

Minutes of a Meeting of the Town Board of the Town of Riverhead held in the Town Hall on Tuesday, June 15, 1965 at 10:30 A. M.

Present:

Robert B. Vojvoda, Supervisor

Bruno F. Zaloga, Jr.

Thomas R. Costello, Justices of the Peace

Vincent B. Grodski

George G. Young, Councilmen

Also present: Shepard M. Scheinberg, Town Attorney.

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

RESOLVED, That the minutes of the meeting of the Town Board held in the Town Hall on June 1, 1965, be approved as submitted.

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

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

RESOLVED, That the minutes of the Special Meeting of the Town Board held in the Town Hall on June 8, 1965, be approved as submitted.

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

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

REPORTS:

Supervisor's, month of May, 1965. Filed.

Tax Receiver's, dated June 14, 1965. Filed.

Recreation Department, month of May, 1965. Filed.

Supervisor's, acknowledging receipt of \$788.33 tax penalties from Tax Receiver, dated June 7, 1965. Filed.

COMMUNICATIONS:

Suffolk County Department of Planning, dated June 7, 1965, relative to Amended Building Zone Ordinance No. 26, Town of Southampton. Referred to Town Attorney and filed.

Town of Southampton, dated June 2, 1965, relative to Building Zone Ordinance No. 26, Tourists Camps and House Trailers. Referred to Town Attorney and filed.

COMMUNICATIONS continued:

J. Leo Saxstien, Attorney, dated June 3, 1965, relative to hazardous conditions of town highways and advising formal claim will be filed against the Town and against the contractor in connection with personal injuries sustained by Celestine Rea when striking trench on Mill Road. Filed.

Town of Smithtown, dated June 9, 1965, extending invitation to attend Tercentenary Coronation Ball on August 7, 1965 at 7:30 P. M., at the Villa Pace Restaurant, Smithtown, N. Y. Filed.

Wildwood Acres Assoc. Inc., dated June 7, 1965, relative to request of "Thirty Mile Limit Area" signs under date of April 26, 1965. Filed.

The Town Clerk was directed to make reply stating that the matter was referred to the Suffolk County Dept. of Public Works for consideration, but no reply has been received to date.

John P. Lomenzo, Secretary of State, dated June 10, 1965, acknowledging receipt and filing of certified copy of resolution adopting the State Building Code. Filed.

Executive Department-Division of Housing and Community Renewal, dated June 11, 1965, advising five copies of each of the State Building Construction Code and of the Code Manual is being forwarded to the Town of Riverhead. Filed.

Copy of letter from New York State Water Resources Commission to Dept. of Public Works, Suffolk County, dated June 1, 1965, relative to Public Notice No. 5464. Filed.

Copy of letter from New York State Water Resources Commission to Dept. of Public Works, Suffolk County, dated June 11, 1965, relative to Public Notice No. 5464. Filed.

Flanders Fire District, dated June 9, 1965, requesting loan of bleachers for Donkey Ball Game on July 31, 1965. Referred to Town Attorney for reply. Filed.

Mrs. Dan Lessard, dated June 3, 1965, making complaint in reference to drain pipes draining off Ostrander Avenue into her property. Filed.

The Town Clerk was directed to make reply stating that the Town has no plan to close off or to fill in the area involved in the complaint as contined in the aforesaid letter.

Riverhead Chamber of Commerce, dated June 11, 1965, making request for Fireworks Permit at Town Beach, South Jamesport, for July 4, 1965, rain date, July 5, 1965 and requesting half of the costs for the fireworks be paid by the Town. Filed.

At this point of the meeting, Supervisor Vojvoda called a Recess at 11:00 A. M. to hold a Public Hearing.

PUBLIC HEARING - 11:00 A. M.

After being duly advertised proof of publication of Notice relative to Proposals to Amend Zoning Ordinance No. 26 was submitted to the Board.

Notice was ordered filed.

PUBLIC HEARING continued:

Supervisor Vojvoda declared the Hearing open and asked if anyone wished to be heard in favor of or in opposition to the aforesaid Amendments.

