

Minutes of a Meeting of the Town Board of the Town of Riverhead held at the Town Hall, Riverhead, New York, on Tuesday, December 16, 1969 at 10:30 A.M.

Present:

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

The members of the Town Board welcomed George G. Young into the fold and he resumed his duties as Councilman after a period of 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 December 2, 1969, be approved as submitted.

The vote, Councilman Young, Yes, 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. 24:

General Town	\$15,598.27
Highway Item No. 1	\$ 2,274.37
Highway Item No. 3	\$12,383.96
Highway Item No. 4	\$ 1,503.68

Councilman Young offered the following resolution which was seconded by Councilman Grodski.

RESOLVED, That General Town bills submitted in the amount of \$15,598.27 be approved for payment, and

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

Highway Item No. 1	\$ 2,274.37
Highway Item No. 3	\$13,383.96
Highway Item No. 4	\$ 1,503.68

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

PETITION

George W. Speidell and Audrey M. Speidell, Sound Road, Wading River, for Change of Zone from Residence B to Business A, on property located in Wading River, New York. Filed.

Referred to Planning Board for recommendation and report.

REPORTS

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

Police Department, month of November, 1969. Filed.

Recreation Department, month of November, 1969.

OPEN BID REPORT-STATION WAGON-ASSESSORS

After being duly advertised the following bids for One (1) New 1970 Station Wagon for use of the Town of Riverhead Assessors, were opened by the Town Clerk on Monday, December 15, 1969 at 11:00 A.M:

	Manhasset Motors, Inc., 1225 Northern Blvd. Manhasset, N. Y.	Lyon Ford, Inc. Route 58 Riverhead, N. Y.	Jericho Motors, Inc. Jericho Tpke, Mineola, N. Y.
Make of 1970 Vehicle: Ford Custom (Ranch Wagon)	Ford Custom Ranch Wagon	Custom Ranch Wagon	Ford Ranch Wagon
Date of Delivery:	30 days	Soon as possible	4 weeks
Cost of Vehicle	\$2747.00	\$3913.00	\$3081.00
Allowance on 1966 Chev. Sports Van	\$ 775.00	\$1520.00	\$ 300.00
Net Cost: Less Excise Tax on delivery:	\$1972.00	\$2393.00	\$2781.00

The Bids were filed for the December 16, 1969 Town Board Meeting.

HIGHWAY MATTERS

Alex E. Horton, Supt. of Highways spoke to the Board about the hazardous situation created by the contractor erecting the Sweezy & Newins building on East Main Street. He stated that the sidewalk has been blocked off and pedestrians who shop in that area are compelled to use the highway.

During discussion on the matter, Police Chief Grodski informed the Board that he will notify the contractor and request that the situation be corrected.

COMMUNICATIONS

Riverhead Fire District, dated 12/9/69, submitting Election Inspector's Report of Annual Election for Fire District Commissioner, held on Dec. 9, 1969. Filed.

COMMUNICATIONS

Jamesport Fire District, dated 12/9/69, submitting Election Inspector's Report of Annual Election for Fire District Commissioners, held on Dec. 9, 1969. Filed.

Wading River Fire District, dated 12/9/69, submitting Election Inspector's Report of Annual Election for Fire District Commissioner, held on Dec. 9, 1969. Filed.

Manorville Fire District, submitting Election Inspector's Report of Annual Election for Fire District Commissioner, held on Dec. 9, 1969. Filed.

L. I. Lighting Co., dated 11/25/69 outlining plan and costs of \$383.40 per annum for installation of improved street lighting on Corwin Street opposite Newton Avenue, Elton Street opposite Newton Ave. and Poles 2, 4, 6, 8, 10, 12 and 14 on Newton Avenue, within the Riverhead Lighting District. Filed.

L. I. Lighting Co., dated 11/25/69, outlining plan and costs of \$21.00 per annum, for installation of street light on Oak Street, within the Wading River Lighting District. Filed.

L. I. Lighting Co., dated 12/3/69, outlining plan and costs of \$678.60 per annum for installation of street lights in the area of Little Flower, within the Wading River Lighting District. Filed.

Above three LILCO communications were referred to Lighting Committee.

Peter V. Snyder, Chairman of the Municipal Law Committee, Suffolk County Bar Association, dated 12/5/69, re Certificates of Occupancy and Certificates of Existing Use. Filed.

Copies to Town Attorney and Building Inspector.

