

JUNE 14, 2011

RESOLUTION LIST:

- Res. #452 Appoints a Seasonal Beach Attendant to the Recreation Department (Catherine Derenze)**
- Res. #453 Appoints a Call-In Park Attendant III to the Recreation Department (Daniel Dunn)**
- Res. #454 Appoints a Call-In Park Attendant III to the Recreation Department (Jonathan LaGue)**
- Res. #455 Appoints a Seasonal Call-In Lifeguard to the Recreation Department (Morgan Loesch)**
- Res. #456 Appoints a Seasonal Water Safety Instructor to the Recreation Department (Morgan Loesch)**
- Res. #457 Appoints a Recreation Aide to the Riverhead Recreation Department (Armani Hendrickson)**
- Res. #458 Appoints a Recreation Specialist to the Riverhead Recreation Department (William Hilton)**
- Res. #459 Appoints a Recreation Aide I Level I (Skate Park) to the Recreation Department (Charles Zilnicki, Jr.)**
- Res. #460 Appoints a Recreation Specialist to the Recreation Department (Kelly Fox)**
- Res. #461 Appoints Summer Recreation Aides to the Recreation Department (Amanda Dangelmaier, Scott Hutchinson)**
- Res. #462 Appoints a Call-In Recreation Aide to the Recreation Department (Bridget Burgio)**
- Res. #463 Appoints a Call-In Guard to the Recreation Department (Jonathan LaGue)**
- Res. #464 Appoints a Call-In Recreation Aide I to the Recreation Department (Dylan Kelly)**
- Res. #465 Ratifies the Appointment of a Seasonal Pump-Out Boat Operator (Alexander Galasso)**
- Res. #466 Appoints a Seasonal Pump Out-Boat Operator (Kevin Thomas)**

- Res. #467 Approves Request for Leave of Absence**
- Res. #468 Appoints Seasonal Recreation Employees to the Youth Bureau Division of the Riverhead Town Recreation Department**
- Res. #469 Appoints an Intern to the Police Department (Justin R. Kwasna)**
- Res. #470 Community Preservation Fund Budget Adjustment**
- Res. #471 General Fund Insurance Recovery Budget Adjustment**
- Res. #472 Recreation Program Fund Budget Adjustment**
- Res. #473 General Fund Budget Adjustment**
- Res. #474 Awards Bid – Installation of Water Mains & Appurtenances, Ext. No. 89 – Peconic River Sportsman’s Club – Riverhead Water District**
- Res. #475 Authorizes an Adoption Fair at the Riverhead Animal Shelter**
- Res. #476 Extends Bid Contract with Savory Food Service, Inc., MIVILA of New York and DiCarlo Distributors**
- Res. #477 Authorization to Publish Advertisement for Sporting Goods for the Town of Riverhead**
- Res. #478 Authorizes the Town of Riverhead to Direct Joseph Beneke to Remove All Litter, Garbage/Refuse, Rubbish, Yard Waste, Weeds, Noxious Plants, Grass and/or Rank Vegetation in Excess of Ten (10) Inches in Height Upon the Premise Known as 46 Dolphin Way, Riverhead, New York, 11901, a/k/a SCTM #0600-017.00-02-001.01 Pursuant to Riverhead Town Code Chapter 96**
- Res. #479 Accepts Resignation of Town Board Coordinator**
- Res. #480 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (§108-96 Minor Subdivision)**
- Res. #481 Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property Located at 513 West main Street, Riverhead, New York**
- Res. #482 Approves Chapter 90 Application of the Riverhead Business Improvement District Management Association (4th of July Celebration)**

- Res. #483 Approves Chapter 90 Application of the Riverhead Business Improvement District Management Association (Antique Dealers Sale – June 4, 2011)**
- Res. #484 Approves Chapter 90 Application of the Riverhead Business Improvement District Management Association (Classic Car Cruise Nights)**
- Res. #485 Approves Chapter 90 Application of the Riverhead Business Improvement District Management Association (Country Western Concert – August 27, 2011)**
- Res. #486 Approves Chapter 90 Application of the Riverhead Business Improvement District Management Association (Mardi Gras Festival August 6, 2011)**
- Res. #487 Approves Chapter 90 Application of the Riverhead Business Improvement District Management Association (Music Idol Night – July 30, 2011)**
- Res. #488 Approves Chapter 90 Application of the Riverhead Business Improvement District Management Association (Rock and Roll Oldies Show – July 16, 2011)**
- Res. #489 Approves the Application for Fireworks Permit of the Riverhead Business Improvement District Management Association (July 3, 2011)**
- Res. #490 Approves Chapter 90 Application of Jamesport Fire Department to Conduct a Firemen’s Carnival**
- Res. #491 Approves the Chapter 90 Application of the Long Island Moose Classic Car Club (Classic Car Show – July 17, 2011)**
- Res. #492 Approves Chapter 90 Application of Old Steeple Community Church (Annual Antique Fair - August 27, 2011)**
- Res. #493 Approves Chapter 90 Application of Railroad Museum of Long Island (“Riverhead Railroad Museum Open House 2011”)**
- Res. #494 Approves the Application for Fireworks Permit of Riverhead Raceway (July 2, 2011)**
- Res. #495 Approves the Application for Fireworks Permit of Riverhead Raceway (August 20, 2011)**

- Res. #496** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (RB-40)§108-13 Accessory Building and Structures)
- Res. #497** Authorizes the Supervisor to Execute an Agreement with Cummins Power Systems, LLC, Regarding Generator Maintenance Service for the Riverhead Water District
- Res. #498** Authorizes the Supervisor to Execute an Agreement with Infosys International, Inc. Regarding Records Cataloging Services
- Res. #499** Authorizes Town Clerk to Publish and Post Notice of Public Hearing Special Use Permit Petition of Vertical Line Apparel, Inc.
- Res. #500** Declares M-GBC, LLC in Default Regarding the Subdivision “Map of Calverton Camelot II”
- Res. #501** Appoints Town Board Coordinator (Linda Hulse)
- Res. #502** Setting Terms and Conditions of Employment for Full-Time Town Board Coordinator (Linda Hulse)
- Res. #503** Amends Resolution #449
- Res. #504** Awards Bid for Disposal of Town Generated Construction & Demolition Material
- Res. #505** 46 Dolphin Way, Riverhead, NY Chapter 96 Budget Adoption
- Res. #506** Pays Bills

06.14.2011
110452

ADOPTED

TOWN OF RIVERHEAD

Resolution # 452

APPOINTS A SEASONAL BEACH ATTENDANT TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Seasonal Beach Attendant is needed by the Riverhead Town Recreation Department

NOW THEREFORE BE IT RESOLVED, that effective June 15, 2011, through and including September 6, 2011, this Town Board hereby appoints Catherine Derenze to the position of Seasonal Beach Attendant, Level I, to be paid the rate of \$8.70 per hour to the Recreation Department and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110453

TOWN OF RIVERHEAD

Resolution # 453

APPOINTS A CALL-IN PARK ATTENDANT III TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Park Attendant III is needed by the Riverhead Town Recreation Department for work at the Town parks,

NOW THEREFORE BE IT RESOLVED, that effective June 15nd,2011, this Town Board hereby appoints Daniel Dunn to the position of Call-in Park Attendant III, Level 3, to be paid the rate of \$11.60 per hour and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110454

