Wiwczar, Constable, and the Travelers Indemnity Company, Surety, in the amount of \$1,000.00, and

FURTHER RESOLVED, That a copy of this Bond be filed in the Office of the Suffolk County Clerk.

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

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

RESOLVED, That the Town Clerk be and is hereby authorized to advertise in the News-Review, the official Town Newspaper, for sealed bids for One (1) New 1970 Station Wagon for use of the Riverhead Town Assessors, and be it

RESOLVED, That specifications be prepared by the Chairman of the Board of Assessors and bids to be returnable up to 11:00 A. M. on Monday, December 15th, 1969, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Monday, December 15, 1969, at the Town Clerk's Office, Town Hall, 220 Roanoke Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Station Wagon".

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

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

RESOLVED, That Highway bill submitted on abstract dated 12/2/69, as follows: General Repairs Item 1 - Barczak Nursery, bill dated 11/10/69 in the amount of \$739.20, be and is hereby approved for payment.

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

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

RESOLVED, That the Long Island Lighting Company be and is hereby authorized to make a survey for the installation of a street light on Pole No. 3, located on Oliver St., Wading River, within the Wading River Lighting District.

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

RESOLUTION

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

WHEREAS, Chapter 714 of the Laws of 1959 reenacted Section 164 of the Social Welfare Law, effective April 22, 1959, to allow the legislative body of a county, city or town responsible for providing Home Relief to determine and direct that employable home relief recipients be assigned to perform work for such county, city or town as such recipients are able to perform, exclusive of any work ordinarily performed by regular employees of such county, city or town or by craft or trade in private employment; and

WHEREAS, It appears to this Board to be in the best interest of both the Town of Riverhead and of employable persons receiving home relief therefrom that such persons be assigned to perform such work for such Town, its departments, bureaus, divisions and other units thereof, as they are able to perform and which is not prohibited by such Section 164 of the Social Welfare Law, it is

RESOLVED, Pursuant to Section 164 of the Social Welfare Law as added by Chapter 714 of the Laws of 1959, by the Town Board of the Town of Riverhead, that it is the determination and direction of this Board that employable persons in receipt of home relief shall be assigned to perform work for the Town of Riverhead, the head of any of its departments, bureaus, divisions or other units thereof whenever request is made that such persons be assigned to his unit, such request to be addressed to the public welfare official of this Town and the number of persons to be used and the character of the work to be performed indicated, and it is further

RESOLVED, That the public welfare official of the town, upon receipt of such a request shall thereupon assign such persons in receipt of home relief who, in his judgment, are able to perform the work indicated, provided he is satisfied that such persons will not be used to replace, or to perform any work ordinarily performed by regular employees of any department or other units of this Town, or to replace, or to perform any work which would ordinarily be performed by craft or trade in private employment; and, it it further

RESOLVED, That persons shall be assigned to perform only such work as they are able, in the judgment of the public welfare official, to perform, and, it is further

RESOLVED, That the number of days of work to be given each person shall be determined by the amount of the budget deficit of the recipient and his family computed on local home relief budget schedules, and no person shall be required to work for more than the number of days necessary to earn such amount, at the rate of \$2.00 , per hour, or to be paid more than such amount, and no person shall be required to work more than eight hours in a day or more than forty hours in a week; and, it is further

RESOLVED, That any person who refuses to report for or to perform work to which he has been assigned by the public welfare official shall thereupon become ineligible for home relief; and, it is further

RESOLVED, That this resolution shall take effect on the 2nd day of January, 1970.

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

RESOLUTION

Town Justice Costello offered the following resolution and moved its adoption:

RESOLUTION OF THE TOWN OF RIVERHEAD, NEW YORK, ADOPTED DECEMBER 2ND, 1969, AUTHORIZING THE REDEMPTION IN PART OF \$16,200 BOND ANTICIPATION NOTE 1968-NO. RRR-1 FOR CERTAIN PUBLIC IMPROVEMENTS IN AND FOR SAID TOWN, TO WIT: THE PURCHASE OR CONDEMNATION OF A PARKING FIELD IN WADING RIVER, NEW YORK, AND THE CONSTRUCTION OF A BRIDGE AT PECONIC AVENUE, RIVERHEAD, NEW YORK, TO THE EXTENT OF \$9,600, IN PARTICULAR \$4,500 IN REDUCTION OF THE INDEBTEDNESS IN CONNECTION WITH THE PURCHASE OR CONDEMNATION OF THE WADING RIVER PARKING FIELD AND \$5,100 IN REDUCTION OF THE INDEBTEDNESS IN CONNECTION WITH THE CONSTRUCTION OF A BRIDGE AT PECONIC AVENUE, 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 \$16,200 Bond Anticipation Note-1968 No. RRR-1 for certain public improvements in and for said Town, to wit: The purchase or condemnation of a parking field in Wading River, New York, and the construction of a bridge at Peconic Avenue, Riverhead, New York, pursuant to the resolution duly adopted by the Town Board on November 19, 1968, and it is now necessary to redeem said Note to the extent of \$9,600, in particular \$4,500 in reduction of the indebtedness in connection with the purchase or condemnation of the Wading River Parking Field and \$5,100 in reduction of the indebtedness in connection with the construction of a Bridge at Peconic Avenue, from a source other than the proceeds of the Bond Anticipation 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 \$16,200 Bond Anticipation Note-1968 No. RRR-1 for certain public improvements in and for said Town, to wit: The purchase or condemnation of a parking field in Wading River, New York, and the construction of a bridge at Peconic Avenue, is hereby authorized to be redeemed on December 16th, 1969, to the extent of \$9,600, in particular \$4,500 in reduction of the indebtedness in connection with the purchase or condemnation of the Wading River Parking Field and \$5,100 in reduction of the indebtedness in connection with the construction of a Bridge at Peconic Avenue, from funds of said Town now available to said purpose, said funds being a source other than the proceeds of the Bond Anticipation Note of which said Note was issued, and the same amount of \$9,600 is hereby appropriated therefor.

Section 2. This resolution shall take effect immediately.

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

AYES: Councilman Grodski, Town Justice Leonard, Town Justice Costello and Supervisor Zaloga.

ABSENT: Councilman Young

NOES: None

The resolution was thereupon declared duly adopted.

RESOLUTION

Town Justice Costello offered the following resolution and moved its adoption:

BOND ANTICIPATION NOTE RESOLUTION OF THE TOWN OF RIVERHEAD, NEW YORK, ADOPTED DECEMBER 2ND, 1969, AUTHORIZING THE RENEWAL IN PART OF A \$16,200 BOND ANTICIPATION NOTE 1968 FOR CERTAIN PUBLIC IMPROVEMENTS IN AND FOR SAID TOWN, TO WIT: THE PURCHASE OR CONDEMNATION OF A PARKING FIELD IN WADING RIVER, NEW YORK, AND THE CONSTRUCTION OF A BRIDGE AT PECONIC AVENUE, RIVERHEAD, NEW YORK, BY THE ISSUANCE OF A NEW NOTE IN THE PRINCIPAL AMOUNT OF \$6,600.

## (Recital)

WHEREAS, The Town of Riverhead, in the County of Suffolk, New York, has heretofore duly authorized, sold and issued its \$16,200 Bond Anticipation Note-1968 No. RRR-1 for certain public improvements in and for said Town, to wit: The Purchase or condemnation of a Parking Field in Wading River, New York, and the construction of a Bridge at Peconic Avenue, and has authorized the redemption of said Bond Anticipation Note to the extent of \$9,600, in particular \$4,500 in reduction of the indebtedness in connection with the purchase or condemnation of the Wading River Parking Field and \$5,100 in reduction of the indebtedness in connection with the construction of a Bridge at Peconic Avenue, and it is now necessary and desirable to provide for the renewal, in part, of said Note by the issuance of a new Bond Anticipation Note in the principal amount of \$6,600, 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 \$16,200 Bond Anticipation Note-1968 No. RRR-1 for certain public improvements in and for said Town, to wit: The purchase or condemnation of a parking field in Wading River, New York, and the construction of a bridge at Peconic Avenue, Riverhead, New York, dated December 16, 1968, maturing December 16, 1969, numbered RRR-1, heretofore duly authorized, sold and issued pursuant to the Resolution duly adopted by the Town Board on November 19, 1968, is hereby authorized to be renewed, in part, by the issuance of a new Note in the principal amount of \$6,600 in particular \$4,500 for the purchase or condemnation of a parking field in Wading River, New York, and \$2,100 for the construction of a Bridge at Peconic Avenue, Riverhead, New York, said Note dated December 16, 1968, having been heretofore authorized to be redeemed from a source other than the proceeds of the Bond Anticipation Note of which it was issued, to the extent of \$9,600, 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: \$6,600 Bond Anticipation Note-1969 No. RRRR-1 for certain public improvements in and for said Town to wit: The purchase or condemnation of a parking field in Wading River, N. Y. and for the construction of a bridge at Peconic Avenue, Riverhead, N. Y.

RESOLUTION continued:

Dated: December 16, 1969  
 Matures: December 16, 1970  
 Number: BAN RRRR-1  
 Denomination: \$6,600.  
 Interest Rate: \_\_\_\_\_%

Place of payment of principal and interest: Supervisor's Office, Town Hall, Riverhead, New York.