Town Attorney Shepard M. Scheinberg outlined the Proposed Amendments stating that the Planning Board had made the recommendations and recommended that the Amendments as proposed be adopted by the Board.

Lloyd P. Dodge, Attorney, 63 Atlantic Avenue, Blue Point, appeared before the Board favoring the Proposed Amendment Item 3-Article 1, Section 1020 in connection with Nursing Home, Convalescent and Old Age Home and urged its adoption.

Patricia S. Tormey, Chairman of Zoning/Board of Appeals addressed the Board suggesting that the words "other structures" be added to Paragraph 3 of Item 20, Article IV-Section 402-Permits.

The Board resolved to change Paragraph 3 of Item 20-Article IV-Section 402-Permits as follows; after the words, "where a Certificate of Occupancy is required or upon the payment of \$5.00", to insert the words; "for buildings or structures", etc.

No one else wishing to be heard and no communications having been received thereto, Supervisor Vojvoda declared the Hearing closed at 11:08 A. M.

Supervisor Vojvoda re-opened the meeting.

RESOLUTIONS:

Justice Costello offered the following resolution which was seconded by Justice Zaloga.

RESOLVED, That the Supervisor be and hereby is authorized to make a transfer of \$15,030.70 from the General Town Current Surplus Account to the following budgetary and Special Census Accounts:

Miscellaneous/Town Share Retirement	\$14,849.63
Enterprises/Parking Fields/Griffing Avenue	150.00
Special Census Account	31.07
	<u>\$15,030.70</u>

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

Justice Zaloga offered the following resolution which was seconded by Justice Costello.

RESOLVED, That check in the amount of \$200.00 submitted to the Supervisor by Tax Receiver Irene J. Pendzick, be deposited in the General Town Account and credited to the Petty Cash Account.

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

RESOLUTIONS continued:

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

WHEREAS, Charles R. Murtha was appointed Swimming Instructor effective June 28, 1965, and

WHEREAS, Charles R. Murtha has indicated his inability to service,  
NOW, THEREFORE, BE IT RESOLVED, That the appointment of Charles R. Murtha made in a Town Board resolution on May 18, 1965, be and it is hereby rescinded.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was there-upon declared duly adopted.

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

RESOLVED, That Carol M. Goodale, be and she is hereby appointed Swimming Instructor effective June 28, 1965 to and including August 20, 1965 and to be paid bi-weekly at the rate of \$2.00 per hour and to serve at the pleasure of the Town Board.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was there-upon declared duly adopted.

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

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for Sealed Bids on 1000 Lineal Feet of Low Guard Rail Fencing including posts, and

FURTHER RESOLVED, That the Town Clerk be and hereby is designated to publicly open and read aloud on July 1, 1965 at 11:15 A. M., at the Town Clerk's Office, Town Hall, 220 Roanoke Avenue, Riverhead, N. Y., all Sealed Bids bearing the designation, "Bid on Low Guard Rail Fencing."

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was there-upon declared duly adopted.

Justice Zaloga offered the following resolution which was seconded by Justice Costello.

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for Sealed Bids on replacement of boiler and heating system in Police Building, and

FURTHER RESOLVED, That the Town Clerk be and hereby is designated to publicly open and read aloud on July 1, 1965 at 11:00 A. M., at the Town Clerk's Office, Town Hall, 220 Roanoke Avenue, Riverhead, N. Y., all Sealed Bids bearing the designation, "Bid on replacement of boiler and heating system in Police Building."

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was there-upon declared duly adopted.

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

RESOLUTIONS continued:

Justice Costello offered the following resolution which was seconded by Justice Zaloga.

RESOLVED, That the July 6, 1965 Regular Meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, be held at the Wading River School, Wading River, N. Y., at 8:00 P. M. o'clock, and

FURTHER RESOLVED, That the Town Clerk is hereby authorized to publish said Notice of the aforesaid meeting in the News-Review, and to post a copy of the same on the signboard maintained by the Town Clerk.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was there-upon declared duly adopted.