ADOPTED

TOWN OF RIVERHEAD

Resolution # 454

APPOINTS A CALL-IN PARK ATTENDANT III TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Park Attendant III is needed by the Riverhead Town Recreation Department for work at the Town parks,

NOW THEREFORE BE IT RESOLVED, that effective June 15nd,2011, this Town Board hereby appoints Jonathan LaGue to the position of Call-in Park Attendant III, Level 2, to be paid the rate of \$11.30 per hour and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110455

ADOPTED

TOWN OF RIVERHEAD

Resolution # 455

APPOINTS A SEASONAL CALL-IN LIFEGUARD TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Seasonal Call-In Lifeguard is needed by the Riverhead Town Recreation Department

NOW THEREFORE BE IT RESOLVED, that effective June 15, 2011, through and including September 5, 2011, this Town Board hereby appoints Morgan Loesch to the position of Seasonal Call-In Lifeguard, Level I to be paid the rate of \$11.00 per hour to the Recreation Department and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110456

ADOPTED

TOWN OF RIVERHEAD

Resolution # 456

APPOINTS A SEASONAL WATER SAFETY INSTRUCTOR TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Seasonal Water Safety Instructor is needed by the Riverhead Town Recreation Department

NOW THEREFORE BE IT RESOLVED, that effective June 27, 2011, through and including September 5, 2011, this Town Board hereby appoints Morgan Loesch to the position of Seasonal Water Safety Instructor Level I to be paid the rate of \$11.25 per hour to the Recreation Department and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110457

ADOPTED

TOWN OF RIVERHEAD

Resolution # 457

APPOINTS A RECREATION AIDE TO THE RIVERHEAD RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Call-In Recreation Aide- Sailing (Level 1) is needed by the Riverhead Town Recreation Department

NOW THEREFORE BE IT RESOLVED, that effective June 14th, 2011, this Town Board hereby appoints Armani Hendrickson to the position of Call-In Recreation Aide Sailing (Level 1) to be paid the rate of \$7.50 per hour to the Recreation Department and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 458

APPOINTS A RECREATION SPECIALIST TO THE RIVERHEAD RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Recreation Specialist- Sailing (Level 2) is needed by the Riverhead Town Recreation Department

NOW THEREFORE BE IT RESOLVED, that effective June 14th, 2011, this Town Board hereby appoints William Hilton to the position of Call-In Recreation Specialist- Sailing (Level 2) to be paid the rate of \$22.00 per hour to the Recreation Department and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 459

APPOINTS A RECREATION AIDE I LEVEL I (SKATE PARK) TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Call-In Recreation Aide- Skate Park (Level 1) is needed by the Riverhead Town Recreation Department

NOW THEREFORE BE IT RESOLVED, that effective June 14, 2011, this Town Board hereby appoints Charles Zilnicki, Jr. to the position of Call-In Recreation Aide- Skate Park (Level 1) to be paid the rate of \$7.50 per hour to the Recreation Department and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 460

APPOINTS A RECREATION SPECIALIST TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Recreation Specialist is needed by the Riverhead Town Recreation Department for work in recreation programs,

NOW THEREFORE BE IT RESOLVED, that effective June 15th, 2011, this Town Board hereby appoints Kelly Fox to the position of Recreation Specialist, Level 1, to be paid the rate of \$20.00 per hour and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110461

ADOPTED

TOWN OF RIVERHEAD

Resolution # 461

APPOINTS SUMMER RECREATION AIDES TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Summer Recreation Aides are needed by the Riverhead Town Recreation Department for Town Summer Recreation Programs at various sites

NOW THEREFORE BE IT RESOLVED, that effective June 14, 2011 through and including August 26, 2011, this Town Board hereby appoints the attached list of Summer Recreation Aides to the Recreation Department

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**RECREATION DEPARTMENT APPOINTMENTS
6/14/11 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Dangelmaier	Amanda	Summer Recreation Aide w/cert.	I	6/14/11	8/26/11	\$10.25
Hutchinson	Scott	Fill-in Summer Recreation Aide w/cert	I	6/14/11	8/26/11	\$10.25

TOWN OF RIVERHEAD

Resolution # 462

APPOINTS A CALL-IN RECREATION AIDE TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Recreation Aide is needed by the Riverhead Town Recreation Department for work in recreation programs,

NOW THEREFORE BE IT RESOLVED, that effective June 15th,2011, this Town Board hereby appoints Bridget Burgio to the position of Call-In Recreation Aide, Level 1, to be paid the rate of \$7.50 per hour and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 463

APPOINTS A CALL-IN GUARD TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Call-In Guard is needed by the Riverhead Town Recreation Department for work in recreation facilities,

NOW THEREFORE BE IT RESOLVED, that effective June 14, 2011, this Town Board hereby appoints Jonathan LaGue to the position of Call-In Guard, Level 1, to be paid the rate of \$10.60 per hour and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110464

ADOPTED

TOWN OF RIVERHEAD

Resolution # 464

APPOINTS A CALL-IN RECREATION AIDE I TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Recreation Aide is needed by the Riverhead Town Recreation Department for work in recreation programs,

NOW THEREFORE BE IT RESOLVED, that effective June 20th,2011, this Town Board hereby appoints Dylan Kelly to the position of Call-in Recreation Aide I, Level 1, to be paid the rate of \$7.50 per hour and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 465

RATIFIES THE APPOINTMENT OF A SEASONAL PUMP OUT BOAT OPERATOR

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, a vacancy for a Seasonal Pump Out Boat Operator exists in the Riverhead Town Police Department; and

WHEREAS, having completed a satisfactory background investigation, a recommendation of a suitable candidate has been made by the Chief of Police and the Personnel Officer.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby ratifies the appointment of Alexander Galasso to the position of Seasonal Pump Out Boat Operator effective as of June 8, 2011 through September 15, 2011 at the hourly rate of \$10.00.

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 466

APPOINTS A SEASONAL PUMP OUT BOAT OPERATOR

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, a vacancy for a Seasonal Pump Out Boat Operator exists in the Riverhead Town Police Department; and

WHEREAS, a recommendation of a suitable candidate has been made by the Chief of Police and the Personnel Officer.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby appoints Kevin Thomas to the position of Seasonal Pump Out Boat Operator effective as June 18, 2011 through September 15, 2011 at the hourly rate of \$10.00.

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 467

APPROVES REQUEST FOR LEAVE OF ABSENCE

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Pursuant to Article III, Section 5 of the current contract between the Town of Riverhead and the Civil Service Employees Association, Inc., Local 1000, Melissa Breitenbach Elco, a Public Safety Dispatcher I in the Riverhead Town Police Department, has requested a non-paid leave of absence from the Riverhead Town Board.

NOW, THEREFORE, BE IT RESOLVED, that Melissa Breitenbach Elco's request for a non-paid leave of absence is hereby approved for the period of June 16, 2011 through October 3, 2011 subject to the following condition(s):

- (1) To facilitate the proper functioning of the Town offices, the employee shall submit written notice to the Town Supervisor of his intent to return to work, resign, retire or other relief at least thirty (30) days prior to the expiration of the leave of absence, and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Melissa Breitenbach Elco, the Chief of Police, the Financial Administrator, and the Personnel Officer. Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

THE VOTE

Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gabrielsen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dunleavy <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110468

ADOPTED

TOWN OF RIVERHEAD

Resolution # 468

**APPOINTS SEASONAL RECREATION EMPLOYEES TO THE YOUTH BUREAU
DIVISION OF THE RIVERHEAD TOWN RECREATION DEPARTMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, seasonal employees are needed by the Riverhead Town Recreation Department for Summer Youth Bureau Programs.