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 within 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 Councilman Grodski and duly put to a vote on roll call, which resulted as follows:

AYES: Councilman Grodski, Town Justice Leonard, Town Justice Costello and Supervisor Zaloga.

ABSENT: Councilman Young.

NOES: None.

The resolution was thereupon declared duly adopted.

RESOLUTIONS

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

RESOLVED, That the bid for Liquid Asphalt for use of the Riverhead Town Highway Department be and is hereby awarded to R. O. Welch Asphalt Co., 1064 Woodcrest Avenue, Riverhead, N. Y. 11901, for the following items and prices:

MC-0 Per Gallon	\$ .1894
MC-1 "	\$ .1894
MC-2 "	\$ .1894
MC-3 "	\$ .1894
RC-2 "	\$ .1894
RC-3 "	\$ .1894

FURTHER RESOLVED, That the acceptance of said bid is subject to the bid and specification form submitted by R. O. Welch Asphalt Co., and filed in the office of the Town Clerk, and be it

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

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

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

RESOLVED, That the bid for Ready-Mix Requirements for use of the Riverhead Town Highway Department, be and is hereby awarded to Suffolk Cement Products, Inc., Route 58, Calverton, N. Y. 11933, for the following items and prices:

A. 1-2-3 Mix Price per Cubic Yd.	\$15.25
B. 1-2-3 Mix Price per Cubic Yd.	\$14.25
C. 1-2-3 Hi-Early Mix Price per Cubic Yd.	\$17.25

FURTHER RESOLVED, That the acceptance of said bid is subject to the bid and specification form submitted by Suffolk Cement Products, Inc., and be it

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

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

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

RESOLVED, That the bid for One (1) New 1970 Tractor with Loader for use of the Town of Riverhead Highway Department, be and is hereby awarded to Island Ford Tractor Sales, Inc., Route 25, Mattituck, N. Y. 11952, at a cost of \$4,535.00, subject to its bid and specification form filed in the office of the Town Clerk, and

FURTHER RESOLVED, That the acceptance of said bid is subject to the approval of the Suffolk County Superintendent of Highways/Suffolk County Commissioner of Public Works.

RESOLUTIONS continued:

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

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

RESOLVED, That the bid for Grit Requirements for use of the Town of Riverhead Highway Department, be and is hereby awarded to Brookhaven Aggregates, Whiskey Road, Coram, N. Y. 11727, at a cost of \$3.25 per cubic yard, picked up at plant of bidder, and

FURTHER RESOLVED, That the acceptance of said bid is subject to the bid and specification form submitted by Brookhaven Aggregates, and filed in the Town Clerk's Office, and be it

FURTHER RESOLVED, That the item and services specified shall be purchased as directed by the Superintendent of Highways, and that the Town Highway Department trucks will pick up the Grits.

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

Supervisor Zaloga recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 11:00 A. M.

Town Clerk submitted affidavits of publishing and posting Notice of Public Hearing for December 2, 1969 at 11:00 A. M., in the matter of the adoption of proposed amendment to Ordinance No. 26, amending Zoning Map of the Town of Riverhead as set forth in Zoning Ordinance No. 26, to amend so that the Business B Use District located on the northwest corner of the intersection of Route 25 and Fresh Pond Avenue shall have boundaries as outlined in said notice. (Timber Park, Calverton).

The affidavits were ordered filed.

Town Attorney William C. Haugaard explained as follows: "When the general ordinance amending the Town Zoning Ordinance was enacted, the map that was drawn and adopted showed the western line of the boundary as Business B District in that area as being right down the middle of the Timber Park property when you scaled it off - this was an error - it was intended to include the entire Timber Park piece and this amendment is merely a correction of that error by the draftsman in preparing the original map. It is to include the entire Timber Park parcel rather than only half, in the Business B Use District."

Supervisor Zaloga thereupon declared the hearing open and asked if anyone wished to be heard.

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

RESOLUTIONS

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

BE IT RESOLVED, That Dorothy Jermusyk, be and is hereby appointed Deputy Receiver of Taxes for the Town of Riverhead, to serve from December 1, 1969 to November 30, 1971, at no additional compensation.