Town of Brookhaven, dated 12/12/69 re Public Hearing on Upzoning School District-Shoreham and Wading River. Filed.

Copies to Town Attorney and Building Inspector.

Charles M. Thrall, 106 Hubbard Avenue, dated 12/15/69, calling attention to flooding condition on Sunrise Avenue and asking the Town Board to investigate the matter and correct it immediately. Filed.

Referred to Supt. of Highways and Alden W. Young.

School Crossing Guards (no signatures) dated 12/15/69, requesting employment benefits such as civil service status, pensions, more time in work capacity as they are unemployed all summer, weekends and school vacations. Filed.

N. Y. State Dept. of Transportation, dated 12/10/69, advising change in statewide speed limit to 55 MPH to become effective October 1, 1970. Also outlining sizes and series of signs to be used. Filed.

Copies to Town Board, Police Chief and Supt. of Highways.

COMMUNICATION

N. Y. State Dept. of Transportation, dated 11/26/69, giving notice that the completed work of Contract FA LI E 67-3 Long Island Expressway Contract 18-Eastport Manor Road - Toppings Path, Suffolk County, was accepted on Nov. 24, 1969, and effective on this date, portions of the completed facility as designated on the contract plans are turned over to the Towns of Riverhead and Brookhaven for maintenance. Filed.

Copies to Town Board, Police Chief and Supt. of Highways.

RESOLUTIONS

Councilman Young offered the following resolution which was seconded by Councilman Grodski.

RESOLVED, That the Superintendent of Highways be and is hereby authorized to hire George Schneider as Laborer for a probationary period of six months at the hourly salary of \$2.00, effective November 17, 1969.

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

Councilman Young offered the following resolution which was seconded by Councilman Grodski.

RESOLVED, That the Superintendent of Highways be and is hereby authorized to hire Charles E. Downs as Laborer for a probationary period of six months at the hourly salary of \$2.00, effective December 2, 1969.

The vote, Councilman Young, Yes, 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.

RESOLUTION DENYING APPLICATION OF ANKER AND GOOD  
FOR CHANGE OF ZONE.

BE IT RESOLVED, That the application of Edward Anker and Robert M. Good, dated November 12, 1969, for a change of zone on Ostrander Avenue, be and the same is hereby denied, without prejudice to renewal.

The vote, Councilman Young, Yes, 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.

BE IT RESOLVED, That the Long Island Lighting Company be and is hereby authorized to install improved street lighting in the areas of Corwin Street opposite Newton Avenue, Pole numbers 2, 4, 6, 8, 10, 12 and 14 on Newton Avenue and Elton Street opposite Newton Avenue, within the Riverhead Lighting District, at a cost of \$383.40 per annum, as per plan outlined in letter under date of November 25, 1969.

The vote, Councilman Young, Yes, 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.

BE IT RESOLVED, That the Long Island Lighting Company be and is hereby authorized to install a street light fixture on Pole #3, located on Oak Street, Wading River, within the Wading River Lighting District, at a cost of \$21.00 per annum, as per plan outlined in letter under date of November 25, 1969.

The vote, Councilman Young, Yes, 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 a meeting of the Town Board of the Town of Riverhead be held on December 30, 1969, at 9:30 A.M., for the purpose of the annual accounting by Town Officers and Employees pursuant to Section 105 of the Town Law, and for any other business to come before the Board.

The vote, Councilman Young, Yes, 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.

BE IT RESOLVED, That the Town Clerk be and hereby is authorized and directed to publish the following notice of public hearing in the ~~January 8th,~~ 1970 issue of the News-Review:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, That pursuant to the Town Law, a public hearing will be held by the Town Board of the Town of Riverhead at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, at 11:00 o'clock A.M., the 20th day of January, 1970, in the matter of the following proposed amendments to Town Ordinance No. 3, "Traffic Control and Parking", adopted March 19, 1968, as amended:

RESOLUTION continued:

BE IT ORDAINED by the Town Board of the Town of Riverhead, that Section 4 (a) of Town Ordinance No. 3, "Traffic Control and Parking", be and the same is hereby amended by adding the following new subsections to said Section 4 (a):

## SECTION 4. PARKING, STANDING AND STOPPING.

(a) Prohibition of parking: The parking of vehicles is hereby prohibited in locations as follows:

25. On the north and south sides of Elton Street from Main Street (Route 25) to a point 150 feet west of Main Street.

26. On the west side of Main Street (Route 25) from a point 150 feet south of Elton Street to a point 150 feet north of Elton Street.

