

Minutes of a Special Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Friday, December 4, 1981 at 3:00 P.M.

Present: Joseph F. Janoski, Supervisor
Francis E. Menendez, Councilman
Antone J. Regula, Councilman
Victor Prusinowski, Councilman

Absent: John Lombardi, Councilman

Supervisor Janoski called the meeting to order 3:00 P.M.

Supervisor Janoski: "On Tuesday of this week, I was presented with a letter signed by Councilman Menendez and Regula, asking that a Special Meeting of the Town Board be convened for the purpose of filling the vacancy created by the passing of Walter Flanagan, the vacancy of course as Tax Receiver. Before I move on to that subject, I would like to make some comments and observations.

First of all, to review the situation as it stands. As most of you know, Walter passed away on Sunday. Monday, upon reaching Town Hall, I, Councilman Prusinowski and Councilman Lombardi were involved in taking assurances that the office of Tax Receiver was in fact functioning as it should be. Certain questions were asked of us and we gave authority for certain actions to be taken. I am informed that the Deputy Town Clerk, I'm sorry, that the Deputy Tax Receiver, is indeed bonded in the amount of \$250,000.00, at the present time. Section 35 of municipal law clearly indicates that according to Town Law, a vacancy in that office would mean that the Deputy Receiver of Taxes assumes the powers and duties of Tax Receiver. The office is functioning as it should. The warrant has been received, which is a clear indication that there are no problems and the tax bills will be going out on December 10th. That is what I am advised.

Now, it is my opinion that the Councilmen and the Town Clerk, there was a genuine concern about the functioning of that office, should have approached the chief executive and the chief fiscal officer of the Town which is me, the Supervisor. Instead, a secret meeting was begun on Monday morning, in which this little scheme was hatched. Certainly I have those two responsibilities as fiscal officer of the Town and as chief executive administrator officer of the Town. I was never approached about any concern of about the functioning of that office. I was not made aware of anything until 3:30, about 3:30 Tuesday afternoon, in which the letter was indeed handed to me, requesting this meeting. Clearly, in my opinion, the duly constituted government of this Town has been subverted. I am the Supervisor of this Town. I was elected by the people, I have recently been re-elected and unfortunately there seems to be a feeling that I am not being allowed to play my role as the Supervisor. I have a duty and a responsibility to the people of this Town and I'm not being allowed or being made able to enter into any discussion as to what are the needs of these people. Certainly, the duty of the Town Clerk is exactly that, a Town Clerk. Why are meetings being held in the office of the Town Clerk and not

Supervisor Janoski continues-
 in the Supervisor's Office is beyond my comprehension, but that is what took place. Unfortunately, the Town Clerk, unfortunately, does not have a policy making authority, nor does she might have any vote to cast in the decision as to the filling of vacancies. It is unfortunate as I said that the, what should take place has not taken place. I am denied through these actions the fulfilling and exercising of my duties and responsibilities to the people of the Town of Riverhead, They have been reputiated, these two Councilmen in a recent election and the people have told them quite clearly that no, we do not want you to make decisions for us anymore. This is record and it is fact, but they keep on trying to do this thing that has been going on for the past two years and it is open for everyone to see and now I can only inscribe reasons to the actions. As I have said, the tax bills will go out on the tenth of December, but we all know there is a regularly scheduled meeting of the Town Board on the fifteenth. Whatever action they wanted to take could have taken place at that time. However, the veil of urgency would then be removed because if the tax bills are out the fifteenth, certainly, there is no urgency. It removes their argument. They are trying to create the veil of acting in the best interest of the people of the people of the Town. This is not the case. The tax bills will be going out, I know that the Deputy Receiver of Taxes is in the room, is there any question of her? Any questions of the members of the Town Board? They will certainly be available to you present and really that ends my statement and as regular Town Board meetings, I will open up the meeting to discussion or questions from the members present."

Councilman Regula: "Oh, Mr. Supervisor, If I."

Supervisor Janoski: "Do you wish to."

Councilman Regula: "If I may have the floor, please."

Supervisor Janoski: "You certainly may."

Councilman Regula: "I feel I must make a statement at the opening of this meeting and I will say that I'm quite nervous and I'm not a speaker, so I have written my statement here and I would like to read it.