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

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

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 amendments and changes to Zoning Ordinance No. 26 of the Town of Riverhead, more particularly to the Zoning Map incorporated therein, 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 adopts the following amendment to Zoning Ordinance No. 26 of the Town of Riverhead, more particularly to the Zoning Map incorporated therein:

BE IT ORDAINED as follows:

The Zoning Map of the Town of Riverhead, adopted May 27, 1969 is hereby amended so that the Business B Use District located on the northwest corner of the intersection of Route 25 and Fresh Pond Avenue shall have the following boundaries:

BEGINNING at the intersection of the northerly side of Route 25 and the westerly side of Fresh Pond Avenue; running thence along the northerly side of Route 25 in a westerly direction 1960 feet; more or less, to the westerly boundary of the property of Timberland Associates, Inc. ; thence in a northerly direction along said westerly boundary of Timberland Associates, Inc. , 300 feet more or less to the southerly boundary of the Timber Park subdivision; thence in an easterly direction along the southerly boundary of Timber Park 353 feet more or less to the southeast corner of said Timber Park subdivision; thence northerly along said Timber Park 1150 feet more or less to a point where the boundary of said Timber Park cuts to the east; thence easterly along the said boundary of Timber Park 1550 feet more or less to the west side of Fresh Pond Avenue; thence southerly along the west side of Fresh Pond Avenue 1418 feet more or less to the point or place of BEGINNING.

AND the Town Clerk is hereby authorized and directed to enter the said amendment to Zoning Ordinance No. 26 of the Town of Riverhead, more particularly to the Zoning Map incorporated therein, in the minutes of the Town Board and to publish a copy once 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 Law and file in her office affidavit of said publication and posting.

The adoption of the aforesaid amendment to Zoning Ordinance No. 26 of the Town of Riverhead, more particularly to the Zoning Map incorporated therein, shall take effect 10 days after such publication and posting.

RESOLUTION continued:

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

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

WHEREAS, Frank J. Yousik, Assessor of the Town of Riverhead has filed his resignation in writing with the Town Clerk on December 1, 1969, resigning his position as Assessor for the Town of Riverhead for his current term of office, effective December 27, 1969, now, therefore,

BE IT RESOLVED, That the Town Board hereby accepts the resignation of Frank J. Yousik as Assessor of the Town of Riverhead, from his current term of office expiring December 31, 1969, effective December 27, 1969.

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

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

RESOLVED, That the resignation of Otto Stahl, as a School Crossing Guard, effective December 1, 1969, be and is hereby accepted with regrets.

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

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

RESOLVED, That Walter Robertson be and is hereby appointed School Crossing Guard, effective December 1, 1969, at the rate of \$2.25 per hour, payable bi-weekly and to serve at the pleasure of the Town Board.

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

RESOLUTION

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

RESOLUTION CALLING PUBLIC HEARING ON PROPOSED  
ORDINANCE NO. 41, "LOUNGING AND LOITERING".

BE IT RESOLVED, That the Town Clerk be and is hereby authorized and directed to publish the following notice of public hearing in the December 4th, 1969 issue of the News-Review:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, That a public hearing will be held by the Riverhead Town Board at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, at 11:00 A.M., o'clock on the 16th day of December, 1969, in the matter of the adoption of proposed ordinance No. 41, "Lounging and Loitering", reading as follows:

BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, as follows:

1. Lounging and loitering prohibited: No person shall remain idle, or lounge, or sleep, or loiter in any way upon any street or in any public place in the Town of Riverhead.

2. "Loitering" defined: For the purposes of this ordinance the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:

a) Obstruction of the free, unhampered passage of pedestrians.

b) Obstructing, molesting or interfering with any person lawfully upon any street, sidewalk, park or other public place.

c) Remaining idle in essentially one location without being able to establish a legitimate business or purpose in so remaining idle or who by his conduct has exhibited the absence of a lawful purpose in so remaining idle.

d) Conduct involving the concept of standing idly by, loafing, walking about aimlessly without purpose and including the colloquial expression of "hanging around".

e) Refusing to move on when so requested by a peace officer, provided that the peace officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

3. "Public place" defined: For the purpose of this ordinance, the term "public place" shall mean any place to which the public is invited, including the quasi public area in front of or adjacent to or within any store, shop, restaurant, bar, luncheonette or other place of business, and shall also include any parking lots or other private or public property now owned by or under the dominion of the person charged with a violation of this ordinance.

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RESOLUTION continued:

4. Penalty: Any person who shall violate any of the provisions of this ordinance shall be guilty of a violation and be subject to a fine of not more than \$50 or imprisonment for not more than fifteen (15) days, or to both such fine and imprisonment.

5. Severability: If any section or portion of this ordinance be declared invalid, such declaration shall not affect the remaining sections or portions.

6. This ordinance shall take effect ten days after publication and posting as required by law.

ALL PERSONS DESIRING TO BE HEARD ON THE ABOVE ORDINANCE MUST APPEAR AT THE TIME AND PLACE ABOVE SET FORTH FOR THE PUBLIC HEARING THEREON.

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

UNFINISHED BUSINESS

Town Attorney William C. Haugaard advised the Town Board that he had notified Mr. Finkelstein that the Riverhead Town Board was not going to sign the Stipulation of Discontinuance.

The Town Clerk was directed to remove the item from (re above matter) the agenda.