27. On the east side of Main Street (Route 25) from a point 150 feet south of Fairway Avenue to a point 150 feet north of Fairway Avenue.

28. On the north and south sides of Fairway Avenue from Main Street (Route 25) to a point 150 feet east of Main Street.

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

The vote, Councilman Young, Yes, 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 Councilman Young.

RESOLVED, That Town Clerk Elect, Helene M. Block, shall furnish a Public Official Bond in the sum of \$25,000.00,

FURTHER RESOLVED, That the Town Board does and it hereby approves Bond #434724 (2 year term), Helene M. Block, Principal and the Royal Indemnity Company, Surety, in the sum of \$25,000.00,

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

The vote, Councilman Young, Yes, 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 Councilman Young.

RESOLVED, That Receiver of Taxes, Irene J. Pendzick, shall furnish an official undertaking in the amount of Twenty-five Thousand (25,000) Dollars, conditioned upon the faithful performance of her duties, shall be further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Receiver of Taxes and assessments, including all School District Taxes and Water Rents of the Riverhead Water District as Receiver of Taxes of the Town of Riverhead, and it is further

RESOLUTION continued:

RESOLVED, That the Town Board approve the undertaking #461514, Irene J. Pendzick, Receiver of Taxes, Principal, and the Royal Indemnity Company, Surety, in the amount of \$25,000, and

BE IT FURTHER RESOLVED, That copies of this undertaking be filed in the Office of the Suffolk County Clerk and the Town Clerk's Office, Town of Riverhead.

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

Councilman Young offered the following resolution which was seconded by Councilman Grodski.

RESOLVED, That Superintendent of Highways Elect, Alexander E. Horton, shall furnish a Public Official Bond in the sum of \$4,000.00,

FURTHER RESOLVED, That the Town Board does and it hereby approves Bond #434712 (2 year term), Alexander E. Horton, Principal and the Royal Indemnity Company, Surety, in the sum 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, Yes, 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 June Donahue be and is hereby appointed as a Part-time Clerk Typist in the office of the Receiver of Taxes, effective December 15, 1969, at a salary of \$13.50 per day, payable bi-weekly.

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

Councilman Young offered the following resolution which was seconded by Councilman Grodski.

RESOLVED, That Highway bill submitted on Abstract dated December 16, 1969, as follows: Machinery Item No. 3- George Malvese & Co., Inc., bills dated Nov. 18, 1969 totalling \$561.15; be and is hereby approved for payment.

The vote, Councilman Young, Yes, 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 Leonard offered the following resolution which was seconded by Town Justice Costello.

BE IT RESOLVED, That pursuant to Public Law 88-587 establishing Fire Island Seashore Advisory Committee, Robert Brewster, 75 Meadow Lane, Riverhead, New York 11901, be and is hereby appointed as a Member of the Fire Island Commission, to serve for a two year term, effective December 16, 1969, at no compensation, and

FURTHER RESOLVED, That the Town Clerk is hereby directed to notify Secretary of Interior Walter J. Hickel, Washington, D. C. 20240, of said appointment.

The vote, Councilman Young, Yes, 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 Councilman Young.

BE IT RESOLVED, That Edward R. Munson, Building Inspector, be and is hereby authorized to attend a Training Course for Building Inspectors at Babylon Town Hall, starting January 7th, 1970 and continue for eight (8) sessions until March 4th, 1970 to be held from 1:00 P. M. to 4:00 P. M. , and

FURTHER RESOLVED, That all expenses in connection with the attendance at such sessions and the use of the Building Department's automobile is hereby authorized.

The vote, Councilman Young, Yes, 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 bid of Jericho Motors, Inc. , 311 Jericho Turnpike, Mineola, N. Y. for three new 1970 Police Vehicles, received by the Town Clerk on December 1, 1969, be and is hereby rejected.

The vote, Councilman Young, Yes, 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.