NOW THEREFORE BE IT RESOLVED, that effective June 14, 2011 through and including August 26, 2011, this Town Board hereby appoints the attached list of seasonal employees to the Youth Bureau Division of the Riverhead Town Recreation Department.

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

RIVERHEAD YOUTH BUREAU/RECREATION DEPARTMENT SUMMER TEEN RECREATIONS APPOINTMENTS
6/14/11 TOWN BOARD MEETING

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Barrow	Eugene	Summer Rec. Aide (w/cert.)	II	6/14/11	8/26/11	\$11.30
Brandt	William	Summer Rec. Aide	I	6/14/11	8/26/11	\$8.75
Estrada	Christian	Summer Rec Aide	I	6/14/11	8/26/11	\$8.75
Kirchhoff	Kristen	Summer Rec. Aide	V	6/14/11	8/26/11	\$10.55
Inzalaco	Joseph	Summer Rec. Aide	I	6/14/11	8/26/11	\$8.75
Nieves	Alexa	Summer Rec. Aide	IV	6/14/11	8/26/11	\$10.25
Weber	Leanne	Summer Rec.Aide	I	6/14/11	8/26/11	\$8.75
Yeager	Blaze	Summer Rec. Aide	III	6/14/11	8/26/10	\$9.95
Yeager	Drew	Summer Rec.Prog. Leader	I	6/14/11	8/26/11	\$12.50

TOWN OF RIVERHEAD

Resolution # 469

APPOINTS AN INTERN TO THE POLICE DEPARTMENT

Councilman Wooten offered the following resolution,
which was seconded by Councilman Gabrielsen

WHEREAS, the University of New Haven has requested the Riverhead Police Department to partner with them in an internship program; and,

WHEREAS, the Riverhead Police Department agrees to expose this student to the police profession as part of his education through a 150-hour training program.

NOW, THEREFORE, BE IT RESOLVED, effective June 14, 2011, the Town Board hereby appoints Justin R. Kwasna, a student at the University of New Haven, as an Intern for the Riverhead Police Department through completion of the program; and,

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110470

ADOPTED

TOWN OF RIVERHEAD

Resolution # 470

COMMUNITY PRESERVATION FUND

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and is hereby, authorized to establish the following 2009 budget adjustment:

		<u>FROM</u>	<u>TO</u>
737.000000.351884	Fund Balance Res for Debt	846,935	
737.099010.595384	Transfer to Gen Fund Debt		846,935

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 471

GENERAL FUND
INSURANCE RECOVERY

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, In 2010 insurance Recovery funds were received as the result of the fire at the Building Department;

WHEREAS, a budget transfer was made in 2010 for the collection of Insurance proceeds;

WHEREAS, the unspent proceeds are classified as deferred revenues;

WHEREAS, a transfer is requested to utilize the remaining 2010 funds for 2011 expenses connected with the fire,

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and is hereby, authorized to establish the following budget adjustment:

		<u>FROM</u>	<u>TO</u>
001.092680.466000	Insurance Recovery	204,986.78	
001.016200.542520	Supplies & Service / Fire		204,986.78

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Building Department and the Engineering Department.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 472

RECREATION PROGRAM FUND

BUDGET ADJUSTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Superintendent of Recreation requests a transfer for a new motor in the existing Dare boat;

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and is hereby, authorized to establish the following budget adjustment:

<u>TO</u>		<u>FROM</u>
006.000000.499999	Appropriated Fund Balance	8,750
006.071800.524190	Boats – Sailing Program	8,750

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110473

ADOPTED

TOWN OF RIVERHEAD

Resolution # 473

GENERAL FUND

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and is hereby, authorized to establish the following 2009 budget adjustment:

		<u>FROM</u>	<u>TO</u>
001.090600.584500	Non-Uniformed Dental, Hospital	126,770	
001.099010.591000	Serial Bonds		126,770

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110474

ADOPTED

TOWN OF RIVERHEAD

Resolution # 474

**AWARDS BID – INSTALLATION OF WATER MAINS & APPURTENANCES,
EXT. NO. 89 – PECONIC RIVER SPORTSMAN’S CLUB – RIVERHEAD WATER
DISTRICT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, by previous resolution, the Town Supervisor was authorized to execute contract with the US Department of the Navy which provided the funding for the deposit of cost of construction of Extension No. 89 of the Riverhead Water District; and

WHEREAS, said contract has been amended to include the cost of construction of the water mains and appurtenances for Ext. No. 89, and

WHEREAS, this Town Board did authorize the advertisement for bids for the installation of water mains and appurtenances for Extension No. 89, Peconic River Sportsman’s Club, of the Riverhead Water District, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, H2M Group, consulting engineers to the Riverhead Water District, by attached letter did recommend that the bid be awarded to Alessio Pipe & Construction Co. at the total bid price of \$334,325.00 and that the contract amendment by the US Department of the Navy has been reviewed and that the items bid are all covered in the contract and that the contract amendment with the US Department of the Navy be executed.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the installation of water mains and appurtenances at Extension No. 89, Peconic River Sportsman’s Club, of the Riverhead Water District, be and is hereby awarded to:

Alessio Pipe & Construction Co.
Huntington Station, New York
Total Bid Amount of \$334,325.00

and be it further

RESOLVED, that the Town Supervisor be and hereby is authorized to execute the attached contract amendment with the US Department of the Navy, and be it further

RESOLVED, that the Town Clerk forward a certified copy of this resolution to the above named contractor, and be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all unsuccessful bidders their respective bid security, and be it further

RESOLVED, that the Town Supervisor be and is hereby authorized to execute a contract with Alessio Pipe & Construction Co. when the developer has deposited the required funds, and be it further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidder the bidder's bid security, and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	PAGE OF PAGES	
2. AMENDMENT/MODIFICATION NO. P00001		3. EFFECTIVE DATE 23-May-2011	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (if applicable) 1 3	
6. ISSUED BY NAVFAC MID ATLANTIC 9742 MARYLAND AVENUE NORFOLK VA 23511-3086		CODE N40085	7. ADMINISTERED BY (if other than item 6) See Item 6		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code) RIVERHEAD, TOWN OF BILL ROTHAAAR 200 HOWELL AVE RIVERHEAD NY 11901-2515				9A. AMENDMENT OF SOLICITATION NO.		
				9B. DATED (SEE ITEM 11)		
				X 10A. MOD. OF CONTRACT/ORDER NO. N40085-10-C-2885		
CODE 302E2				FACILITY CODE		
				X 10B. DATED (SEE ITEM 13) 13-Sep-2010		
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS						
<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended. <input type="checkbox"/> is not extended.						
<p>Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods:</p> <p>(a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.</p>						
12. ACCOUNTING AND APPROPRIATION DATA (if required) See Schedule						
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.						
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.						
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).						
X C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: FAR 52.243-1, Changes--Fixed Price, ALT I						
D. OTHER (Specify type of modification and authority)						
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>1</u> copies to the issuing office.						
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) Modification Control Number: asmall113210 PROVIDE A NEW DOMESTIC AND FIRE PROTECTION WATER SERVICE FOR NWIRP CALVERTON, PECONIC RIVER SPORTSMANS CLUB This modification is issued to delete FAR 52.243-1, Changes--Fixed Price, and to incorporate FAR 52.243-1, Changes--Fixed Price, Alt I, and to provide a new water service connection to Peconic River Sportsman Club as shown on Pages 2-3.						
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.						
15A. NAME AND TITLE OF SIGNER (Type or print)			16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
			TEL: _____ EMAIL: _____			
15B. CONTRACTOR/OFFEROR		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA		16C. DATE SIGNED
_____ (Signature of person authorized to sign)				BY _____ (Signature of Contracting Officer)		

EXCEPTION TO SF 30
APPROVED BY OIRM 11-84

30-105-04

STANDARD FORM 30 (Rev. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION A - SOLICITATION/CONTRACT FORM

The total cost of this contract was increased by \$370,000.00 from \$69,000.00 to \$439,000.00.