Supervisor Zaloga announced that the matter of the Dedication of "Little Bay" was resolved this morning. That Mr. Carrera will provide a bond guaranteeing the drainage for a period of one year and the roads will be accepted.

The Town Clerk was directed to remove the item (relating to above matter) from the agenda.

Supervisor Zaloga recessed the meeting to hold a Public Hearing:

PUBLIC HEARING - 11:15 A.M.

Town Clerk submitted affidavits of publishing and posting Notice of Public Hearing for December 2, 1969 at 11:15 A.M., in the matter of Petition of Anker and Good for Change of Zone from Residence C Use District to Business C Use District on property located on Ostrander Avenue.

The affidavits were ordered filed.

The following communications were submitted:

Jesse R. Goodale, dated September 12, 1969, stating that the corporation of Rivell Associates are now owners of the property involved in the aforesaid petition for change of zone. Filed.

Maurie Semel, dated December 1, 1969, stating opposition to proposed change of zone. Filed.

PUBLIC HEARING -11:15 A.M. continued:

Stephen D. Siegfried, Attorney, representing the Petitioners appeared before the Board and stated that he did not know what he could add to the previous discussions already held at which neighboring residents voiced their objections. That there was a particular traffic objection and the conclusion at that time was that the amount and increase of traffic that would result as a result of the construction of the dental office would be nil as far as the area is concerned. That Mr. Semel's argument is that there is other property in the Town of Riverhead zoned business C.

Mr. Siegfried further stated that unless there are other objections voiced, he doesn't see what stands in the way as the petition is adequate, it covenants that the property will be used only for the construction of a professional office.

Mr. Siegfried submitted a rendering of the proposed building and stated no significant change will be made and he sees no basis for any objections.

The Town Attorney stated that a disclosure affidavit has not been submitted with the application.

Mr. Siegfried stated that the new owners of the property involved in the zone change are as follows:

Rivell Associates, Inc.: Riverhead Building Supply Co. Inc., Jesse R. Goodale, Harold Goodale and Percy Ketcham.  
Cornell Associates, Inc.: Charles Hoffman.

Supervisor Zaloga thereupon declared the Hearing open and asked if anyone wished to be heard.

Gerald Mapes, 2000 Ostrander Avenue, Riverhead, made a request that the meeting be put off until 7:30 this evening so that people directly involved could attend.

Supervisor Zaloga stated that the Board will hear everyone wishing to be heard at this time, so that Mr. Siegfried and Dr. Anker will not have to be asked to come back and asked if there is any particular reason why the others could not be here.

Mr. Mapes replied stating that the others have jobs and could not walk out.

Mike Kruel, 1131 Ostrander Avenue, stated there was no definite time set.

Supervisor Zaloga stated that the Notice of Hearing published in the News-Review stated 11:15 A.M. for this morning.

Mr. Mapes stated there was a misunderstanding - he talked with Mr. Grodski who gave him the wrong date.

Councilman Grodski: "That's true, I told him the second meeting in December, he called me and I didn't have the agenda at the time".

Mr. Siegfried: "For the record, on behalf of Dr. Anker and Dr. Good, I strenuously oppose any adjournment, on the grounds that it was noticed properly and Dr. Anker took three hours off and we have held two public hearings in the evening for the convenience of the surrounding neighbors and for that reason I don't see any reason for another adjournment."

PUBLIC HEARING - 11:15 A.M. continued:

Dr. Edward Anker: "This involves me personally and I would like to be here but unfortunately I am in a Lion's Show tonight and cannot be here. What I cannot understand is - what is the objection - this is one question I want answered".

Supervisor Zaloga: "We want to give the people their right to be heard at this point. And I can say to you that before 24 hours expire there will be an answer."

Dr. Anker: "We can't be here".

Mr. Mapes: "If you need a few objections I have them. Dr. Anker brings out a beautiful building here - we also have a beautiful shopping center which a few of us said yes to - we don't need any more business property there as the zoning board of appeals said the road is a dividing line between business and residential. The Town Board said no the last time- it hasn't changed as the people still object to this. Article 10 - Professional Building - it states you may have a professional business if you reside in such. As to the traffic there have been numerous accidents, one involved Mr. Kruel's property. The increased traffic will not do us any good. Dr. Anker and Mr. Goodale live a couple miles away and they are not concerned with what happens to the property.

Mr. Kruel: "The reason that Jesse is buying that property for business is that he can get twice the money for business reasons than for residential. He does not worry about us. And we have to be coming back because you fellows don't make up your minds to do what you want to do."

Supervisor Zaloga: "You'll have an answer - what you must realize is that anybody has a right to make a re-application and we are governed by law and must listen to it".

Mr. Siegfried: "I would like to ask Mr. Mapes to specify exactly what his objections are."