**RESOLUTION CONSENTING TO ORDER LAYING OUT BAITING  
HOLLOW LANE AS A PUBLIC HIGHWAY.**

UPON the application of Franklin H. Young, and others, dated July 25, 1969; the proposed deeds of Franklin H. Young, and others, and of Anthony Abruzzo, dated July 25, 1969 and August 23, 1969, respectively; and the letter of acceptability of the Superintendent of Highways dated May 23, 1969; and the certificate of title of J. Leo Saxstien, Esq., Attorney at Law, dated December 10, 1969, all heretofore filed herein,

BE IT RESOLVED, That the consent of the Town Board of the Town of Riverhead be and the same is hereby given to the Town Superintendent of Highways to make an order laying out as a public highway that portion of "Baiting Hollow Lane" described in the deeds referred to above; and be it further

RESOLVED, That upon the filing of such order in the office of the Town Clerk, the said Town Clerk be and hereby is authorized and directed to record the two deeds mentioned above in the Office of the Clerk of the County of Suffolk; and be it further

RESOLVED, That the name of the street so dedicated, laid out and accepted shall be "Baiting Hollow Lane".

Dated: December 16, 1969

Bruno Zaloga

Supervisor

Thomas R. Costello

Town Justice

Robert G. Leonard

Town Justice

Vincent B. Grodski

Councilman

George G. Young

Councilman

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

Order Laying Out "Baiting Hollow Lane" as a Public Highway signed by Alex E. Horton, Supt. of Highways, dated December 16, 1969, filed in the office of the Town Clerk.

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

BE IT RESOLVED, That the Bid for one (1) new 1970 Station Wagon for use of the Town of Riverhead Assessors, be and is hereby awarded to Manhasset Motors, Inc., 1225 Northern Blvd., Manhasset, New York 11030, for the cost of \$1,972.00, and further

RESOLVED, That the acceptance of said bid is subject to the specification form submitted by Manhasset Motors, Inc., and filed in the office of the Town Clerk.

RESOLUTION continued:

The vote, Councilman Young, Yes, 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 and moved its adoption:

WHEREAS, The Town Planning Board of Riverhead by a Resolution dated October 2, 1968, set forth the prerequisites to the approval of the proposed subdivision known as "MARLWOOD OF BAITING HOLLOW", and

WHEREAS, on the 12th day of November, 1969 and on the 10th day of December, 1969, the Town Planning Board of Riverhead fixed as one of the prerequisites to the approval of the proposed subdivision the filing of a performance or surety bond in the amount of \$58,000.00 with the Riverhead Town Board guaranteeing the faithful completion of the construction of highways within the proposed subdivision in accordance with the construction specifications in the "Rules and Regulations for the Dedication of a Public Highway in the Town of Riverhead, Suffolk County, New York" and in accordance with the conditions set forth in the aforementioned resolutions of the Riverhead Town Planning Board dated October 2, 1968 and December 10, 1969, and

WHEREAS, WARNER ENTERPRISES, INC. as Principal, and AUSTIN H. WARNER, SR., AUSTIN H. WARNER, JR. and DEWITT Y. WARNER, as Surety, have filed with this Town Board a performance or surety bond in the amount of \$58,000.00 together with Certificates of Deposit and a savings bank account, all properly endorsed to the Town Board of the Town of Riverhead, in the amount of \$58,000.00 guaranteeing to the Town Board of the Town of Riverhead faithful performance in the completion of the roads to be constructed in the proposed subdivision known as MARLWOOD OF BAITING HOLLOW, which bond sets forth completion of the roads in a period not exceeding two (2) years, pursuant to Section 277 of the New York Town Law and in accordance with Section III, paragraph F of the Rules and Regulations of the Planning Board for the Subdivision and Platting of Land,

NOW, THEREFOR, BE IT RESOLVED, That the performance or surety bond in the amount of \$58,000.00 naming WARNER ENTERPRISES, INC. as Principal, AUSTIN H. WARNER, SR., AUSTIN H. WARNER, JR. and DEWITT Y. WARNER, as Surety, and the RIVERHEAD TOWN BOARD as Obligee, for the faithful performance of all conditions set forth in the resolutions of the Town of Riverhead Planning Board dated October 2, 1968 and December 10, 1969, with reference to the proposed subdivision to be known as MARLWOOD OF BAITING HOLLOW, is satisfactory to the Town Board as to form, sufficiency, manner of execution and surety, for the completion of such improvements as are not constructed.

The adoption of the foregoing resolution was seconded by Town Justice Leonard and duly put to a vote on roll call which resulted as follows:

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

NOES: None.

The resolution was thereupon declared duly adopted.

Certificates of Deposit in the amount of \$58,000, passbook and withdrawal slip (relating to aforesaid resolution) received by the Town Clerk and filed in her office on December 16, 1969.