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

RESOLVED, That Highway Bills submitted on Warrants dated June 15, 1965, as follows: General Repairs Item No. 1-Capital Construction Equipment Co., dated June 1, 1965 and June 8, 1965 for \$962.50; Machinery Item No. 3-Rand MacMurray, Inc., dated May 26, 1965 for \$1,024.15, be and are hereby approved for payment.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was there-upon declared duly adopted.

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

WHEREAS, The following applications for construction of Curbs and Gutters have been surveyed by Alden W. Young:

Harry J. Boden

To be constructed along 47 Further Lane, Town Highway, Riverhead, N. Y. For the sum of \$110.00 to reimburse the Town for the cost of materials. The Town shall not exceed the sum of \$275.00.

Anna Ganko

To be constructed along 27 Further Lane, Town Highway, Riverhead, N. Y. For the sum of \$100.00 to reimburse the Town for the cost of materials. The Town shall not exceed the sum of \$250.00.

NOW, THEREFORE BE IT RESOLVED, That the above stated applications be approved and that Curbs and Gutters be constructed pursuant to contract and agreement forms submitted by the aforementioned applicants, and be it

FURTHER RESOLVED, That the Supervisor be authorized to sign the said contracts in behalf of the Town when the moneys to be paid by above said applicants are turned over and the contracts have been signed, and

BE IT FURTHER RESOLVED, That the Superintendent of Highways be directed to perform the work.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Justice Zaloga, Yes, Justice Costello, Yes, and Supervisor Vojvoda, Yes. The resolution was there-upon declared duly adopted.

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

RESOLUTIONS continued:

WHEREAS, The Riverhead Chamber of Commerce, Riverhead, N. Y., has applied for a Permit for a display of fireworks to be held at the Town Beach in South Jamesport, N. Y., on the evening of July 4, 1965, rain date, July 5, 1965, and

WHEREAS, Said applicant has filed with the Town Clerk a Certificate of Public Liability and Property Damage Insurance naming the Town of Riverhead, with coverage limits of \$500,000 bodily injury and property damage, and a sketch showing location where the fireworks are to be discharged, and an application from Pyrotechnic Products Company, Bellport, New York, the firm in charge of setting off said fireworks, and

WHEREAS, The Town Attorney has read and approved all papers filed in this connection, now, therefore

BE IT RESOLVED, That the Town Clerk be and is hereby instructed to issue a Fireworks Permit for a public display of fireworks, to the Riverhead Chamber of Commerce, Riverhead, N. Y., for the evening of July 4, 1965, rain date, July 5, 1965, and

FURTHER RESOLVED, That the issuance of said Permit is subject to conditions and provisions as contained in Section 1894-a, Subd. 4 of the Penal Law of the State of New York, and

BE IT FURTHER RESOLVED, That one-half share of the costs for fireworks not to exceed the sum of \$500.00 be paid from the General Town Publicity Appropriation.

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

The Town Board convened as a Board of Audit and examined all Town bills submitted on Warrants dated June 15, 1965 as follows: General Town - \$69,372.04, General Repairs Item No. 1-\$23,664.04, Machinery Item No. 3-\$2,005.85, and Miscellaneous Item No. 4-\$2,005.55.

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

RESOLVED, That the General Town bills as submitted in the amount of \$69,372.04, be approved for payment, and

FURTHER RESOLVED, That General Repairs Highway Item No. 1 bills in the amount of \$23,664.04, Machinery Highway Item No. 3 bills in the amount of \$2,005.85, and Miscellaneous Highway Item No. 4 bills in the amount of \$2,005.55, be approved for payment.

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

Justice Costello offered the following resolution which was seconded by Justice Zaloga.

WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law in order that an amendment, change and modification of an ordinance may be adopted by the Town,

RESOLUTIONS continued:

NOW, THEREFORE, By virtue of the authority vested in it by the Town Law and other statutes made and provided, the Town Board of the Town of Riverhead, hereby ordains and enacts the following amendments to Ordinance No. 26 of the Town of Riverhead:

**PUBLIC NOTICE**

WHEREAS, The Town Board of the Town of Riverhead, Suffolk County, New York, has caused all matters and things to be done which are required by the Town Law in order that an amendment, change and modification of an ordinance may be adopted by the Town,