Mr. Mapes: "Just the idea of having business in our section - we had restrictions and covenants when we bought our property and we figure it should stay that way as we paid for those things when we bought our lot."

Mr. Siegfried: "Did you know exactly what the restrictions were when you signed the contract. Are you aware that the covenants and restrictions were put on some years ago and that they are subject to waiver and change".

Mr. Mapes: "That's right."

Mr. Siegfried: "Just want the record to reflect that fact - his statement that the covenants allow a business use if you live in the building is not fully accurate and I don't see how the covenants and restrictions could bind the Town Board."

No one else wishing to be heard at this time, Supervisor Zaloga adjourned the Hearing at 11:50 A.M. to meet at 7:30 P.M., in the evening, and re-opened the meeting.

11:15 A.M. PUBLIC HEARING ADJOURNED TO 7:30 P.M.

The following Town Board members were in attendance:

Town Justice Thomas R. Costello  
Town Justice Robert G. Leonard  
Councilman Vincent B. Grodski.

In the absence of the Supervisor, Town Justice Costello called the Meeting to Order at 7:35 P.M.

Councilman Grodski offered the following resolution which was seconded by Town Justice Leonard:

RESOLVED, That in the absence of the Supervisor, Town Justice Thomas R. Costello, be and is hereby designated Temporary Chairman for the adjourned Town Board Meeting of December 2, 1969.

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

Temporary Chairman Costello recessed the Meeting to hold the adjourned Public Hearing and explained that the Hearing had been adjourned for the purpose of giving those who could not attend an opportunity to be heard.

Temporary Chairman Costello declared the Hearing open and asked if anyone wished to be heard at this time.

Mr. Edward Harris, 1121 Ostrander Avenue read a deed from L. Y. Robinson to Dolores and Edward Harris and stated he is against the proposed change.

Temporary Chairman Costello stated that the covenants as contained in the deed do not bind a municipality.

Mr. Martin Zaneski, 1014 Ostrander Avenue, stated he concurs with Mr. Harris as there is enough traffic on Ostrander Avenue now.

Mr. Edwin J. Cartoski, 1090 Ostrander Avenue, stated he concurs with Mr. Harris and wants the area to remain in residential use.

Mr. Gerald Mapes presented petition dated December 2, 1969, containing 17 signatures of residents opposing the rezoning from Res. C to Bus. C. The petition was ordered filed.

Mr. Roger Coulter, 1111 Ostrander Avenue stated he wished to go on record that this area be kept as residential.

Chairman Costello advised that once a Use District is created it does not necessarily mean it can't be changed.

Mr. Coulter asked if the area in question is now zoned residential.

Chairman Costello: "I believe it is."

11:15 A.M. PUBLIC HEARING ADJOURNED TO 7:30 P.M. -continued:

Mr. Coulter stated he sees no reason that this change would benefit or increase the valuation of the homes in the area.

Mrs. Shirely Coulter spoke against Dr. Anker building a professional building and against changing the zone for the reason there will be increased turning around in driveways, increased parking on the streets, even though a parking lot is proposed, and suggested that Dr. Anker select a different place.

Mrs. Nellie Krueel concurred with the objection of previous speakers.

Mrs. Frances Mapes, 2000 Ostrander Avenue, stated opposition for the reason that the property would be devaluated and there would be an increase of traffic and there would be no privacy in her back yard.

Dr. Louis H. Goldman stated it is dangerous to down zone a residential area and said he is definitely against changing any restrictions in a residential zone.

Mr. Douglas Stark, 1015 Ostrander Avenue, said his neighbors have stated their case extremely well and asked why this meeting is being held tonight.

Chairman Costello: "So these people who could not be here this morning could be heard and because Mr. Mapes requested it".

Mr. Stark asked if this matter was presented to the Zoning Board of Appeals.

Chairman Costello: "Not on the re-application".

Mr. Stark stated he is here with his neighbors opposing this as he doesn't want to see any downzoning or encroachment on this very fine residential area.

Mr. Harris asked if the voters of the Town of Riverhead gave the Town Board the right by the Town Zoning Ordinance to overrule any restricted covenants and change areas that are residential into business.

Chairman Costello: "There was a Master Plan devised here and it laid out various and sundry areas, industrial, residential, business, etc., conforming to the future. As a result of that there was a Zoning Ordinance passed, which followed as closely as possible the Master Plan and through various and sundry amendments they changed business to industrial, and industrial to residential and the latest change took place in June of this year where large tracts of lands were re-zoned. We had informational hearings in various areas of the township and then we held a public hearing on it. The people who were concerned about their parcels had their questions answered.

Mr. Harris asked how the Town Board treats an area where there is restricted zoning where a man's deed states this fact - can the members of a Town Board overrule these things.

