

Minutes of a Special Meeting of the Town Board of the Town of Riverhead,
held at the Town Hall on Monday, May 11, 1970 at 7:30 P.M.

Present:

Bruno Zaloga, Supervisor
Robert G. Leonard, Town Justice
Vincent B. Grodski, Councilman
George G. Young, Councilman

Absent: Thomas R. Costello, Town Justice

Also present: John J. Munzel, Town Attorney.

WAIVER OF NOTICE AND CONSENT TO MEETING

WE, the undersigned, being all of the members of the Town Board of the
Town of Riverhead, Suffolk County, New York, do hereby waive notice of the time,
place and purpose of a meeting of the Town Board to be held at the Town Hall, 220
Roanoke Avenue, Riverhead, N. Y., at 7:30 P.M. o'clock, on May 11th, 1970, and
do consent to the holding of such meeting with the Waste Disposal Collectors to dis-
cuss the "GARBAGE PROBLEM" within the Town of Riverhead.

Dated: May 11th, 1970

Bruno Zaloga
Supervisor

Thomas R. Costello
Town Justice

Robert G. Leonard
Town Justice

Vincent B. Grodski
Councilman

George G. Young
Councilman

Filed.

Town Clerk submitted the following documents which were ordered filed:
Order to Show Cause and Affidavit-Index No. 193654-Kenney Maintenance
Corp., vs. Town of Riverhead and Summons and Complaint-Index No. 193654-Kenney
Maintenance Corp., vs. Town of Riverhead, served on Town Clerk on May 8, 1970
and referred to Town Attorney John J. Munzel on May 8, 1970.

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The following Waste Disposal (Garbage) Operators were in attendance:

John Lombardi, Henry G. Haefele, Condry Bell, Hearlie Cooper, Thomas Aniello, Hardges Wilson, Marshall Jackson, Carl B. James and Kenney Maintenance Corp., was represented by Richard Goldberg, Esq., Milton Morganstern, Esq., and Messrs. Julius Zaretsky and Matty Principi.

Supervisor Zaloga called the meeting to order at 7:45 P. M.

Supervisor Zaloga explained to the Operators the purpose of this meeting being that about ten days ago the Town Hall was deluged with calls from individuals who were left stranded by Kenney Maintenance. That Mr. Principi appeared before the Board on May 5th and stated that his outfit would no longer pick up garbage from 300 houses because it was a losing proposition and that only the commercial pickups would be given attention.

Supervisor Zaloga further explained that many of the customers made advance payments for the service and were not notified or given any notice whatever and this created a very bad situation.

Supervisor Zaloga stated that the Town Board wants to know what the operators are going to do about the garbage pickups and if a satisfactory solution is not reached at this hearing that the Board will take action to put in a municipal garbage system.

Supervisor Zaloga then asked if anyone wished to be heard at this time.

Richard Goldberg stated he is an attorney for Kenney Maintenance and is practicing law with Milton Morganstern, who is a brother-in-law of Julius Zaretsky, that both he and Mr. Morganstern have a personal and business interest in this matter.

Mr. Goldberg asked the Town Board to reconsider their action of May 5th in revoking the permit of Kenney Maintenance.

Mr. Goldberg stated that neither the attorneys or the partners were aware that Board of Health Inspection requirements were required.

Town Clerk Helene Block stated that Mr. Zaretsky was so informed when the first application was made and that he advised her the inspection certificates would be forthcoming.

Mr. Goldberg said that the trucks will comply with the requirements and asked that the corporation be given the opportunity to comply.

Mr. Goldberg also stated that there has been a great deal of trouble with truck break-down and equipment failure and the inability to get good help and when two trucks broke down at the same time, they were forced to rent a truck to handle the commercial stops.

Mr. Goldberg further stated that about \$5000 or \$6000 is outstanding on the 300 resident pickups.

Supervisor Zaloga suggested that a conference be held by the Kenney Maintenance personnel.

Mr. Goldberg continued saying that 40 summer homes in Reeve's Park have not paid any moneys since last summer, admitted that the customers should have been notified and pointed out that the Town Ordinance does not provide for Inspection of trucks by the Health Department.

Mr. Goldberg asked the Board to reconsider the revocation and that Kenney Maintenance be given the opportunity to rectify any injustice or ill feelings.

Milton Morganster, Esq., informed the Board that Kenney Maintenance has ordered a new truck to be delivered on Wednesday.

Supervisor Zaloga informed Messrs. Goldberg and Morganster that Mr. Principi did not give truck and equipment failure and labor problems as the reason for not picking up the residential. That he said it was a losing proposition and that Kenney would only pick up commercials.

Supervisor Zaloga reminded Mr. Principi that he also stated his men were being paid \$116 per week but he failed to state that the hours were lengthy and six days a week.