SECTION C - DESCRIPTIONS AND SPECIFICATIONS

The following have been added by full text:

Scope of Work:

1. Provide a new water service connection to the District owned 12-inch water main as shown in Figure 1 (attached). The requested tap location is at the intersection of River Road and Grumman Boulevard.
2. Install 5,000 feet on new 12-inch cement lined ductile iron pipe (Thickness Class 52) along the north shoulder of River Road. The extension of this 12" water main will require the installation of two (2) 12" valves located approximately 2,500 feet apart. Install an above grade RPZ device on the service to the Peconic River Sportsman's Club.
3. Terminate the 12-inch water line at the entrance road of the Peconic River Sportsmen Club.
4. Provide main line isolation valves at the city tap connection and at an intermediate location along River Road (Approximately Sta 20+00). Valves shall be AWWA C509 resilient seat gate valves.
5. Provide five (5) AWWA C502 dry barrel fire hydrants (and hydrant valves) approximately 1,000 feet apart along the north shoulder of River Road. Fire hydrants shall be located three (3) feet from the road edge with the 4-1/2 connection facing the roadway.
6. All pavement sections shall be restored to match the existing conditions.

SECTION E - INSPECTION AND ACCEPTANCE

INSPECT AT
Destination

INSPECT BY
Government

ACCEPT AT
Destination

ACCEPT BY
Government

SECTION F - DELIVERIES OR PERFORMANCE

The following Delivery Schedule for SUBCLIN 000102 has been added:

DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC
30-DEC-2011		NAVFAC MID ATLANTIC ANDREW SMALLWOOD PECONIC RIVER SPORTSMAND'S CLUB RIVERHEAD NY 11901 (757) 341-0084 FOB: Destination	N40085

SECTION G - CONTRACT ADMINISTRATION DATA

Accounting and Appropriation

Summary for the Payment Office

As a result of this modification, the total funded amount for this document was increased by \$370,000.00 from \$69,000.00 to \$439,000.00.

SUBCLIN 000102:

AB: 1711804 KU2E 252 62470 P 068732 2D 102885 AB00A0012368 (CIN 00000000000000000000000000000000) was increased by \$370,000.00 from \$0.00 to \$370,000.00
The contract ACRN AB has been added.
The CIN 00000000000000000000000000000000 has been added.
The Cost Code AB00A0012368 has been added.

SECTION I - CONTRACT CLAUSES

The following have been added by reference:

52.243-1 Alt I Changes--Fixed Price (Aug 1987) - Alternate I APR 1984

The following have been deleted:

52.243-1 Changes--Fixed Price AUG 1987

(End of Summary of Changes)

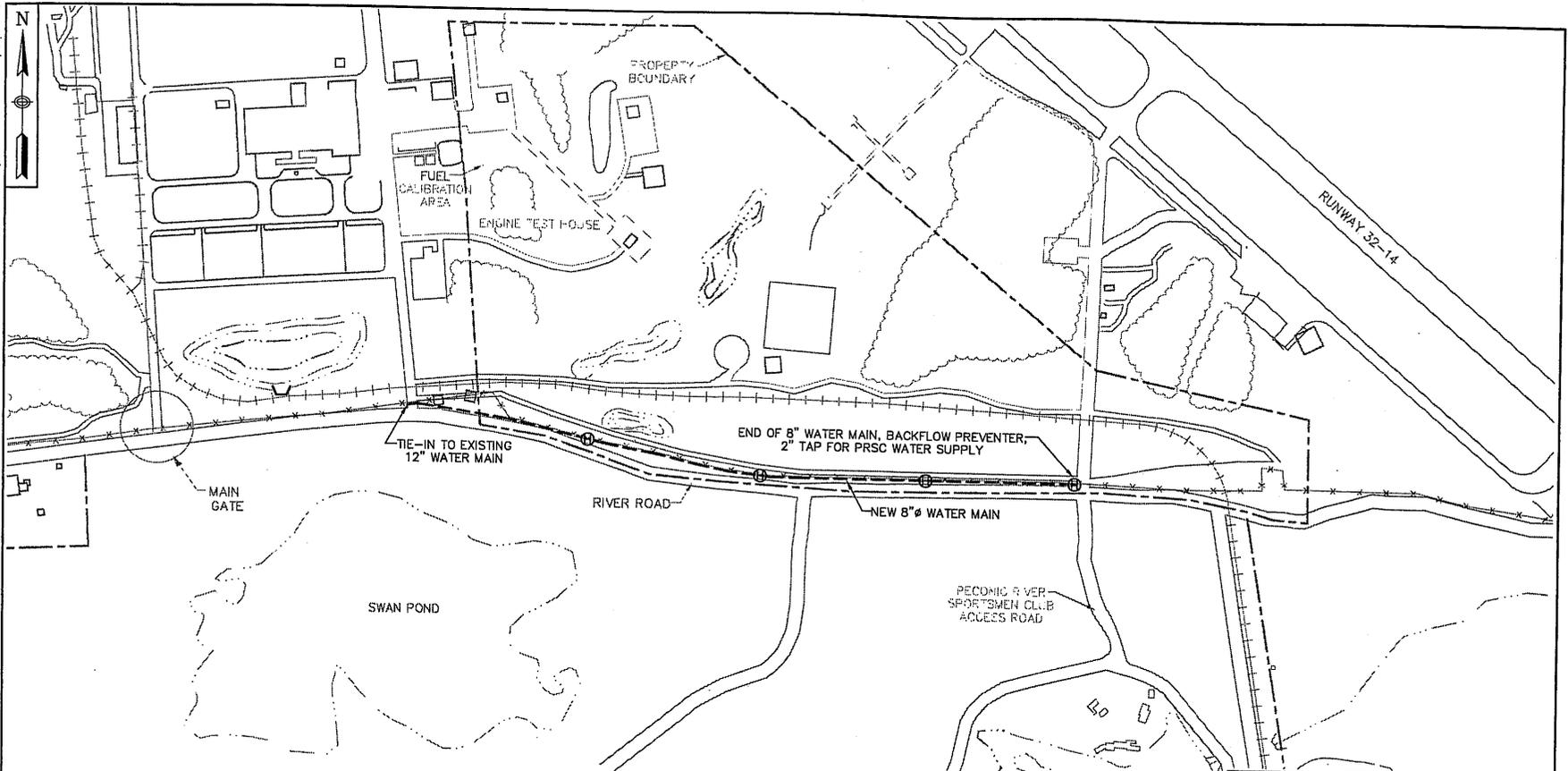
7 April 2011

Subject: NWIRP Calverton Water Line Extension Scope of Work

NWIRP Calverton requires domestic and fire protection water service from the Riverhead Water District. The Navy respectfully requests a proposal from the Town of Riverhead Water District to construct the following:

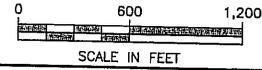
1. Provide a new water service connection to the District owned 12-inch water main as shown in Figure 1. The requested tap location is at the intersection of River Road and Grumman Boulevard.
2. Install 5,000 feet on new 12-inch cement lined ductile iron pipe (Thickness Class 52) along the north shoulder of River Road. The extension of this 12" water main will require the installation of two (2) 12" valves located approximately 2,500 feet apart. Install an above grade RPZ device on the service to the Peconic River Sportsman's Club.
3. Terminate the 12-inch water line at the entrance road of the Peconic River Sportsmen Club.
4. Provide main line isolation valves at the city tap connection and at an intermediate location along River Road (Approximately Sta 20+00). Valves shall be AWWA C509 resilient seat gate valves.
5. Provide five (5) AWWA C502 dry barrel fire hydrants (and hydrant valves) approximately 1,000 feet apart along the north shoulder of River Road. Fire hydrants shall be located three (3) feet from the road edge with the 4-1/2 connection facing the roadway.
6. All pavement sections shall be restored to match the existing conditions.

1122001841GM01.dwg 01/29/09 10:58:41



LEGEND

	NEW WATER MAIN
	NEW FIRE HYDRANT
	PROPERTY LINE
	FENCE
	TREELINE
	RAILROAD
	WATER



TETRA TECHNUS, INC.	
LAYOUT OF WATER MAIN FOR PRSC NWIRP CALVERTON CALVERTON, NEW YORK	
FILE 1122001841GM01	SCALE AS NOTED
FIGURE NUMBER FIGURE 1	REV 0 DATE 01/29/09



architects + engineers

575 Broad Hollow Road : 631.756.8000
Melville, NY 11747 : 631.694.4122

June 3 (revised)

Supervisor Sean Walter
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901

Re: Riverhead Water District
Installation of Water Mains & Appurtenances
Extension No. 89 – Peconic River's Sportsmans Club
H2M Project No.: RDWD 10-53

Dear Supervisor Walter:

On Thursday April 7, 2011, the Riverhead Water District received bids for the installation of water mains and appurtenances for the above referenced project. Four (4) contractors submitted bids, with the low bid being submitted by Alessio Pipe & Construction Co. of Huntington Station, New York, with a total base bid price of \$334,325.00. A copy of the *bid tabulation* is enclosed for your records. Please note that this project was initiated by the US Navy and the Navy has agreed to fund all costs associated with the project. This letter supersedes past correspondence on this same matter.

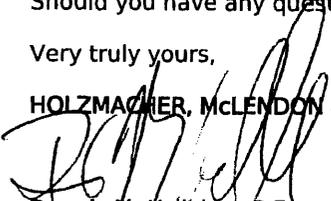
Alessio Pipe & Construction Co. has successfully completed similar projects for various water utilities over the past few years, including several for the Riverhead Water District. Additionally, the bid prices submitted by same, compare to projects similar in size and nature. It is our opinion that Alessio Pipe & Construction Co. is qualified and his bid prices are fair and reasonable. Based on the above information, we recommend that the Town Board award the water main installation project to Alessio Pipe & Construction Co., at a total bid price of \$334,325.00, contingent of the required balance of funds be deposited by the US Navy with the Town.

As shown on the attached table, the total cost for the project (based on the low bid) is \$439,000.00. We understand that the US Navy has already provided a contract for \$69,000.00 with the Town. Our office has reviewed the proposed contract amendment submitted by the Navy and has determined that all bid items are included. We therefore recommend the award of the bid and the execution of the contract amendment with the Navy in order that work may proceed.

Should you have any questions or comments, please contact this office.

Very truly yours,

HOLZMACHER, McLENDON & MURRELL, P.C.


Dennis M. Kelleher, P.E.
Sr. Vice President

Enclosures:

cc: Town Board
Richard Ehlers, Esq. (via e-mail)
Supt. Gary Pendzick (w/encl.) (via e-mail)
William Rothaar, Financial Administrator
Andrew Smallwood (via e-mail)
Lora Fly (via e-mail)

X:\RDWD (Riverhead Water District) - 10810\RDWD1053 - Sportsman club\Correspondence\Recommendation of Award_RDWD 1053.docx0054.doc

RIVERHEAD WATER DISTRICT
EXT. NO. 89 – PECONIC RIVER SPORTSMAN’S CLUB

Project Cost Estimate – Revised 4/12/2011
(AFTER BIDS)

A.	Costs	
1.	Construction Cost (Low Bidder – Alessio Pipe)	\$334,325.00
2.	Engineering	
a.	Public Hearing and Report:	4,000.00
b.	Design & Bidding:	23,000.00
c.	Topographic Field Survey:	3,000.00
d.	Construction Administration:	7,700.00
e.	Construction Observation Services:	15,000.00
f.	Record Drawings & Map Updates	2,000.00
3.	Town Administrative Fees	\$26,948.00
4.	Key Money Fees	\$6,052.00
4.	Contingencies	<u>\$16,975.00</u>
	TOTAL PROJECT COST:	\$439,000.00
B.	Deposits	<u>\$69,000.00</u>
C.	Balance due by US Navy	\$370,000.00

TOWN OF RIVERHEAD

Resolution # 475

AUTHORIZES AN ADOPTION FAIR AT THE RIVERHEAD ANIMAL SHELTER

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, in an effort to promote adoptions of shelter dogs housed at the Riverhead Animal Shelter, the Riverhead Animal Shelter Advisory Committee has requested permission to hold an adoption fair at the Shelter on Saturday, June 18, 2011 from 10:00 am to 2:00 pm; and,

WHEREAS, in order to attract potential adopters, the Advisory Committee has also requested that normal adoption fees, not including the mandated New York State Dog License Fee, be waived during this adoption fair.

NOW, THEREFORE, BE IT RESOLVED, effective June 18, 2011, the Town Board hereby authorizes the Riverhead Animal Shelter Advisory Committee to hold an adoption fair at the Riverhead Animal Shelter; and,

BE IT FURTHER RESOLVED, that the Town Board also authorizes all normal adoption fees, not including the mandated New York State Dog License Fee, be waived during this adoption fair.

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110476

ADOPTED

TOWN OF RIVERHEAD

Resolution # 476

EXTENDS BID CONTRACT WITH SAVORY FOOD SERVICE, INC., MIVILA OF NEW YORK AND DI CARLO DISTRIBUTORS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk has requested the contract for the purchase of food products from all above vendors for one month until July 5, 2011.