I have not been given the opportunity by the media, as they have chosen to only interview the Supervisor and have given only his statements, and allegations, coverage.

It is my understanding that according to the Suffolk County Tax Act, Section 17, and from the County Attorney's Office, that the Town must execute an undertaking with two or more sureties covering the tax receiver by December 1st. I read in the newspaper, the local paper, that the Supervisor has taken care of this, but as of today, no bond has been filed. That is one of the purposes of this meeting, to make sure that all requirements are met and the town is protected. As long as I'm a councilman, it is my responsibility to do what has to be done.

Councilman Regula continues:

Actually, the Supervisor should have called this meeting. In another time, with a different Supervisor, I would not have felt the need to make a formal request for a meeting of the Town Board. There used to be a time in Riverhead when a man's word was his bond - it is unfortunate that this tradition of trust has not continued with this administration.

I cannot sufficiently express by horror at the statements and insinuations made by the Supervisor since Tuesday. We made a request for a meeting - and it was turned into a political circus! Without any regard for what pain might be caused to the family, the Supervisor went on the radio and made all kinds of insinuations and statements. I think the media acted irresponsibly and irreverently to permit this. Is nothing sacred any more? I have made no statements what-so-ever, the Supervisor has!

Of course the staff of the tax office will continue the work, they've already stated that the tax bills would be late, but they'll get done. But, to insinuate that Walter's work in the office won't be missed, that there is plenty of time, is an insult to Walter's dedication and time in the tax office.

Frankly, the events of the last few days have made me sick. All my life I have tried to act honorably and sincerely. To be attacked personally like this is beyond belief. I have always done what I thought was right, and will continue to. To judge me, or my intentions without giving any opportunity for rebuttal, is just not the American way! I still can't believe what a simple request for a meeting has been turned into! And at this time Mr. Supervisor I would like to put a resolution on the floor "

Supervisor Janoski: "The time has not yet come for resolutions, Mr. Regula. Mr. Menendez, do you wish to add anything?"

Councilman Regula: "Well, if ah"

Supervisor Janoski: "Mr. Regula, I am the chairman of this meeting and I will tell you when you can introduce a resolution."

Councilman Menendez: "It seems to me that you have gone through a good deal of trouble and must have sat up all night writing this nonsense."

Supervisor Janoski: "Actually, I did it about in two minutes about an hour ago."

Councilman Menendez: "Well, that figures, that figures, I don't, I think, I have nothing more to add. Mr. Regula has already said. I think that covers the whole field."

Supervisor Janoski: "Does anyone present have a copy of the letter which was delivered to me on Tuesday?"

Councilman Menendez: "Yeah, I have a copy of that letter."

Supervisor Janoski: "Would you mind reading that into the record?"

Councilman Menendez: "Here, read your own letter."

Supervisor Janoski: December 1, 1981

We hereby formally request that you call a Special Board meeting to be held on Friday, December 4th, 1981 at 3:00 P.M. at Riverhead Town Hall.

We feel that because the tax bills became due and payable as of December 1st, it is imperative that the Town Board appoint a Tax Receiver to fill the vacancy created by the untimely death of Walter Flanagan.

Certainly what is being said here that there was no intent. Mrs. Town Clerk, would you make copies of this, please?"

Councilman Prusinowski: "Joe."

Supervisor Janoski: "Just a minute, I'll be right there."

Councilman Prusinowski: "Okay."

Supervisor Janoski: "In Mr. Regula's statement which indicates that what was worried here about was the bonding, that clearly said that the intention of this meeting and the two councilmen was to fill the vacancy. I know what I did on Monday morning. As a matter of fact, I called the Town Clerk to ask about the bonding. The Town Clerk called me back and said there was coverage."

Irene J. Pendzick: "I called you and told you. I want to correct that statement Mr. Supervisor and make you aware that bonding was necessary and you told me to call Mr. Mullen, which I did."

Supervisor Janoski: "Mr. Mullen, checked and you reported back."

Irene J. Pendzick: "I told you that he, she had blanket bonding like the rest of the officials."