RESOLUTION

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

BE IT RESOLVED, That the Town Clerk be and is hereby authorized and directed to publish the following Notice of Public Hearing in the January 8th, 1970 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 11:15 A. M. o'clock on the 20th day of January, 1970, in the matter of the adoption of proposed Ordinance No. 40 of the Town of Riverhead, entitled, "An Ordinance regulating outdoor circuses, shows and exhibitions", and reading as follows:

PREAMBLE In order to preserve the public peace and good order; to secure safety from fire, panic, congestion, unsanitary conditions, littering, noise and damage to public and private property; to prevent tumultuous assemblages; and to protest, preserve and promote the public health, safety and morals, under the authority granted by Sections 130 (7), 130 (11), 130 (12), 130 (15), 136 (3) and 137 of the Town Law, and Section 80 of the general municipal law, and other statutes of the State of New York, the Town Board of the Town of Riverhead, in order to regulate outdoor circuses, shows and exhibitions in the Town for the above purposes, does ordain as follows:

1. DEFINITIONS As used in this ordinance, the following words and phrases shall have the respective meanings assigned to them by this section.

a) "Public place" shall include any place, whether publicly or privately owned, to which the public, or a substantial number or group of persons, has access, and shall include any place made public by temporary assemblage.

b) "Show" shall include exhibition, performance or entertainment, or something one looks at, or views, and also hears.

c) "Exhibition" shall include displays.

d) "Performance" shall be a representation before spectators, and exhibitions of feats, and shall include entertainments.

e) "Entertainment" is that which serves as amusement.

f) "Circus" shall mean a show in which feats of animal handling or training, tumbling or acrobatics, strength, balance or agility, clogging and similar feats are performed. For a show to constitute a circus it is not necessary that all of the above feats be performed; nor shall the isolated performance of any one or two of the above feats necessarily constitute a circus.

g) "Assembly" or "Assemblage" shall be the concourse or meeting together of a considerable number of persons at the same place.

h) "Outdoors" shall mean not within a permanent building.

RESOLUTION continued:

2. PROHIBITIONS

a) No person, firm, organization or corporation, as sponsor, principal or agent, shall give or present an outdoor circus, show or exhibition at any public place in the Town of Riverhead without first having applied for and been issued a license pursuant to this Ordinance. This subsection shall not apply to any religious, fraternal, educational, political, veterans, fireman's, civic or charitable organization having its principal office or headquarters within the Town of Riverhead.

b) No outdoor circus, show or exhibition shall be presented at any public place in the Town of Riverhead unless a permit therefor has been issued pursuant to this Ordinance.

c) Permits issued under this Ordinance shall be prominently displayed at the site of the circus, show or exhibition for which the permit was issued.

d) Sound devices and amusement rides may not be used or operated between the hours of 11:00 P. M. and 10:00 A. M. , nor at any time on Sunday.

3. LICENSES The license required by Section 2 (a) shall be issued by the Town Clerk pursuant to Section 137 of the Town Law, subject to the following:

a) Application: The applicant for such license shall file with the Town Clerk an application, verified by a person having knowledge of the facts stated therein, giving the following information:

1. The name and address of the applicant, of the sponsoring firm, person, organization or corporation, and of each person, firm, organization or corporation having a financial interest in the circus, show or exhibition, and in the case of organizations and corporations, the names and addresses of each officer, director or member of the governing body of such organization or corporation, and in the case of corporations, the names of the ten largest stockholders.

2. A description of the type of circus, show or exhibition to be given under the license.

3. The written consent of each person required to be named under subsection 1 of this subsection to an investigation by the Chief of Police as to his background and character. If requested by the Chief of Police in writing by mailed request posted within 15 days of the filing of the application, each or any such person or persons shall be fingerprinted and his record checked prior to the granting of license hereunder. The Chief of Police shall report on each such individual to the Town Clerk within 60 days of the filing of the application.

4. Such other information as the Town Clerk shall require in order to effectuate the purposes of this Ordinance.

b) Grounds for Denial: No license shall be issued to any person, firm, organization or corporation which has been convicted of a felony or misdemeanor, or violation of this Ordinance, or similar ordinance in any other jurisdiction, which in the opinion of the Town Clerk renders the applicant unfit to carry on the business or trade of conducting or presenting a circus, show or exhibition; nor shall any license be issued to any person, firm, organization or corporation who is in the opinion of the Town Clerk incapable of carrying on such business or trade.

c) Issuance of License: Upon receipt of a proper application hereunder, and of the report of the Chief of Police described above, and upon payment of a fee of \$100.00, except as provided in Section 3 (b) hereof, the Town Clerk shall issue to the applicant a license to carry on the business or trade of conducting a circus, show or exhibition at public places out of doors in the Town of Riverhead.

