

Minutes of a meeting of the Town Board of the Town of Riverhead held in the Town Hall on Tuesday, April 2, 1957 at 10:00 A.M.

Present:

- William J. Leonard, Supervisor
- Thomas M. Stark
- Otis G. Pike
- Bruno F. Zaloga, Jr., Justices of the Peace
- John H. Benedict, Councilman

Also Present: Jacob Harding, Town Attorney, and Myron C. Young, Superintendent of Highways.

Minutes of a meeting of the Town Board held on March 19, 1957, were submitted to the Board and on motion made by Justice Stark and seconded by Councilman Benedict, it was RESOLVED that the minutes be approved as submitted. The Vote---Justices Stark, Pike and Zaloga, Yes; Councilman Benedict, Yes; and Supervisor Leonard, Yes. The resolution was thereupon declared duly adopted.

Letter dated April 1, 1957 from the Chief of the Riverhead Fire Department was read to the Board as follows:

"The Riverhead Firemen's Association respectfully request permission to use the north end of the "Old Fairgrounds" for the Southern New York Volunteer Firemen's Association Drill to be held on June 29, 1957.

The Convention will be held on June 28, 1957 and the parade on June 29, at 9:30 A.M.

Thanking you for your kind consideration as in the past, I remain Respectfully yours, Edward Gadzinski, Chief, General Chairman of Convention and Drill."

On motion by Justice Pike and seconded by Councilman Benedict, it was RESOLVED that permission be granted to the Riverhead Fire Department to hold a Fire Association Drill on the north end of the "Old Fairgrounds;" for one day, subject to the Town of Riverhead regulations governing carnivals, bazaars and circuses held on property owned or leased by the Town of Riverhead. The Vote---Justices Stark, Pike and Zaloga, Yes; Councilman Benedict, Yes; and Supervisor Leonard, Yes. The resolution was thereupon declared duly adopted.

Statement of Tax Collections from the Receiver of Taxes dated March 31, 1957 was read to the Board. Communication ordered filed.

Mr. Edward Smith of Wading River submitted to the Board, a map relative to a road known as Old North Wading River Road that he would like to see dedicated to the Town. This highway being situated east of Hulse Road running from Sound Avenue, northerly to the vicinity of Wildwood State Park. Matter was referred to the Town Attorney.

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Justice Zaloga offered the following resolution regarding
A-Rules I. 4093, Pr. 4488

WHEREAS, the Department of Defense about the year 1952 condemned approximately 4500 acres of the land in the Town of Riverhead for the purpose of creating the Peconic River Plant for the primary purpose of the assembly of naval aircraft under a plan with Grumman Aircraft Engineering Corporation, the consequences of which resulted in the elimination from the tax roll of the Town of Riverhead of a large segment of the Town; and

WHEREAS, on or about April 1, 1954, the Department of Defense, pursuant to Federal Statute known as 34 U.S.C.A. § 522a, c and e, enacted in the year 1947, entered into an agreement with the Grumman Aircraft Engineering Corporation for the use of said plant for a period of fifteen years, containing a provision giving the said corporation the first privilege to buy the property, and wherein the said Federal Statute provides as follows:

"The lessee's interest, made or created pursuant to the provisions of sections 522a, 522e of this title, shall be subject to State or local taxation."

and

WHEREAS, the Grumman Aircraft Engineering Corporation has resisted since April 1, 1954 the taxation of its "interest" and has secured a decision from the Court of Appeals of the State of New York by vote of four to three a determination which indicates that in spite of the provisions of the Federal Statute the laws of the State of New York as heretofore existing and as interpreted by the Court of Appeals do not provide for the taxation of said interest; and

WHEREAS, the elimination from the tax roll of the said Grumman interest places an unfair, unequal and oppressive burden on the remainder of the taxpayers of the Town of Riverhead; and