NOW, THEREFORE, By virtue of the authority vested in it by the Town Law and other statutes made and provided, the Town Board of the Town of Riverhead, hereby ordains and enacts the following amendments to Ordinance No. 26 of the Town of Riverhead:

1. CONTENTS — SECTION 208 BUSINESS 3 DISTRICT. Amend Sect 208C Front Yard to read: Sect 208C All Yards.
2. CONTENTS — SECTION 403 BOARD OF APPEALS. Add: Sect 403C Filing Fee.
3. ARTICLE I — SECTION 102 DEFINITIONS. Add new paragraph to read: 32A. NURSING HOME, CONVALESCENT AND OLD AGE HOME — A building other than a hospital where persons, except insane, drug or liquor patients, are lodged, furnished with meals and nursing care for hire.
4. ARTICLE II — SECTION 201 RESIDENCE 1 DISTRICT. Add to Paragraph 5 of Sect 201A USES: f. Fences not exceeding four (4) feet in height may be erected on the front property line and on such portions of the side property lines as shall be lot lines enclosing the required front yard. If such fence is erected along any street, the permitted height thereof shall be measured from the existing elevation of the center line of such street opposite such fence. On lots used for churches or similar places of worship, libraries or public parks or playgrounds, wire strand or open woven wire fences up to six (6) feet in height above ground level may be permitted on lot lines adjacent to the required front yard and on street lines.
5. ARTICLE II — SECTION 202 RESIDENCE 2 DISTRICT, Sect 202A USES. Add to paragraph 3: nursing homes, convalescent and old age homes.
6. ARTICLE II — SECTION 202 RESIDENCE 2 DISTRICT, Sect 202A USES. Add to Paragraph 5: f. Fences not exceeding four (4) feet in height may be erected on the front property line and on such portions of the side property lines as shall be lot lines enclosing the required front yard. If such fence is erected along any street, the permitted height thereof shall be measured from the existing elevation of the Center line of such street opposite such fence. On lots used for other than residence wire strand or open woven wire fences up to six (6) feet in height above ground level may be permitted on lot lines adjacent to the required front yard and on street lines.
7. ARTICLE II — SECTION 202 RESIDENCE 2 DISTRICT, Sect 202C FRONT YARD. Amend the second sentence to read: Where forty per cent (40%) or more of the frontage on that side of the street between two (2) intersecting streets is improved with main buildings, no building or structure shall project beyond the average front yard line so established.
8. ARTICLE II — SECTION 203 BUSINESS 1 DISTRICT, Sect 203A USES. Add to Paragraph 4: nursing homes, convalescent and old age homes.
9. ARTICLE II — SECTION 205 FARM 1 DISTRICT, Sect 205A USES. Add to Paragraph 4: nursing homes, convalescent and old age homes.
10. ARTICLE II — SECTION 206 INDUSTRIAL 1 DISTRICT, Sect 206A USES. Add new paragraph: 61. Hospitals, nursing homes, convalescent and old age homes.
11. ARTICLE II — SECTION 208 BUSINESS 3 DISTRICT, Sect 208A USES. Renumber Paragraph 10 to read 11.
12. ARTICLE II — SECTION 208 BUSINESS 3 DISTRICT, Sect 208A USES. Add Paragraph 10: 10. Motor vehicle salesrooms; motor vehicle repair facilities operated in connection with motor vehicle salesrooms where all automobile parts, dismantled vehicles and similar articles are stored within a building.
13. ARTICLE II — SECTION 208 BUSINESS 3 DISTRICT. Amend Sect 208B LOT AREA to read: The requirements under this Section shall be for a lot having an area of 20,000 square feet or less and for a lot having an area greater than 20,000 square feet.
14. ARTICLE II — SECTION 208 BUSINESS 3 DISTRICT. Amend title of Sect 208C to read: All Yards.
15. ARTICLE II — SECTION 208 BUSINESS 3 DISTRICT, Sect 208C. Amend paragraph 3 to read: For a lot having an area of 20,000 square feet or less side yards will not be required, except where one is used as a vehicular access way it shall be at least twenty-five (25) feet in width and except where the side lot line abuts any lot or land in a residence district it shall be at least ten (10) feet in width.
16. ARTICLE II — SECTION 208 BUSINESS 3 DISTRICT, Sect 208C. Amend paragraph 5 to read: For a lot having an area of 20,000 square feet or less a rear yard will not be required, except where the rear lot line abuts any lot or land in a residence district it shall be at least twenty-five (25) feet in depth.
17. ARTICLE II — SECTION 208 BUSINESS 3 DISTRICT, Sect 208D AREA OF BUILDINGS. Amend paragraph 1 to read: For a lot having an area of 20,000 square feet or less the total building area shall not exceed forty per cent (40%) of the total lot area except when authorized upon approval of the Board of Appeals as hereinafter provided.
18. ARTICLE II — SECTION 208 BUSINESS 3 DISTRICT, Sect. 208H ADDITIONAL REQUIREMENTS. Amend Paragraph 4 to read: The method of water supply and sewage disposal shall be shown on the site plan. Amend Paragraph 6 to read: For a lot having an area of 20,000 square feet or less the vehicular entrances and exits shall be clearly visible from the street and shall not be within seventy-five (75) feet of a street intersection. Amend Paragraph 7 to read: For a lot having an area greater than ten (10) acres there shall be shown on the site plan proposed marginal roads leading into the site and roads leading through the property which would give access to other lands so that there would not be traffic congestion and there would be proper access for fire trucks, ambulances and other emergency vehicles. The Planning Board in recommending its approval shall ascertain that the proposed roads are adequate and necessary. Amend Paragraph 8 to read: For a lot having an area greater than 20,000 square feet there shall be a six foot high chain link fence or six-foot high basket weave fence or six-foot high woven picket fence installed along all adjacent lot lines except highway lines.
19. ARTICLE III — SECTION 301 SUPPLEMENTARY USE REGULATIONS, Sect 301I SWIMMING POOL. Amend Paragraph 3 to read: No current carrying electrical conductors, except electric wiring to equipment essential for illumination and necessary operation of swimming pools, shall cross an outdoor swimming pool, either overhead or underground or within fifteen (15)