RESOLUTION continued:

d) Appeal: An applicant denied a license may within ten days of such denial, or in the case the Town Clerk has failed or refused to act on the application, within sixty days from the date of filing thereof, appeal the act or decision of the Town Clerk to the Town Board in the manner provided by Section 137 of the Town Law.

4. PERMIT: The permit required by Section 2 (b) shall be issued by the Town Board pursuant to Section 130 of the Town Law, subject to the following:

a) Application: The applicant for such permit shall file with the Town Board, at least six weeks prior to the date of the circus, show or exhibition, an application, verified by a person having knowledge of the facts stated therein, giving the following information:

1. The name and address of the applicant, and of the sponsoring person, firm, organization or corporation, and of each person, firm, organization or corporation having a financial interest in the circus, show or exhibition, and in the case of organizations and corporations, the names and addresses of each officer and director or member of the governing body of such organization or corporation, and in the case of corporations, the names and addresses of each of the ten largest stockholders.

2. The date and time of the proposed circus, show or exhibition, and a description of the activities to be carried on.

3. A plot or map, to scale, showing the exact location of the proposed circus, show or exhibition and of all areas to be used for any purpose in connection therewith.

4. The name and address of each owner of the premises, and if a corporation, the names and address of each officer and director and each of the ten largest stockholders, and proof of the owner's consent to the holding of the circus, show or exhibition on his property.

5. Proof that the zoning ordinance is not violated.

6. A statement of the number of persons expected to attend; the number of admission tickets being offered for sale; and the number of free admission tickets or passes being distributed.

7. If the number of persons expected to attend, or the number of tickets being offered for sale and passes being distributed exceeds 300, or if the total time, continuous or not, of the proposed circus, show or exhibition exceeds 5 hours, or if the Town Clerk, regardless of the estimates on the application has reasonable grounds to believe that more than 300 persons will attend or that more than 5 hours will be taken, the applicant shall file with his application the written consent of every adult person actually residing within 1000 feet of the boundary of the proposed circus, show or exhibition to the granting of the permit.

8. The names and addresses of the person or persons in direct control of the circus, show or exhibition.

9. The anticipated disposition of the proceeds and profits of the circus, show or exhibition.

10. A statement of the date of issuance of the license of the applicant, or facts showing he is exempt.

11. A statement that the applicant has read this Ordinance and is familiar with its contents, and that he consents to the revocation of the permit without notice by the Supervisor or his substitute in accordance with Section 5 (b) of this Ordinance, and that he agrees to hold the Town harmless for any damages he himself or others may suffer by reason of such revocation.

RESOLUTION continued:

12. Such other information as the Town Board may require in order to effectuate the purposes of this Ordinance.

b) Issuance of Permit: If the Town Board is satisfied that the issuance of a permit to hold a circus, show or exhibition will not adversely affect the peace and good order of the Town, nor the public health, safety and morals upon payment of a fee of \$5.00, the Town Board may issue a permit to hold an outdoor circus, show or exhibition at a designated public place in the Town, subject to such terms and conditions as the Town Board may deem appropriate, having regard for peace and good order, and the public health, safety and morals. The Board may require a bond in an amount to be fixed by it, with sufficient sureties, to be posted by any party involved, including the owner of the real property at the site, to insure compliance with this ordinance and proper cleaning up of the site afterwards.

5. REVOCATION OF LICENSE OR PERMIT:

a) License: Any license issued hereunder may be revoked as provided in Section 137 of the Town Law. Grounds for revocation shall include:

1. A false material statement on the application for such license.
2. Commission of any crime by the licensee.
3. Failure to comply with the provisions of this Ordinance.

b) Permit: Any permit given hereunder may be revoked by the Supervisor, or in the event of his incapacity or absence, by any member of the Town Board, upon the recommendation of the Chief of Police, or person in charge of the police department at the time, or any of the following grounds:

1. A false material statement on the application for permit.
2. Violation of this Ordinance; the commission of any crime; or the violation of any ordinance, rule, regulation or law relating to the subject matter covered by the permit.
3. Failure to provide for and maintain public peace and good order, or to meet any substantial threat to the public health, safety or morals.