Supervisor Zaloga informed Kenney Maintenance that Reeve's Park has an Association and bills be sent to it.

Mr. Morganster stated that it has been a losing proposition with the residential and that it is economically unfeasible to run the business at the rates that are being charged and that when the business was purchased from Mrs. Annis, they did not know the trucks were in such poor condition, that they had no idea that the residential were spread out all over the town, that it was a business misjudgment and because of the mechanical and help situation it was not possible to render the service.

Mr. Morganster further stated that with the new truck ordered and dependable help and good mechanics to make repairs, there will be a difference.

Mr. Goldberg interjected that the new truck will cost \$25,000.

Supervisor Zaloga asked the attorneys what is the intention of their client.

Mr. Morganster stated that it is their intention to continue to pick up as before, all of the residential and if they cannot they will make arrangements with one of the other operators to swap possibly.

Mr. Morganster added that of the 300 residential they have 150 delinquent accounts.

Supervisor Zaloga reminded the attorneys that they have the right to a small claims court and that there are people who have made advance payments and have not been notified that the garbage would not be collected.

Mr. Morganster advised that with new employees and new and repaired equipment they will be able to do the job.

Supervisor Zaloga asked if it was their intention to do the job as did Mr. Annis, in its entirety and if they were willing to make swaps.

Mr. Morganster said "Yes."

Mr. John Lombardi stated that he doesn't mind taking care of the houses but has only one truck. That his phone has been ringing for two weeks and people saying that Kenney has dropped them and it is impossible for him to take on any more customers and he can't afford to put on a new truck just for house collections at the existing rates.

Supervisor Zaloga asked Mr. Lombardi how he feels about swapping customers with Kenney.

Mr. Lombardi stated that he personally would not feel kindly toward this area.

Judge Leonard asked Mr. Lombardi how many customers he served with one truck.

Mr. Lombardi answered "700".

Mr. Thomas Aniello asked where the 300 Kenney Maintenance customers resided.

Mr. Principi stated 190 in Riverhead and 110 to 120 in Flanders.

Judge Leonard asked Mr. Principi how many trucks and how many customers he had.

Mr. Principi answered, "Two trucks and an overall total of 350 to 400 customers".

Councilman Young pointed out that Mr. Lombardi takes care of 700 customers with one truck and Kenney cannot take care of 300 with two trucks.

Mr. Principi said that labor has been a problem.

Mr. Aniello informed the Board that he has taken on about 100 of the discarded houses and Mr. Lombardi also has taken some, so that there shouldn't be a question.

Supervisor Zaloga repeated what he stated to Mr. Principi on May 5th, that it is unfair for any operator to come in to the town and do only commercial work and that if this practice is continued by some operators it will be the quickest way for the Board to force a municipal system.

Mr. Henry Haefele stated that he has five trucks and has 5,000 customers.

Mr. Morganstern stated that Mr. Zaretzky has advised him that the Association stands behind the collection on bills at Reeve's Park and they have bills outstanding from there since the summer of 1969.

Mr. Zaretzky stated they have not dropped all of the houses, that they are still servicing Woodhull and Pegs Lane area and as soon as the new truck comes in they will do lots more. That they have certain commercials that take a lot of time to service.

Judge Leonard asked if Kenney Maintenance has trucks working in Islip.

Mr. Zaretzky said "No".

Mr. Morganstern informed the Board that of the five trucks purchased from Annis only two were found to be operable.

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Supervisor Zaloga asked counsel to ask Mr. Principi to withdraw the statement "that he uses two trucks in Riverhead and three in Islip", which he made on May 5th.

Mr. Principi said it was a misunderstanding.

Mr. Aniello informed the Board that he had 35 real bad homes not paying and that he had sent notices advising them that they would be discontinued--that he had not received one payment response and so has discontinued them.

Supervisor Zaloga stated that the only complaints received related to the back yard to sidewalk change and the situation created by Kenney Maintenance.

Town Clerk stated that her office has received numerous complaints on Kenney Maintenance failure to adhere to scheduled pickups.

Judge Leonard asked if Kenney Maintenance has a guarantee they will get the new truck this week.

Mr. Morganstern answered, "Yes, this Wednesday".

Mr. Smith stated he works for Riverhead Sanitation and they make all their scheduled pickups.

Supervisor Zaloga stated that Riverhead Sanitation was not singled out in the complaints.

Mr. Alexander Grant, 54 Second Street, Riverhead, asked if any surveys have been made as to costs on municipal operation.

Supervisor Zaloga stated that there are a couple municipalities that have this system, that it is more expensive and the Board does not want to force it, but if it needs to be done they will consider it.

Supervisor Zaloga called a recess to give the operators an opportunity for further discussion.

Meeting resumed at 8:40 P. M.