WHEREAS, CENTRAL SCHOOL DISTRICT #2 OF THE TOWNS OF RIVERHEAD, SOUTHAMPTON AND BROOKHAVEN is about to enter upon a school building program which, if carried out, would place an additional burden upon the taxpayers of the Town of Riverhead; and

WHEREAS, the 1957 Legislature of the State of New York has enacted amendments to Section 4 and Section 71 of the Tax Law, which are designed to enable the taxing districts of the State of New York to tax the interests of contracting parties entering into agreement with the United States, all in conformity with the Federal Statute enacted in 1947, and under which statute the Grumman and similar documents are created;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead does hereby earnestly petition the Honorable Averell Harriman, Governor of the State of New York, to give his approval to the above numbered enactment.

RESOLUTION was seconded by Councilman Benedict. The Vote---
Justices Stark, Pike and Zaloga; Yes; Councilman Benedict, Yes; and Supervisor Leonard, Yes. The resolution was thereupon declared duly adopted.

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Justice Pike offered the following resolution and requested that copies of this resolution be sent to Congressman Wainwright, Senators Javits and Ives, Governor Harriman and President Eisenhower.

WHEREAS, the Town Board of the Town of Riverhead is advised and believes that the federal government is currently holding hearings in relation to the acquisition of additional land and of easements restricting the use of land in the vicinity of the Grumman Aircraft Corporation's Calverton plant, and

WHEREAS, the removal of such lands from the tax rolls of the Township of Riverhead creates a critical problem in regard to the tax burden on the remaining properties in the town for school, highway, police and all legitimate functions of municipal government, and

WHEREAS, previous protests of the Town of Riverhead have gone unanswered,

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead requests the opportunity to present their views to the appropriate board or boards at Washington or in Riverhead before action is taken by the federal government in this project.

The Town of Riverhead is aware of the necessity of air bases and the accompanying nuisances of noise and danger in the interests of national defense but strongly urges that to the burden of these nuisances there should not be added a financial burden to be suffered by one community alone in the national defense, but that the financial burden of national defense should bear equally upon all the taxpayers of the nation.

RESOLUTION was seconded by Justice Zaloga. The Vote--- Justices Stark, Pike and Zaloga, Yes; Councilman Benedict, Yes; and Supervisor Leonard, Yes. The resolution was thereupon declared duly adopted.

Police report for the month of March was submitted to the Board and ordered placed on file.

Letter dated March 19, 1957 from the Long Island Lighting Company was read to the Board relative to the renewal of the Lighting Contract for the South Jamesport Lighting District. Matter was referred to Justice Stark.

Justice Pike offered the following resolution and moved its adoption:-

BOND ANTICIPATION NOTE RESOLUTION OF THE TOWN OF RIVERHEAD, NEW YORK, AUTHORIZING THE ISSUANCE OF \$115,000 NOTES IN ANTICIPATION OF THE SALE OF SERIAL BONDS HERETOFORE AUTHORIZED TO BE ISSUED IN THE PRINCIPAL AMOUNT OF \$115,000.

RESOLVED BY THE TOWN BOARD OF THE TOWN OF RIVERHEAD, IN THE COUNTY OF SUFFOLK, NEW YORK, AS FOLLOWS:-

Section 1. Bond Anticipation Notes of the Town of Riverhead, in the principal amount of \$115,000 are hereby authorized to be issued at one time or from time to time, as funds are required, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended, for the specific object or purpose of financing the acquisition of a certain piece or parcel of land as the site of and the construction thereon, of a Town Highway Garage, in the Town of Riverhead, New York, all as more fully described in a resolution entitled:-

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"Bond and Capital Note Resolution of the Town of Riverhead, New York, adopted December 18, 1956, authorizing at an estimated maximum cost of \$7,500, the acquisition of a certain piece or parcel of land as the site, and, at an estimated maximum cost of \$113,600, the construction thereon, of a town highway garage, appropriating \$121,100 therefor, and authorizing the issuance of \$6,100 Capital Notes, to provide the down payment, and \$115,000 serial bonds, of the Town, to finance the remainder of the appropriation."

duly adopted by the Town Board on the date above set forth and approved by the qualified electors of the Town at a special election on January 15, 1957. Said Notes are issued in anticipation of the sale of serial bonds of the said Town. No bond anticipation notes have been previously issued or are outstanding in anticipation of the sale of said bonds and the Notes hereby authorized are not renewal notes. The period of maturity of the Notes hereby authorized shall not exceed one year from the date of the Notes and said Notes authorized by this resolution are not for an assessable improvement.