6. VIOLATIONS: Any person, firm, organization or corporation violating any of the provisions of this Ordinance, or any term and condition of any license or permit granted hereunder, shall be guilty of a misdemeanor, and subject to a fine of not more than \$250.00 and imprisonment of not more than three months, or both such fine and imprisonment.

7. EFFECTIVE DATE: This Ordinance shall take effect ten days after publication and posting as provided by law.

PERSONS DESIRING TO BE HEARD IN THE MATTER OF THE ADOPTION OF THE ORDINANCE SET FORTH ABOVE MUST APPEAR AT THE TIME AND PLACE ABOVE SET FORTH FOR THE PUBLIC HEARING THEREON.

The vote, Councilman Young, Yes, 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 Councilman Young.

BE IT RESOLVED, That the Town Clerk be and is hereby authorized to advertise for Sealed Bids for a New 1970 Car for use of the Town Supervisor.

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

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432.

Supervisor Zaloga recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 11:00 A.M.

Town Clerk submitted affidavits of publishing and posting Public Notice Calling Public Hearing at 11:00 A. M., on December 16, 1969, on the matter of adopting proposed Ordinance No. 41, "Lounging and Loitering".

The affidavits were ordered filed.

There were 75 persons in attendance.

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

Elwood Hooper, Riverhead, spoke in opposition of the proposed ordinance stating it is unconstitutional.

Lois Marie Hunter a/k/a Princess Nowedonah, opposed the proposed ordinance as it is presently drawn up.

Rev. Arthur Bryant, Suffolk County Human Relations Commission, read resolution opposing the proposed ordinance and asking the Town Board to drop it.

Archie Campbell representing Local Chapter of NAACP, spoke in opposition for the reason that it does not justify the needs of the Town and will subject citizens to being harassed and questioned.

Mrs. M. C. Stone, L. I. Volunteers, objected to Item 1, Item 2 (c) and Item 2 (d) for the reason that the language is too loose for application and asked that certain portions of the proposed ordinance be re-drawn.

Mrs. Stone agreed and accepted to Sec. 2 (a), Sec. 2 (b) and Sec. 2 (e).

Albert Seay, Director of Community Action, stated that the proposed ordinance would create more problems than it could solve.

Dennis Bronska, Calverton, objected to Sec. 3 "Public Place", stated that the proposed ordinance is loosely drawn up and urged the defeat of it.

Ed Guyer, representing Seasonal Farm Workers, opposed the proposed ordinance and declared it un-American.

Rick Van Dyke, Assoc. Executive Director of the Long Island Council of Churches, opposed the proposed ordinance as being immoral to the Town and its future.

Mike Levy, P. O. Box 34, Calverton, stated his opposition and said he would be happy to go to jail or be fined for sitting and soaking in the sun.

Fred Eimers, Wading River, stated that the Wading River Chamber of Commerce requested the Town Board to enact some sort of legislation to solve this problem of loitering and lounging.

PUBLIC HEARING - 11:00 A. M. -continued:

Sal Massina, President Elect Riverhead Chamber of Commerce, stated that this ordinance is not being proposed to discriminate against anyone, but to prevent further and future ugly incidents.

Mr. Massina further stated that the Town cannot attract new business and industry unless such a law is enacted and that the proposed ordinance is not designed to discriminate against the poor or help the rich.

Marie Hoff, Wading River, asked the Town Board to enact some such law.

Murray Rose, President Riverhead Chamber of Commerce spoke in favor of the proposed ordinance. He stated that many complaints have been received from the merchants who have an investment in this area, not only as merchants but also as citizens.

Stan Hagler, Riverhead Merchant, congratulated the Board of proposing the ordinance and concurred with the belief of the Chamber of Commerce and the Riverhead merchants.

Edward Wood, Past President of Chamber of Commerce and President of the Island Broadcasting System, spoke in favor of the proposed ordinance.

Mrs. Stone asked the Town Board if it would be acceptable to have persons meet with the Board and offer suggestions for the re-wording of the ordinance.

Supervisor Zaloga replied that it would be acceptable.

Mr. Anderson, Suffolk County Human Relations, concurred with Rev. Bryant.

Philip Ofrias, Jr., Attorney, stated that some paragraphs of the proposed ordinance are already covered by the Penal Law and suggested that perhaps the ordinance be reworded and this be done by working with some of the group represented at this hearing.

Princess Nowedonah stated that it seems to her that perhaps this angling here today has been brought about by fear and that we should condition our thinking that we have a right to help our fellow human beings.