NOW THEREFORE BE IT RESOLVED, that the contract for food products utilized by the Town of Riverhead Senior Center is hereby extended until JULY 5, 2011 to remain at the same prices as reflected in 2010; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110477

ADOPTED

TOWN OF RIVERHEAD

Resolution # 477

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR SPORTING GOODS FOR
THE TOWN OF RIVERHEAD**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for SPORTING GOODS FOR THE TOWN OF RIVERHEAD.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby authorized to publish and post the following public notice in the JUNE 23, 2011 issue of the News-Review; and BE IT FURTHER

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

NOTICE TO BIDDERS

Sealed bids for the purchase of SPORTING GOODS will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, until 11:00 a.m. on July 1, 2011

Bid packets, including Specifications may be obtained on the website at www.riverheadli.com, or at the Town Clerk's Office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

The Town board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

All bids are to be submitted in a sealed envelope bearing the designation SPORTING GOODS.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 478

AUTHORIZES THE TOWN OF RIVERHEAD TO DIRECT JOSEPH BENEKE TO REMOVE ALL LITTER, GARBAGE/REFUSE, RUBBISH, YARD WASTE, WEEDS, NOXIOUS PLANTS, GRASS AND/OR RANK VEGETATION IN EXCESS OF TEN (10) INCHES IN HEIGHT UPON THE PREMISE KNOWN AS 46 DOLPHIN WAY, RIVERHEAD, NEW YORK, 11901, a/k/a SCTM # 0600-017.00-02-001.01 PURSUANT TO RIVERHEAD TOWN CODE CHAPTER 96

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Chapter 96 of the Code of the Town of Riverhead (“Riverhead Town Code”) entitled, “Rubbish, Refuse, Weeds and Other Rank Vegetation” authorizes the Town Board of the Town of Riverhead (“Riverhead Town Board”) to direct removal of all litter, garbage/refuse, rubbish, yard waste, weeds, noxious plants, grass and/or rank vegetation in excess of ten (10) inches in height upon the land by the owner, renter or occupier of the premises; and

WHEREAS, Riverhead Town Ordinance Inspector (CEO) Nicole Buckner observed on May 23, 2011, and again on June 3, 2011, the accumulation of litter, garbage/refuse, weeds, noxious plants, grass and/or rank vegetation in excess of ten (10) inches in height at the premises known as 46 Dolphin Way, Riverhead, New York, 11901, SCTM # 0600-017.00-02-001.01, owned by Joseph Beneke, and

WHEREAS, pursuant to Town Code, section 96-6, a Notice of Violation was served upon the reputed owners of said premise, whereby said owners were directed in said notice to cut the weeds, grass and/or rank vegetation to a height not to exceed ten (10) inches in height and remove all litter, garbage/refuse at the subject premises on or before June 2, 2011, and

WHEREAS, said owners have failed, or neglected, to eliminate the violation of Chapter 96, and

WHEREAS, the accumulation of litter, garbage/refuse, rubbish, yard waste, weeds, noxious plants, grass and /or rank vegetation in excess of ten (10) inches in height poses a fire hazard and a nuisance as defined in Chapter 96-4 of the Code of the Town of Riverhead; and

WHEREAS, pursuant to Riverhead Town Code section §96-8, empowers the Riverhead Town Board to adopt a resolution authorizing the removal of all litter,

garbage/refuse, rubbish, yard waste, weeds, noxious plants, grass and/or rank vegetation in excess of ten (10) inches in height and furthermore authorizes entry onto such premises where such violation exists for the purposes of remedying such violation and to charge the cost or expense of such remediation against the owner of said premise; and

WHEREAS, pursuant to Code of the Town of Riverhead section §96-8 (C) authorizes the Riverhead Town Board to reimburse general town funds for the cost of any work performed or the services rendered by the Town of Riverhead, for said remediation to such violation, at its direction by assessment or levy (lien) upon lots or parcels of land where such work was performed and/or such violation exists for services rendered

NOW THEREFORE BE IT RESOLVED, the Riverhead Town Board, be and hereby, finds that the premise designated as 46 Dolphin Way, Riverhead, New York 11901, also known as SCTM # 0600-017.00-02-001.01, owned by Joseph Beneke is in violation of Chapter 96 of the Riverhead Town Code and poses a fire hazard and a nuisance, and

BE IT FURTHER RESOLVED, that the Riverhead Town Board, be and hereby directs that the Town of Riverhead facilitate the cutting of the grass to a height of not exceeding ten (10) inches in height and removal of all litter, garbage/refuse at the premises designated at 46 Dolphin Way, Riverhead, New York 11901, also known as SCTM # 0600-017.00-02-001.01, owned by Joseph Beneke, and

BE IT FURTHER RESOLVED and pursuant to Riverhead Town Code section §96-8 (C), all costs for the removal of the aforesaid violation shall be reported to Riverhead Town Board as the amount to be levied and assessed against the premises, and the expense(s) so reported shall constitute a lien and charge on the premises on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the last known address, if any, of the owner Joseph Beneke, as the same may appear on the records of the Receiver of Taxes of the Town, and that all Town Hall Departments may obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 479

ACCEPTS RESIGNATION OF TOWN BOARD COORDINATOR

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Donna Zlatniski was appointed, by Resolution #536 adopted on June 5, 2007, to fill a vacancy in the Office of the Riverhead Town Board for a Full-Time Town Board Coordinator position effective June 18, 2007; and

WHEREAS, Donna Zlatniski, for personal reasons, requested that the Town Board reduce the hours required for the position of Town Board Coordinator such that her required hours of employment would be reduced and require her to report to work two days a week; and

WHEREAS, the Town Board acquiesced to Ms. Zlatniski's request to reduce the hours required for the position of Town Board Coordinator and arranged and directed Ms. Zlatniski to report to work as a part-time employee (Schedule: Mondays and Tuesdays 8 am-5:30 pm) effective June 6, 2011; and

WHEREAS, Ms. Zlatniski did not report to work on June 6, 2011 and instead hand delivered a letter of resignation; and

WHEREAS, Ms. Zlatniski requested, by letter of resignation dated June 6, 2011, that the Town Board accept the resignation and make it retroactive to May 9, 2011; and

WHEREAS, the Town Board has given careful consideration to Ms. Zlatniski's letter of resignation, payroll and personnel policy and records; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby accepts her resignation but declines to make same retroactive such that said resignation would be deemed effective May 9, 2011, and instead declares it effective on the date of the letter of resignation on the date it was hand delivered, to wit: effective June 6, 2011.

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 480

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED
"ZONING" OF THE RIVERHEAD TOWN CODE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the June 23, 2011 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF
RIVERHEAD NOTICE
OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 6th day of July, 2011 at 2:05 o'clock p.m. to amend Chapter 108, entitled "Zoning" of the Riverhead Town Code.

Be it enacted by the Town Board of the Town of Riverhead as follows:

CHAPTER 108
ZONING
ARTICLE XX
Subdivision Regulations

§ 108-96 Minor Subdivision.

D. Application and Fee

(5) Where the Planning Board deems it to be in the best interest of the residents of the Town of Riverhead to require the developer to establish recreational facilities to serve the residences created by the minor subdivision, and if the minor subdivision shall have insufficient or unsuitable land available within which to create recreational facilities, it shall require the developer to deposit a payment in the amount of ~~\$5,000~~ \$3,000 per each lot in the subdivision effective immediately. In lieu of a cash payment, the subdivider may post certificate of deposit or pass book in the name of the Town of Riverhead equal to the total fee as required herein. Where such cash, certificate of deposit or pass book is deposited, the fee of ~~\$5,000~~ \$3,000 shall be paid to the Town of Riverhead prior to the issuance of each certificate of occupancy of residential structures with the subdivision by the Building Inspector. The balance shall be payable in full on the second anniversary date on which this certificate of deposit or passbook was deposited and shall be withdrawn from such account by order to the Town Board. Such interest as may accrue on the certificate of deposit or passbook shall be returned and taxable to the depositor. The amended fee of \$3,000 shall apply to all subdivisions which receive final plat approval after March 15, 2011.

§ 108-97 Major Subdivision.

(14) Park and playground sites.