11:15 A.M. PUBLIC HEARING ADJOURNED TO 7:30 P.M. - continued:

Chairman Costello replied: "If I make a contract to sell you my horse for \$50 and I say that my horse is gray and I sell you a blue horse, I am contracting with you as an individual and I can't bind the Town to say that I can't contract with you. You can contract with your neighbors and with your sellers - that right is given to you in the Constitution to contract privately. But the contract you made with somebody else, doesn't bind the third party."

Mr. Harris: "Then you consider the Town Board to be the third party".

Chairman Costello: "The Town Board is a municipality and if it saw fit to take Ostrander Avenue and building for instance, a Town Hall there, they could condemn that land."

Mr. Harris: "If Mr. Mapes didn't show up this morning- there would be no objections and the Town Board could have made a very binding decision."

Chairman Costello: "We don't do that".

Mr. Harris: "These meetings that you said were held - were probably held at 11 in the morning."

Chairman Costello: "As a matter of fact they were held at night. One was held in Wading River, one in Jamesport and one at the School House in Riverhead. The Zoning Committee was available at all times to answer any questions."

Mr. Harris: "Why should we as taxpayers buy property on Ostrander Avenue and have our lawyers tell us the area is restricted."

Edward R. Munson, Building Inspector, read Section 103-"Interpretation", of the Zoning Ordinance pertaining to covenants and restrictions.

Mr. Harris thanked Mr. Munson.

Dr. Goldman asked who owns the land in question.

Chairman Costello: "Dr. Anker is a contract-vendor. He is entering into a contract with somebody that owns it and assigned his rights to Rivell Associates of which there is a Mr. Goodale and Mr. Hoffman who are stockholders."

Dr. Goldman: "Then why doesn't Jesse Goodale put the petition through."

Chairman Costello: "The contract calls for the right for the contract-vendor to apply for a change of zoning. The seller does not necessarily have to do this."

Mr. Stark asked Mr. Munson what is allowed in this downzoning Business C Use District.

Mr. Munson read the uses allowable in Business C Use District.

11:15 A.M. PUBLIC HEARING ADJOURNED TO 7:30 P.M. -continued:

Mr. Stark said there is no guarantee that they are going to build a building for the care of teeth.

Chairman Costello: "The application only takes in the two lots and if this application were granted he would be bound to build this dental office with strings attached and if he didn't do it, he couldn't build."

Mr. Stark asked if it could be torn down and reverted back to residential.

Chairman Costello: "We could put a reverter clause in it."

Mr. Stark: "Is that your intention".

Chairman Costello: "We haven't decided one way or another. We are not re-zoning Ostrander Avenue. The application has only to do with these two lots."

Mr. Harris asked why this application wasn't turned down and was it because members of the Town Board had fears about being re-elected.

Chairman Costello: "This is not a political meeting. The re-application was made in November and we are required to hear it."

Mr. Harris: "The application was never formally published in the newspaper - it was withheld."

Town Clerk: "The application is never published in the newspaper - just the notice calling public hearing. The application is filed in my office."

Mr. Harris: "The Town Board officially turned it down and this man comes to you, presents another application, pays his \$50 and you aren't required to hear him."

Chairman Costello: "Absolutely, we are required to hear it. It doesn't say we are going to grant it - if he wants to re-apply on January 1st, this is his right - the same as your right to be heard. You may not like what Dr. Anker is trying to do, but still he has that right."

Mr. Coulter thanked the Board for the adjournment allowing others a chance to be heard and asked if any new evidence was presented at the morning session.

Chairman Costello: "The attorney for Dr. Anker stated the same reasons as in past hearings and pointed out that the only reason that he could see for objecting was because of the increase of vehicular traffic - and Mr. Coulter if there are any other people that wish to be heard that could not be here this evening, we can further adjourn the hearing. We want to be fair about it."

Mr. Harris said he did not think it was necessary for further adjournment.

11:15 A.M. PUBLIC HEARING ADJOURNED TO 7:30 P.M. -continued:

Mr. Munson: "I just want you to understand that I'm not on your side or on the Town's side. I am the keeper of the Zoning Ordinance and it says that the Ordinance can make greater restrictions. It does recognize the fact that there are regulations. This was the beginning of zoning - this was self made zoning when a deed had covenants and restrictions because the person who developed that area felt there should be controls so he put them in there and it is an agreement between you and the person you bought the property from to make these binding. But the Town has a right to increase restrictions."

Mr. Harris stated that if he were a Town Board member he would govern his decision by the Town Ordinance.

Mrs. Coulter stated that in addition to the traffic objection that these people also think there is an additional safety hazard and that the change of zone would devalue their property and asked why Dr. Anker doesn't put his building where there is business zoning.