Supervisor Janoski: "That's \$25,000.00 which is what Mr. Flanagan had and as of right now, I am informed that it is in the amount of a quarter of a million dollars. Now I can only of course believe what people who work for the Town who I ask these questions of tell me."

Councilman Regula: "Mr. Supervisor, if I may interject. Here is something I received a copy of. This is from the County Attorney's Office, and to insure the protection for the Town, we should have."

Supervisor Janoski: "I have already read that letter, Mr. Regula."

Councilman Regula: "By the Deputy Tax Receiver covered by at least two bonds."

Supervisor Janoski: "Should be is the word."

Councilman Regula: "This should be done by December 1st and not later than five days later."

Supervisor Janoski: "That's right."

Councilman Regula: "So that would put that tomorrow, I think."

Councilman Prusinowski: "Joe."

Supervisor Janoski: "Yes."

Councilman Regula: "Then I read in the News-Review that you state you arranged for the bonding and I hadn't heard that it was done and I checked with."

Supervisor Janoski: "As I said, Mr. Regula. I had asked both the Town Clerk and the Accountant of the Town to determine if in fact, the Deputy was bonded. The reports back to me were that she was. So that therefore upon these people who are, work for the Town, I have got to believe that they are telling me the truth."

Councilman Prusinowski: "Mr. Supervisor."

Supervisor Janoski: "You may be recognized."

Councilman Prusinowski: "Okay, I don't have pertinent sentences I was working very hard today. The man has died, a friend of mine, a friend of all of us. It's unfortunate some of the actions that were taking place. I see Tony has a resolution on his desk. A similar one that Joe and I had discussed and about appointing Dottie Jermusyk and I'll let him read that because I will not take the thunder away from that, but all I want to say is that, this is a small Town, 20,000 people. I do not see the rush in appointing anybody on the Friday, the day after you bury a man into the ground. Doc, I'm sorry, I've gone with you a lot of times when I thought you right and you know I don't play a lot of politics up here, but I think we could have waited till next week and with that I will yield to Mr. Regula who will read resolution that I will support."

Supervisor Janoski: "I recognize Mr. Regula for the purpose of a resolution."

Councilman Regula: "Yes, the resolution reads-

RESOLVED, that Dorothy Jermusyk, the Deputy Tax Receiver, be hereby appointed Acting Tax Receiver until a Tax Receiver is duly appointed and that she be properly bonded as such and I want to move that, and I want to move that motion. "

Supervisor Janoski: "I would like to recess this meeting. There are certain--I think someone has to sit down with Mrs. Jermusyk to ask her, her feeling of this and there are certain other questions outstanding. I would ask the Town Councilmen to meet in my office with Mrs. Jermusyk at this time. We will reconvene at twenty-five passed the hour."

The Meeting Reconvened at 3:35 P.M.

Supervisor Janoski continues: "Who's making the resolution?"

Councilman Prusinowski: "Tony made a resolution and I'm just going to amend it slightly. It's made and seconded it. I would like to amend the resolution to read;

RESOLVED that Dorothy,"

Irene J. Pendzick: "You can't amend a resolution."

Councilman Prusinowski: "I can make a motion to amend a resolution and it has to be voted on, the amendment."

Irene J. Pendzick: "If the amendment is passed by a majority, then it becomes a whole resolution. Then we vote for it."

Supervisor Janoski: "That's correct."

Councilman Prusinowski: "Okay, Mr. Supervisor, I would like to amend the resolution on the table to read:

RESOLVED that Dorothy Jermusyk, Deputy Tax Receiver, is hereby appointed Acting Tax Receiver, until A Tax Receiver is duly appointed at the December 15th meeting of the regularly scheduled December 15th meeting of the Town Board and that she is properly bonded as such. The addition is the December 15th meeting.

I make a motion to amend."

Supervisor Janoski: "Do I have a second for the motion to amend?"

Councilman Menendez: "Yeah, I can second it."

Supervisor Janoski: "Moved and seconded, Mrs. Pendzick."

The vote, Prusinowski, yes, Regula, No, Menendez, Yes, Janoski, Yes, Lombardi, absent.

Councilman Prusinowski: "Joe, I think it should be pointed out that on Tuesday, the Town Board as a body will be discussing filling this vacancy and each Councilman will present their candidates and it's an open meeting."