(c) Where the Planning Board deems it to be in the best interest to require the developer to deposit a payment, the amount to be paid shall be at the rate of \$3,000 per each lot in the subdivision effective immediately. In lieu of a cash payment, the subdivider may post certificate of deposit or passbook in the name of the Town of Riverhead equal to the total

fee as required herein. Where such cash, certificate of deposit or passbook is deposited, the fee of \$3,000 shall be paid to the Town of Riverhead prior to the issuance of each certificate of occupancy of residential structures with the subdivision by the Building Inspector. The balance shall be payable in full on the second anniversary date on which this certificate of deposit or passbook was deposited and shall be withdrawn from such account by order to the Town Board. Such interest as may accrue on the certificate of deposit or passbook shall be returned and taxable to the depositor. The amended fee of \$3,000 shall apply to all subdivisions which receive final plat approval after March 15, 2011.

ARTICLE XXVI
Site Plan Review

§ 108-130 Review and Approval Required.

(D) Park and playground sites.

(4) In cases where the Planning Board makes a finding as set forth herein that the proposed site plan presents a proper case for requiring a park, but the Planning Board determines that a suitable park site of adequate size cannot be properly located within the site plan, in whole or in part, the developer shall be required to pay a park fee in the sum of ~~\$5,000~~ \$3,000 per residential unit to the Town.

(5) The applicant may post a certificate of deposit or passbook in the name of the Town of Riverhead equal to the total fee as required herein. Where such cash, certificate of deposit or passbook is deposited, the fee of ~~\$5,000~~ \$3,000 shall be paid to the Town of Riverhead prior to the issuance of each certificate of occupancy of residential structures within the site plan by the Building Inspector. The balance shall be payable in full on the second anniversary date on which this certificate of deposit or passbook was deposited and shall be withdrawn from such account by order to the Town Board. Such interest as may accrue on the certificate of deposit or passbook shall be returned and taxable to the depositor. The amended fee of \$3,000 shall apply to all site plans which receive final plat approval after March 15, 2011.

- Overstrike represents deletion(s)
- Underscore represents addition(s)
-

Dated: Riverhead, New York June 14, 2011

**BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF RERHEAD**

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 481

**AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS,
OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED AT
513 WEST MAIN STREET, RIVERHEAD, NEW YORK**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Board has determined that the property situated at 513 West Main Street, Riverhead, New York is being used and occupied in violation of various sections of the Code of the Town of Riverhead and the New York State Uniform Fire Prevention and Building Code;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that Robert F. Kozakiewicz, Town Attorney for the Town of Riverhead, is authorized to institute legal action in the name of the Town of Riverhead against the owners, tenants, occupants and mortgagee of the structure situated at 513 West Main Street, Riverhead, New York, in the Supreme Court of the State of New York to enjoin the illegal use, occupancy and/or maintenance of said property and the structure situated upon such; and be it further

RESOLVED, that it is left to the discretion of Robert F. Kozakiewicz, Town Attorney for the Town of Riverhead, whether said cause of action should seek monetary and/or punitive damages against the owners, tenants, occupants and/or mortgagee of said property for their illegal use, occupancy and maintenance of said property; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 482

**APPROVES CHAPTER 90 APPLICATION OF THE RIVERHEAD BUSINESS
IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION
(4th of July Celebration)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on April 15, 2011, the Riverhead Business Improvement District Management Association (BIDMA) submitted a Chapter 90 Application for the purpose of conducting a 4th of July Celebration, having a live musical band, crafts/sales, a children's show and a "Rock & Roll Review" to be held at the Peconic Riverfront, between Peconic Avenue and McDermott Avenue, Riverhead, New York, on Sunday, July 3, 2011 between the hours of 5:00 p.m. and 11:00 p.m., having a rain date of Monday, July 4, 2011; and

WHEREAS, BIDMA has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b); and

WHEREAS, BIDMA has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the Chapter 90 Application of BIDMA for the purpose of conducting a 4th of July Weekend Celebration at the above location, dates, and times is hereby approved; and be it further

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee due to BIDMA's not-for-profit status; and be it further

RESOLVED, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State and the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

RESOLVED, that this approval is subject to the obtaining of any permits as may be required by the New York State Department of Labor and the Suffolk County Department of Health; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging a "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Business Improvement District Management Association, 1 East Main Street, S-4, Riverhead, New York, 11901; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110483

ADOPTED

TOWN OF RIVERHEAD

Resolution # 483

**RATIFIES THE APPROVAL OF THE CHAPTER 90 APPLICATION OF THE
RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION
(Antique Dealers Sale – June 4, 2011)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on April 15, 2011, the Riverhead Business Improvement District Management Association (BIDMA) submitted a Chapter 90 Application for the purpose of conducting an “Antique Dealers Sale”, having musical performances, to be held on Saturday, June 4, 2011, having a rain date of Sunday, June 5, 2011, in the Peconic Riverfront parking area, between Peconic Avenue and McDermott Avenue, Riverhead, New York, between the hours of 10:00 a.m. and 4:30 p.m.; and

WHEREAS, BIDMA has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, the Town Board of the Town of Riverhead has declared itself “Lead Agency” in accordance with 6 NYCRR 617.6(b); and

WHEREAS, BIDMA has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an “Unlisted” action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the Chapter 90 Application of BIDMA for the purpose of conducting an “Antique Dealers Sale”, having musical performances, to be held on Saturday, June 4, 2011, having a rain date of Sunday, June 5, 2011, in the Peconic Riverfront parking area, between Peconic Avenue and McDermott Avenue, Riverhead,

New York, between the hours of 10:00 a.m. and 4:30 p.m., is hereby approved; and be it further

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee due to the applicant's not-for-profit status; and be it further

RESOLVED, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code, Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging a "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Business Improvement District Management Association, 1 East Main Street, #4, Riverhead, New York, 11901; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 484

**APPROVES CHAPTER 90 APPLICATION OF THE RIVERHEAD BUSINESS
IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION
(Classic Car Cruise Nights)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on May 5, 2011, the Riverhead Business Improvement District Management Association (BIDMA) submitted a Chapter 90 Application for the purpose of conducting "Classic Car Cruise Nights" to be held on Thursday evenings in the Peconic Riverfront parking area, between Peconic Avenue and McDermott Avenue, Riverhead, New York, commencing on June 30, 2011 and ending on August 18, 2011, between the hours of 5:00 p.m. and 9:00 p.m.; and

WHEREAS, BIDMA has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b); and

WHEREAS, BIDMA has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the Chapter 90 Application of BIDMA for the purpose of conducting "Classic Car Cruise Nights" to be held on Thursday evenings in the Peconic Riverfront parking area, between Peconic Avenue and McDermott Avenue,, Riverhead, New York, commencing on June 30, 2011 and ending on August 18, 2011, between the

hours of 5:00 p.m. and 9:00 p.m., is hereby approved; and be it further

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee due to the applicant's not-for-profit status; and be it further

RESOLVED, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code, Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging a "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Business Improvement District Management Association, 1 East Main Street, #4, Riverhead, New York, 11901; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 485

**APPROVES CHAPTER 90 APPLICATION OF THE RIVERHEAD BUSINESS
IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION
(Country Western Concert – August 27, 2011)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on April 18, 2011, the Riverhead Business Improvement District Management Association (BIDMA) submitted a Chapter 90 Application for the purpose of conducting a “Country Western Concert” to be held at the Peconic Riverfront, between Peconic Avenue and McDermott Avenue, Riverhead, New York on Saturday, August 27, 2011, having a rain date of Sunday, August 28, 2011, between the hours of 6:00 p.m. and 11:00 p.m.; and