Chairman Costello asked Mrs. Coulter to elucidate on the safety hazard as against the vehicular traffic.

Mrs. Coulter explained that she has children and mentioned all the neighbors who had children, giving ages, etc., who ride bicycles and play out in front of their homes and added that this would create an increased safety hazard because of the cars turning around in driveways in the area.

Mr. Harris stated that the cars coming out of the shopping center make a left turn and head south on Ostrander and in the winter time the cars end up in his front yard.

Mrs. Mapes added that Mr. Stark has small children riding on bicycles and also walk to visit their friends and there are numerous other children in the area and felt that two dentists coming into the area would create much more traffic.

Mr. Coulter pointed out that it is a normal thing for drivers to step on the gas and drive at 50 MPH pass his home and asked the Town Board to have a little more traffic patrol in the area.

Mr. Harris asked if the Town Board rules against this application and Dr. Anker should re-apply - would the Town Board entertain it again.

Chairman Costello: "I would imagine he would have the right to be heard and if he didn't he can go to the Supreme Court."

Mr. Cartoski asked if the residents have to re-submit a petition each time there is a re-application.

Chairman Costello: "If there is a public hearing, the people should come in and be heard. "

11:15 A.M. PUBLIC HEARING ADJOURNED TO 7:30 P.M. -continued:

Mr. Cartoski: "Dr. Anker says he is going to put up the building that is all we have to go by."

Chairman Costello: "He is bound to put up the building."

Mr. Munson: "First he has to get the amendment, then he has to make an application for a building permit and then he has four months to start and the full term of the permit is eighteen months."

Mrs. Coulter stated she felt that the residents have given very good reasons why they don't want this building across the street and also why they don't want the zoning change and asked why Dr. Anker wants the building put in a residential area.

Chairman Costello: "The answer to that question is nebulous now for the reason - why is he re-applying again and why does he want it in that location - but he has a right to try to get it there."

Mr. Kruel asked if Dr. Anker is bound to keep that building when he builds it.

Mr. Munson asked Mr. Kruel if he was bound to keep his residence.

Mr. Kruel replied: "No".

Chairman Costello: "You can buy and sell your property and we can't preclude him from doing anything that you can do."

Mrs. Mapes added that these two lots are the last building lots in that area and the residents want them left in Residential Use.

Chairman Costello: "The man who owns the lots has a right to sell them for whatever price he can get."

Mr. Harris said that they are aware that the Town Ordinance is a guiding line and this application should have been denied and this man allowed to take it to Supreme Court if he wants to.

Chairman Costello: "You can't stop him. We are sitting here as three members of the Town Board - there are two other members. One is sick and the other is in New York in the interests of Atomic Energy Commission. In fairness to the two that could not be here tonight, they will hear this tape and we will discuss it and make our decision."

Mr. Kruel: "The Supervisor said he would be here tonight and would give us a decision."

Chairman Costello: "No, he didn't. I didn't hear him."

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11:15 A.M. PUBLIC HEARING ADJOURNED TO 7:30 P.M. -continued:

Mr. Coulter asked when the Board would estimate they would have the answer.

Chairman Costello: "Don't pin me down - but it will be at the earliest possible time."

Mr. Coulter asked when the next official meeting of the Board would be held.

Chairman Costello: "On December 16th and we hope to have an answer by then."

Mr. Harris stated that they don't want a repetition of what has transpired in the western townships such as land grab scandals and don't want this Town Board to fall in that category.

Chairman Costello: "Mr. Harris, I speak only for myself - the man hasn't lived yet who can buy me. I am honest. As far as land grabs you can't tempt me."

A discussion followed on the ownership of the land involved in the application and the payment of taxes, etc.

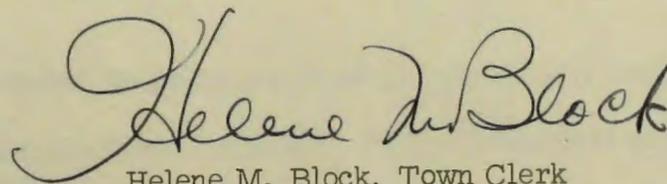
Mr. Cartoski asked if it were possible to obtain a copy of the tape recording.

Town Clerk replied: "No, the tape recording is not a public record. It is the property of the Town Clerk. However, the minutes of the Town Board and the proceedings of all public hearings are public records and may be obtained and are available to any interested persons."

No one else wishing to be heard, Chairman Costello declared the Hearing closed and re-opened the meeting.

The Town Board deferred action on the Application of Dr. Good and Dr. Anker for change of zone.

There being no further business on motion and vote, the meeting adjourned at 8:55 P.M. to meet on Tuesday, December 16, 1969 at 10:30 A.M.



Helene M. Block, Town Clerk

HMB.