feet of such pool. All metal enclosures, fences or railings near or adjacent to an outdoor swimming pool, which might become electrically alive as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

20. ARTICLE IV — SECTION 402 PERMITS. Amend the first paragraph to read: No building or structure shall be erected, added to or structurally altered until a permit therefor has been issued by the Zoning Administrator. Before any main building which has been erected, added to or structurally altered may be occupied or used a Certificate of Occupancy shall be obtained from the Zoning Administrator. Except upon a written order by the Board of Appeals, no such permit or certificate of occupancy shall be issued for any building where said construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.

Amend the second paragraph to read: There shall be submitted with all applications for a permit three (3) copies of a layout or plot plan showing the actual dimensions of the lot or parcel of land to be built upon, the exact size and location on the lot or parcel of land of the building and/or accessory buildings to

be erected and such other information as may be necessary to determine and provide for the enforcement of this Ordinance. This plot plan shall be drawn to scale. In reviewing an application for a permit the Zoning Administrator may require applicant to submit his deed or other instrument of record conveying title to the applicant.

Amend the fourth paragraph to read: One (1) copy of such layout or plot plan shall be returned when approved by the Zoning Administrator together with such permit to the applicant upon the payment of a fee of \$7.00 for all main buildings where a Certificate of Occupancy is required or upon the payment of \$5.00, for buildings or structures where a Certificate of Occupancy is not required.

Add new paragraph: Before issuing a Certificate of Occupancy a map prepared by a licensed land surveyor, showing the location of the main building with respect to side lines and street lines shall be submitted to the Zoning Administrator.

Add new paragraph: Before issuing a permit the Zoning Administrator may require the applicant to submit any or all permits required by other Town, County or State agencies. If these permits should invalidate any of the data

shown on plans which had been submitted to the Planning Board, the applicant shall resubmit to the Zoning Administrator a revised site plan, who shall again refer the site plan to the Planning Board for its review and recommendation.