Mr. Morganstern informed the Board that a company called Jet Sanitation owns 100 trucks and has offered to buy 50% of Kenney Maintenance and will supply them with all the trucks they need, but the trucks are marked "Jet Sanitation", and asked the Board's permission to have Jet trucks operate their territory as they have the personnel and equipment.

Mr. Goldberg informed the Board that they rented a truck today but it was picked up by the Police Department.

Mr. Smith stated that every truck should have a permit on the window.

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Mr. Haefele stated that if Kenney Maintenance needs a truck, it should borrow one from a local operator.

Mr. Morganstern said there are no trucks available.

Mr. Arthur Case, Pres. of Home Owners Ass'n, Northampton, asked who will pick up the garbage in that area of 200 families within the Ass'n. if Kenney's license will be revoked.

Mr. Morganstern said that Jet will not pick up any customers that are not Kenneys.

Supervisor Zaloga said that the Board is aware that there are weaknesses in the existing ordinance and will propose amendments to strengthen it.

Mr. Case said he spoke to Kenney's and was told they had a stay on the revocation of license, however, they did not pick up the garbage and they have complaints about the tops of the cans that are knocked around and scattered and not put back in place by the collectors.

Mr. Smith asked how many operators have use of the dump without a permit.

Supervisor Zaloga stated that the Board realizes it is short handed at the Dump but no one should be allowed to dump without a permit.

Judge Leonard asked Mr. Morganstern who would pick up the garbage if their truck does not come in on Wednesday.

Mr. Morganstern said that Jet will supply the truck.

Supervisor Zaloga asked the local operators if they have any comments.

Mr. Aniello asked if Kenney will pick up only commercials when the new truck comes in.

Mr. Principi advised they will go back to all of their residential.

Mr. Haefele asked if Jet trucks will be allowed to pick up in Riverhead all of the time.

Supervisor Zaloga asked if Jet buys out 50% of Kenney's business, which trucks will operate in the Town of Riverhead, Kenney's or Jets.

Mr. Morganstern asked if it would make a difference.

Mr. Zaretzy said it will be Jet, if it doesn't make a difference.

Supervisor Zaloga said, "Yes, it does make a difference to me, you are licensing Kenney and yet you say it will be Jet.

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Mr. Morganstern asked if Kenney Maintenance name can be put on somewhere.

William Esseks, Esq., stated it will be Kenney Maintenance on the truck.

Mr. Goldberg asked if it was possible to resolve the issue of the court appearance by permitting Kenney Maintenance to meet the health requirements.

Supervisor Zaloga called a recess of the Board to caucus with the Town Attorney on the matter.

Meeting resumed at 9:15 P.M.

Supervisor Zaloga announced that the Board has decided to continue with the Court Action with Kenney Maintenance and that the Board does not condone Kenney's leasing a Jet truck while awaiting the arrival of a new truck and asked when Kenney's truck will be prepared to operate.

Mr. Principi replied that they will be prepared to operate the new truck on Thursday.

Mr. Morganstern stated they are prepared to lease a truck from Jet.

Mr. Haefele stated he has a truck for hire, that he will drive it but Kenney will have to provide personnel to acquaint the driver with the route.

Supervisor Zaloga asked if this is satisfactory to Kenney.

Mr. Morganstern asked how long it would take to apply for a permit on a leased truck.

Supervisor Zaloga stated that the results of the teletype would have to be known and that if the new truck will be ready to go on Thursday they can use Mr. Haefele's truck on Tuesday and Wednesday.

Town Attorney John J. Munzel asked Mr. Morganstern if he represented Mr. Goldberg on behalf of Kenney Maintenance.

Mr. Morganstern replied, "Correct", and asked if this Board will reconsider Kenney's application, assuming the Court's verdict is not favorable.

Supervisor Zaloga said, "We will start all over again".

Mr. Goldberg stated that the Health Permit as such should not be held up.

Mr. Lombardi asked if Jet is buying 50% of Kenney's Maintenance would this allow Jet to come into Riverhead.

Mr. Munzel replied, "It depends on what the actual documentation was. If they are buying only 50% of Kenney's it would be Kenney's, if they are asking for a transfer to Jet, it would be Jet."

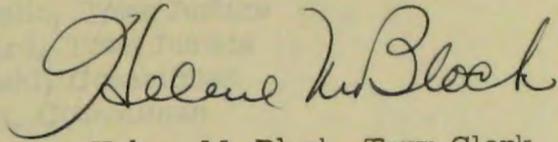
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Mr. Stark asked if Kenney Maintenance has permits and leases trucks, if these permits are transferable to the leased trucks.

Supervisor Zaloga said, "No, they are not transferable".

No one else wishing to be heard, the meeting adjourned at 9:25 P.M.



Helene M. Block, Town Clerk

HMB.