The Princess outlined the history of Dr. Edward Perkins, a staid and true Riverhead and Eastern Long Island resident.

Joseph Anderson, Member of Board of Long Island Farm Workers Center, stated that the law as presently written is self-defeating and possibly will provoke crime if it is passed.

Mr. Campbell stated that he is in sympathy with the merchants and that the NAACP does not condone unlawful conduct.

Mr. Campbell requested that the proposed ordinance be reconsidered, withdrawn or rewritten before it is enacted.

PUBLIC HEARING - 11:00 A.M. - continued:

David Kepner, Executive Director, Chamber of Commerce and Industrial Commissioner, Town of Riverhead, stated this law or a similar one has been passed in another community and is working out very well.

Unidentified Man: Stated that units like the NAACP be responsible for policing their own groups.

Roger Bekeys, Riverhead Merchant, stated that he thinks that in our complex society equitable laws should be put on books, that this proposed ordinance either be discarded or another be rewritten which will be understood by all.

Unidentified Man: Stated that the enforcement of this law will backfire on the merchants.

Princess Nowedonah asked the name of the unidentified man.

Unidentified man replied stating his name is Richard Hulley, Sound Beach, Northport Road.

Ed Klumpp stated that the reason the people and teenagers gather in groups is because they have no other place to congregate.

David Willmott stated that he is sorry this has turned into a racial issue, that originally the intent was not to stop people from coming down on the Main Street or to stop people from gathering in groups, but to stop groups from abusing other people's rights, like shoppers who have been subjected to subtle remarks and abused verbally.

Allison Miller, Calverton, stated there would be no necessity for passing this law if the Town would assume the responsibility to provide a place for teenagers to congregate.

Mr. Van Dyke stated he hopes that everyone is interested enough to meet with the Town Board to bring about justice for all people.

Mr. Wood asked Mr. Van Dyke if he is speaking for the Council of Churches and if they have endorsed what he has said at this meeting.

Mr. Van Dyke stated he is speaking as an individual.

Mr. Wood stated he preferred that he would, that he resents his remarks and may take the Council of Churches off the air.

Marie Hoff stated that when individuals obstruct and congregate in an area or street that she has a fear that she might hurt them,

Princess Nowedonah stated that she realizes that religion and race is not the issue here, but the Council of Churches of Christ in America and the Presbyterian Church to her way of living is her way of life and if they get off the air and anyone objects to the Council of Churches, she would like to say that she is on the firing line of the Council of Churches and Christ or God or Moses.

PUBLIC HEARING - 11:00 A.M. - continued:

Mr. Lahghorne (Marty's Hole in Wall) spoke on loitering in front of the school, stating he felt that there should be a law, but also that there should be co-ordination between merchants and the Police Department.

Donald Barth, Riverhead Merchant, mentioned the narcotics problem, the incidents of the school being vandalized and Santa's mail box torn open and the letters strewn about and stated that the Town should have a law with teeth in it and favored the passage of the proposed ordinance.

Mr. Hooper stated he agrees with the intent of the Chamber of Commerce and that we have laws on disorderly conduct which cover loitering, etc., and suggested that the proposed ordinance as it is written be dismissed and a new ordinance re-drawn.

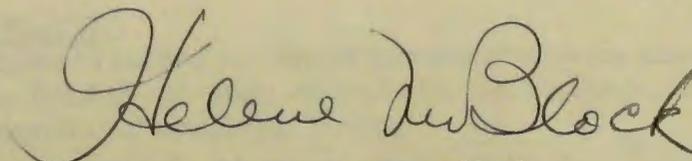
Supervisor Zaloga outlined the intent of the proposed ordinance and stated he cannot understand why the words "minority groups" or "colored people" should be associated with this ordinance.

Supervisor Zaloga pointed out that obscene language and remarks are being muttered to lady shoppers by youths milling about in groups and this will not be condoned and cited incidents where 30 or 50 colored and white youths have gathered in places in Wading River and other incidents that have occurred in the past and stated that these gatherings are not proper.

Supervisor Zaloga further stated that he is willing to meet with interested groups to resolve these problems.

No one else wishing to be heard and no communications having been received thereto, Supervisor Zaloga declared the Hearing closed and re-opened the meeting. No action was taken by the Town Board on the proposed ordinance at this time.

There being no further business on motion and vote, the meeting adjourned to meet on Thursday, January 1, 1970 at 10:30 A.M.



Helene M. Block, TownClerk

HMB.