Section 2. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to Par. 50.00 and Paragraphs 56.00 to 60.00 of said Law, the power to prescribe the terms, form and contents and as to the sale and issuance of the bond anticipation notes authorized by this resolution, are hereby delegated to the Supervisor as the chief fiscal officer of the Town.

Section 3. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Justice Stark and duly put to a vote on the roll call, which resulted as follows: Justices Stark, Pike and Zaloga, Yes; Councilman Benedict, Yes; and Supervisor Leonard Yes. The resolution was declared adopted.

CERTIFICATE OF DETERMINATION BY THE
SUPERVISOR AS TO THE DETAILS OF SALE
AND ISSUANCE OF A \$75,000 BOND ANTI-
CIPATION NOTE FOR A TOWN HIGHWAY
GARAGE-1957-OF THE TOWN OF RIVERHEAD,
NEW YORK.

I, WILLIAM J. LEONARD, Supervisor of the Town of Riverhead, in the County of Suffolk, New York, HEREBY CERTIFY that pursuant to the powers and duties delegated to me, as the chief fiscal officer of the Town, by the Town Board of said Town by resolution duly adopted April 2, 1957, and subject to the limitations prescribed in said resolution, I have made the following determinations:-

1. A Bond Anticipation Note of the Town shall be issued in anticipation of the issuance of definitive bonds, as authorized by resolution entitled:-

"Bond Anticipation Note Resolution of the Town of Riverhead, New York, authorizing the issuance of \$115,000 Notes in anticipation of the sale of serial bonds heretofore authorized to be issued in the principal amount of \$115,000,"

duly adopted by the Town Board of said Town on April 2, 1957,
as follows:-

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Amount and Title: \$75,000 Bond Anticipation Note for a Town Highway Garage-1957.

Dated: May 1, 1957

Matures: May 1, 1958, subject to prior redemption

No. 1-Denomination: \$75,000.

Interest: 3% per annum, payable at maturity.

Place of payment of principal and interest: -State Bank of Suffolk, Riverhead, New York.

Form of Note: Substantially in accordance with form prescribed by Schedule B, 2 of the Local Finance Law of the State of New York, as amended.

2. Said Note is not issued in renewal of any note or notes.

3. Pursuant to said powers and duties delegated to me, I DO HEREBY AWARD AND SELL said bond anticipation note to STATE BANK OF SUFFOLK, Riverhead, New York, at the purchase price of par, plus accrued interest, if any, from the date of said Note to the date of payment of the purchase price, and I FURTHER DETERMINE that said Note so awarded shall bear interest at the rate of three per centum (3%) per annum.

I HEREBY FURTHER CERTIFY that the powers and duties delegated to me to issue and sell the Note hereinabove referred to are in full force and effect and have not been modified, amended or revoked.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of April, 1957.

William J. Leonard
Supervisor

CERTIFICATE OF DETERMINATION BY THE
SUPERVISOR AS TO THE DETAILS OF SALE
AND ISSUANCE OF \$6,100 CAPITAL NOTES
FOR A TOWN HIGHWAY GARAGE - 1957, OF
THE TOWN OF RIVERHEAD, NEW YORK

I, William J. Leonard, Supervisor of the Town of Riverhead, in the County of Suffolk, New York, HEREBY CERTIFY that pursuant to the powers and duties delegated to me, as the chief fiscal officer of the Town, by the Town Board of said Town by resolution adopted December 18, 1956, and approved by the qualified electors of the Town, I have made the following determinations:-