21. ARTICLE IV — SECTION 403 BOARD OF APPEALS. Add new Section to read: Sect 403C FILING FEE: For each appeal to the Board of Appeals there shall be a filing fee of ten dollars (\$10.00), except appeals in accordance with New York State Law Article 16, Section 280-a which shall be at no charge.

22. ARTICLE V — SECTION 501 AMENDMENTS AND CHANGES. Add new paragraph to read: Prior to the filing of each application for change or amendment to this Ordinance a fee shall be paid to the Town Clerk with respect thereto in the amount of \$25.00 and the cost of publication of notice of public hearing shall be paid for by the applicant prior to the date of public hearing.

The aforementioned Amendments to Ordinance No. 26 shall take effect ten (10) days after such publication and posting.  
Dated: June 15, 1965.

BY ORDER OF THE  
TOWN BOARD  
TOWN OF RIVERHEAD  
HELENE M. BLOCK,  
TOWN CLERK

RESOLUTIONS continued:

And the Town Clerk is hereby authorized and directed to enter the said amendments to Ordinance No. 26 in the minutes of the Town Board, and to publish a copy of the amendments once in the News-Review, the official newspaper published in the Town, and to post a copy of the same, on the signboard maintained by the Town Clerk, pursuant to subdivision 6 of Section 30 of the Town Law, and file in her office affidavit of said publication and posting, and

FURTHER RESOLVED, That the Town Clerk be directed to send copies of the Amendments to Ordinance No. 26 of the Town of Riverhead, to the Towns of Brookhaven, Southampton and Southold, the Suffolk County Department of Planning and the State Park Commission.

The aforementioned Amendments to Ordinance No. 26 shall take effect ten (10) days after such publication and posting.

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

At this point of the meeting Supervisor Vojvoda called a recess at 11:30 A. M., to hold a Public Hearing.

PUBLIC HEARING-11:30 A. M.

Supervisor Vojvoda declared the Public Hearing on Parade, Assembly and Public Address Ordinance No. 33, adjourned from the June 1, 1965 meeting, open, and asked if anyone wished to be heard in favor of or in opposition to the aforesaid Ordinance.

Town Attorney Shepard M. Scheinberg addressed the Board and outlined the Ordinance as revised, as follows:

- The name of Ordinance changed to read "Parade & Assembly Ordinance No. 33".
- Section 1 - To contain statement of policy.
- Section 2 - Defines Parade and Assembly as organized procession or march.
- Section 3 - Permit is required.
- Section 4 - Requires that American Flag shall be displayed.
- Section 5 - Provides for violation
- Section 6 - Saving clause.

Town Attorney Scheinberg recommended that the Ordinance as revised be published for Public Hearing.

Justice Costello suggested that after the words, "but is strictly for the purpose of regulating traffic", the words, "both vehicular and pedestrian", be added under Section 1.

Justice Costello further added that he does not agree with the purpose of the ordinance as freedom of speech does not allow people to break other existing laws and further added that the ordinance should contain some police power for furtherance of Good Order.

A discussion was held by the Board on the advisability of adding police powers and it was resolved that the Penal Order controls "Good Order."

A discussion was held on violation of Permits.

PUBLIC HEARING continued:

W. Burghardt Turner, Suffolk County Coordinator NAACP, appeared before the Board and stated that he has had his legal staff review the ordinance as originally proposed for the reason that he has read that similar such acts have been held unconstitutional.

Mr. Turner further stated that he believed that an instrument of this nature could be very dangerous if not carefully used as it is his feeling that 'little rubs against the grain' to have to ask for something which is yours.

Mr. Turner advised the Board that he would submit the revised draft of the ordinance to his legal staff and offered to submit for the Board's consideration their opinion on this and further added that if his legal staff does hold that the proposed ordinance is similar to other States which have been held to be unconstitutional by the Federal Courts, than it would be their duty and responsibility to test this ordinance immediately upon its passage.

No one else wishing to be heard, Supervisor Vojvoda declared the Hearing closed at 11:50 A. M.