Supervisor Janoski: "Okay, now we have an amended motion on the floor."

Councilman Prusinowski: "Right, now we have to pass that, right."

Supervisor Janoski: "I guess, so now that Tony has voted against the resolution, it is amended. I guess Mr. Prusinowski, it will be up to you or Councilman Menendez to re-introduce."

Councilman Prusinowski: "Right, No."

Irene Pendzick: "You haven't moved on the motion that Tony moved. Tony introduced the resolution."

Councilman Prusinowski: "Right"

Supervisor Janoski: "Okay, but it was amended."

Councilman Prusinowski: "As amended and we adopted the amendment and the

Irene Pendzick: "You didn't adopt what you amended."

Councilman Prusinowski: "That's right. We have to vote on that now and"

Councilman Regula: "You can vote against your own. If you introduced a motion. Okay, fine, go ahead."

Supervisor Janoski: "Does somebody want?"

Councilman Prusinowski: "I make a motion. Oh it's on the floor."

Supervisor Janoski: "It's on the floor."

Irene Pendzick: "You have a resolution on the floor, seconded by Doc duly moved."

Supervisor Janoski: "Duly moved."

Irene Pendzick: "You have to call a vote, Mr. Supervisor."

Supervisor Janoski: "I'm not quite sure as to what I'm voting on."

Councilman Regula: "On my original one?"

Supervisor Janoski: "Now that I know what I'm voting on. Would you, is there a second? That is seconded. Okay, please call the roll."

Irene J. Pendzick: "Prusinowski."

Councilman Prusinowski: "Wait a minute. We're voting on the resolution now that does not include the December 15th."

Supervisor Janoski: "That's right."

The vote, Prusinowski, no, Regula, my original, right, yes, Menendez, yes, Janoski, no, and Lombardi, absent.

Irene Pendzick: "I've got it, two nos, two yeses and one absent. I think that means it's been denied."

Supervisor Janoski: "Okay, now can you introduce the amended version, please?"

Councilman Prusinowski: "Now, we're introducing the amended version that has passed."

RESOLVED, that Dottie Jermusyk, The Deputy Tax Receiver, be hereby appointed Acting Tax Receiver, until a new Tax Receiver is duly re-appointed at the regularly scheduled December 15th meeting of the Town Board and that she is properly bonded as such.

So Moved."

Councilman Regula: "Just on the question. Now, we went into the meeting with Dottie Jermusyk and I didn't hear the question asked if she'd accept."

Councilman Prusinowski: "Yes."

Supervisor Janoski: "She did."

Councilman Regula: "Oh, I didn't hear it, In that room?"

Councilman Prusinowski: "I asked her. Yes."

Supervisor Janoski: "She did."

Councilman Regula: "Oh."

Councilman Prusinowski: "I asked her."

Councilman Regula: "In that room?"

Councilman Prusinowski: "Dottie, did I ask you?"

Supervisor Janoski: "Dottie, would you stand up and."

At this point, Mrs. Jermusyk rose from her seat in the audience and said

Dorothy Jermusyk: "Yes," She accepts.

Councilman Regula: "Now, where are we?"

Supervisor Janoski: "I need a second to that motion."

Councilman Regula: "Second to what motion."

Councilman Prusinowski: "To the one I just made on the 15th."

Councilman Menendez: "Say it again, Vic."

Councilman Prusinowski: "Again?"

RESOLVED, that Dottie Jermusyk, the Deputy Tax Receiver, be hereby appointed Acting Tax Receiver, be hereby appointed Acting Tax Receiver, until a new Tax Receiver is duly re-appointed at the regularly scheduled December 15th meeting of the Town Board and that she is properly bonded as such. So moved."

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Councilman Menendez: "I can second that."

Supervisor Janoski: "Vote and seconded. Please call the roll."

The vote, Prusinowski, Yes, REgula, No, Menendez, Yes, Janoski, Yes, and Lombardi, absent.

The resolution was thereupon declared duly adopted.

Supervisor Janoski: "This meeting is closed."

There being no further business on motion and vote, the meeting adjourned at 3:45 P.M.

IJP:bg

Irene J. Pendzick
Irene J. Pendzick, Town Clerk