1. Capital Notes of this Town of Riverhead shall be issued to provide the down payment required and as authorized by resolution, entitled:- "Bond and Capital Note Resolution of the Town of Riverhead, New York, adopted December 18, 1956, authorizing, at an estimated maximum cost of \$7,500, the acquisition of a certain piece or parcel of land as the site, and, at an estimated maximum cost of \$113,600, the construction thereon, of a Town Highway Garage, appropriating \$121,100 therefor, and authorizing the issuance of \$6,100 Capital Notes, to provide the down payment, and \$115,000 serial bonds, of the Town, to finance the remainder of the appropriation," duly adopted by the Town Board on the date above set forth, and a proposition approved by the qualified electors of the Town at a special election on January 15, 1957, as follows:-

Amount and Title: \$6,100 Capital Notes for a Town Highway Garage-1957.

Dated: May 1, 1957

Mature: May 1, 1958 and
May 1, 1959

Numbers and Denominations: 1 and 2 of the denomination of \$3,050 each

Interest Rate: 3% per annum, payable at maturity-Number 1
3% per annum-Number 2

Place of payment of principal and interest: The Long Island State
Bank and Trust Company, Riverhead, New York.

Form of Note: Substantially in accordance with form prescribed by
Schedule B, 2 of the Local Finance Law of the State
of New York, as amended.

2. Said Notes are not issued in renewal of any note or notes.
3. No capital notes have been heretofore, issued or are presently outstanding pursuant to the above resolution.
4. Pursuant to said powers and duties delegated to me, I DO HEREBY AWARD AND SELL said Notes to the Long Island State Bank and Trust Co., Riverhead, N.Y., at the purchase price of par, plus accrued interest, if any, from the date of said Notes to the date of payment of the purchase price, and I FURTHER DETERMINE that said Notes so awarded shall bear interest at the rate of three per certum (3%) per annum.

I HEREBY FURTHER CERTIFY that the powers and duties delegated to me to issue and sell the said Notes hereinabove referred to are in full force and effect and have not been modified, amended or revoked.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of April 1957.

William J. Leonard
Supervisor.

Justice Pike offered the following resolution which was seconded by Justice Zaloga. Be it RESOLVED that, for the purpose of paying expenses of snow removal, the Supervisor be authorized to borrow the sum of Five (\$5,000) Thousand Dollars from the State Bank of Suffolk, Riverhead, New York, on a Budget Note, and further RESOLVED

That the maturity date of the note be one year from date of said note and that the interest rate shall not exceed three percent.

The Vote---Justices Stark, Pike and Zaloga, Yes; Councilman Benedict, Yes; and Supervisor Leonard, Yes. The resolution was thereupon declared duly adopted.

On motion by Justice Stark and seconded by Justice Pike, it was RESOLVED that the Long Island Lighting Company be authorized to make a survey for mercury vapor aerial street lighting on Second Street in front of the Post Office, between Griffing and Roanoke Avenues. The Vote---Justices Stark, Pike and Zaloga, Yes; Councilman Benedict, Yes; and Supervisor Leonard, Yes. The resolution was thereupon declared duly adopted.

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On motion by Justice Stark and seconded Justice Pike, it was RESOLVED that the Long Island Lighting Company be authorized to make a survey for street lighting in Wildwood Hills, on Cliff Road, Ravine Road, Cedar Road and Locust Road, in the Wading River Lighting District. The Vote---Justices Stark, Pike and Zaloga, Yes; Councilman Benedict, Yes; and Supervisor Leonard, 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---\$3,627.06, Machinery Fund---\$730.47 and Highway Building Acct.---\$2,880.00. On motion and vote it was Resolved that the bills be approved as rendered.

There being no further business on motion and vote, the meeting adjourned to meet on Tuesday, April 16, 1957 at 10:00 A.M.

Anthony F. Gadzinski
Anthony F. Gadzinski, Town Clerk

AFG:mvb

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