RESOLUTIONS:

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

WHEREAS, a public hearing was held on May 18, 1965 on the Proposed Parade, Assembly and Public Address Ordinance No. 33, and

WHEREAS, said hearing was adjourned to June 1, 1965 and further adjourned to June 15, 1965, and

WHEREAS, as a result of aforesaid hearings the Town Board considered that further revision was necessary, and

WHEREAS, proposed Parade, Assembly and Public Address Ordinance No. 33 was further revised,

BE IT RESOLVED that the following Notice of Public Hearing be published in the News-Review, the official newspaper of the Town of Riverhead:

PUBLIC NOTICE

PLEASE TAKE NOTICE that a Public Hearing will be held on the 20th day of July, 1965, at 11:00 A. M. at the Town Hall, 220 Roanoke Avenue, Riverhead, New York, to consider the adoption of Proposed Ordinance No. 33, known as the Parade and Assembly Ordinance No. 33 of the Town of Riverhead.

PARADE AND ASSEMBLY ORDINANCE NO. 33

SECTION 1. The Town Board of the Town of Riverhead by this ordinance seeks to remove the danger to health and life caused by the possibility of congestion by parades or assemblies on the sidewalks, streets, avenues, highways, parkways and other public places in the Town of Riverhead. The Town Board hereby declares that this ordinance shall in no way interfere with the right of public assembly, but is strictly for the purpose of regulating traffic, both vehicular and pedestrian.

SECTION 2. Definitions: For the purpose of this ordinance the terms "parade" and "assembly" are defined as an organized procession or march.

SECTION 3. No parade or assembly shall be permitted upon the sidewalks, streets, avenues, highways or parkways, or other public places in the Town of Riverhead unless a permit shall have been first obtained from the Chief of Police of the Town of Riverhead, or his designee, after application therefor in writing to said Chief of Police, or his designee.

SECTION 4. All assemblies and parades, warranted by law, held in any of the streets, roads, avenues, highways or parkways or any other public places in the Town of Riverhead, where public discussions are held, shall have an American Flag, the dimensions of which shall be not less than 36 inches by 60 inches, conspicuously displayed at all times during the holding of such assemblies. No red or black flag, and no banner, ensign or sign having upon it any inscription opposed to organized government, or which is sacrilegious or which may be derogatory of public morals shall be displayed at any such assembly or in any public place or carried through the streets of the Town of Riverhead in any procession or parade. This provision shall not apply to the flag of any nation friendly to the United States, when same is displayed along with the flag of the United States of America.

SECTION 5. Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor, and conviction therefor shall be punishable by imprisonment in the County Jail for a term not to exceed six months or by a fine not to exceed \$50.00 or by both fine and imprisonment.

SECTION 6. If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

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

Supervisor Vojvoda made the following announcement relative to Riverhead's Day at the World's Fair:

Riverhead's Day at the World's Fair will take place on Thursday, August 19th, 1965.

Fair Tickets: \$2.00 for adults  
 \$1.75 for children 13 to 18  
 \$ .75 for children 5 to 12

Long Island Railroad will provide a Nine (9) Coach Train, leaving Riverhead at 9:35 A. M., returning at 10:18 P. M.

Railroad Fare: \$3.00 Round trip for adults  
 \$1.75 Round trip for children

Supervisor Vojvoda stated that he believed the excursion would be very worthwhile and expressed hope that all would endeavor to attend.

Justice Costello offered the following resolution which was seconded by Justice Zaloga.

RESOLUTIONS continued:

RESOLVED, that the Town Board of the Town of Riverhead go on record to indicate their favor of the proposed dredging project as originally submitted in Public Notice No. 5464 by the Suffolk County Department of Public Works, and be it further

RESOLVED, that the Town Board go on record to indicate their disapproval of the Water Resources Commission's recommendations as set forth in the Water Resources Commission's letter dated June 11, 1965 to the District Engineer of the Army Engineer District, New York, and be it further

RESOLVED, that a copy of this Resolution be forwarded to the Water Resources Commission, as well as to the District Engineer of the United States Army Engineer District, New York.

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

There being no further business on motion and vote, the meeting adjourned at 12:00 Noon, to meet at the Wading River School, Wading River, N. Y., on Tuesday, July 6, 1965 at 8:00 P. M.

*Helene M. Block*

Helene M. Block, Town Clerk

HMB.