WHEREAS, BIDMA has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, the Town Board of the Town of Riverhead has declared itself “Lead Agency” in accordance with 6 NYCRR 617.6(b); and

WHEREAS, BIDMA has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an “Unlisted” action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the Chapter 90 Application of BIDMA for the purpose of conducting a “Country Western Concert” to be held at the Peconic Riverfront, between Peconic Avenue and McDermott Avenue, Riverhead, New York on Saturday, August 27, 2011, having a rain date of Sunday, August 28, 2011, between the hours of 6:00

p.m. and 11:00 p.m., is hereby approved; and be it further

RESOLVED, that approval for this event shall be subject to the receipt of required Suffolk County Department of Health permit(s), including the Temporary Food Service Permit; and be it further

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee due to BIDMA's not-for-profit status; and be it further

RESOLVED, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code, Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging a "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Business Improvement District Management Association, 21 West 2nd Street, S-12, Riverhead, New York, 11901, the Riverhead Fire Marshal; Police Chief Hegermiller and the Office of the Fire Marshal.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 486

**APPROVES CHAPTER 90 APPLICATION OF THE RIVERHEAD BUSINESS
IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION
(Mardi Gras Festival – August 6, 2011)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on April 15, 2011, the Riverhead Business Improvement District Management Association (BIDMA) submitted a Chapter 90 Application for the purpose of conducting a “Mardi Gras Festival” to include crawfish boils, local restaurants, and jazz bands to be held in the Peconic Riverfront parking area, between Peconic Avenue and McDermott Avenue, Riverhead, New York, on Saturday, August 6, 2011, between the hours of 12:00 noon and 11:00 p.m., having a rain date of Sunday, August 7, 2011; and

WHEREAS, BIDMA has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, the Town Board of the Town of Riverhead has declared itself “Lead Agency” in accordance with 6 NYCRR 617.6(b); and

WHEREAS, BIDMA has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an “Unlisted” action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the Chapter 90 Application of BIDMA for the purpose of conducting a “Mardi Gras Festival” to include crawfish boils, local restaurants, and jazz

bands to be held in the Peconic Riverfront parking area, between Peconic Avenue and McDermott Avenue, Riverhead, New York, on Saturday, August 6, 2011, between the hours of 12:00 noon and 11:00 p.m., having a rain date of Sunday, August 7, 2011, is hereby approved; and be it further

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee due to the applicant's not-for-profit status; and be it further

RESOLVED, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code, Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging a "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Business Improvement District Management Association, 1 East Main Street, S-4, Riverhead, New York, 11901; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 487

**APPROVES CHAPTER 90 APPLICATION OF THE RIVERHEAD BUSINESS
IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION
(Music Idol Night – July 30, 2011)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on April 18, 2011, the Riverhead Business Improvement District Management Association (BIDMA) submitted a Chapter 90 Application for the purpose of conducting a "Music Idol Night" to be held at the Peconic Riverfront, between Peconic Avenue and McDermott Avenue, Riverhead, New York, on Saturday, July 30, 2011, between the hours of 6:00 p.m. and 11:00 p.m., having a rain date of Sunday, July 31, 2011; and

WHEREAS, BIDMA has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b); and

WHEREAS, BIDMA has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the Chapter 90 Application of BIDMA for the purpose of conducting a "Music Idol Night" to be held at the Peconic Riverfront, between Peconic Avenue and McDermott Avenue, Riverhead, New York, on Saturday, July 30, 2011,

between the hours of 6:00 p.m. and 11:00 p.m., having a rain date of Sunday, July 31, 2011, is hereby approved; and be it further

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee due to BIDMA's not-for-profit status; and be it further

RESOLVED, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code, Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging a "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Business Improvement District Management Association, 1 East Main Street, #4, Riverhead, New York, 11901; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 488

**APPROVES CHAPTER 90 APPLICATION OF THE RIVERHEAD BUSINESS
IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION
(Rock and Roll Oldies Show – July 16, 2011)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on April 15, 2011, the Riverhead Business Improvement District Management Association (BIDMA) submitted a Chapter 90 Application for the purpose of conducting a “Rock and Roll Oldies Show” to be held in the Peconic Riverfront parking area, between Peconic Avenue and McDermott Avenue, Riverhead, New York, on July 16, 2011, between the hours of 4:00 p.m. and 11:00 p.m., having a rain date of Sunday, July 17, 2011; and

WHEREAS, BIDMA has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, the Town Board of the Town of Riverhead has declared itself “Lead Agency” in accordance with 6 NYCRR 617.6(b); and

WHEREAS, BIDMA has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an “Unlisted” action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the Chapter 90 Application of BIDMA for the purpose of conducting a “Rock and Roll Oldies Show” in the Peconic Riverfront parking area,

between Peconic Avenue and McDermott Avenue,, Riverhead, New York, on July 16, 2011, between the hours of 4:00 p.m. and 11:00 p.m., having a rain date of Sunday, July 17, 2011, is hereby approved; and be it further

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee due to the applicant's not-for-profit status; and be it further

RESOLVED, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code, Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging a "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Business Improvement District Management Association, 1 East Main Street, S-4, Riverhead, New York, 11901; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 489

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
RIVERHEAD BUSINESS IMPROVEMENT DISTRICT
MANAGEMENT ASSOCIATION**
(July 3, 2011)

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Riverhead Business Improvement District Management Association submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at Grangebel Park, Riverhead, on Sunday, July 3, 2011; and

WHEREAS, the Riverhead Business Improvement District Management Association has requested the applicable Fireworks Permit Application fee be waived due to its not-for-profit status; and

WHEREAS, the Town Attorney is in receipt of a completed Fireworks Application executed by the Chief of the Riverhead Fire Department and the Riverhead Fire Marshal and a certificate of insurance from the fireworks company (Pyro Engineering, Inc., d/b/a Bay Fireworks) naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to their form.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of the Riverhead Business Improvement District, for the purpose of conducting a fireworks display to be held at Grangebel Park, Riverhead, on Sunday, July 3, 2011 at 9:00 p.m., is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Riverhead Fire Department who must be at the site prior to commencement of fireworks display.
- Scheduling a pre-event inspection between 3:00 p.m. and 5:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Riverhead Fire Chief in attendance.
- Fireworks and technicians must arrive at Grangebel Park no later than 5:00 p.m. on the day of the event.

- Fireworks technician must have photo identification and present same to Fire Marshal upon request.
- Fire Marshal to be present 60 minutes prior to commencement of display for purpose of final inspection and safety review.
- Fireworks display shall be limited to the size described on the application.
- Fire Marshal shall have final authorization to allow the fireworks display or cancel the display if there are unsafe conditions, lightning and/or winds in excess of 30 miles per hour; and be it further

RESOLVED, that the applicable Fireworks Permit Application fee is hereby waived due to the applicant's not-for-profit status; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Riverhead Business Improvement District management Association, 1 East Main Street, Suite 4, Riverhead, New York, 11901; Pyro Engineering, Inc., d/b/a Bay Fireworks, 400 Broadhollow Road, Suite 3, Farmingdale, New York, 11735; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110490

ADOPTED

TOWN OF RIVERHEAD

Resolution # 490

**APPROVES CHAPTER 90 APPLICATION OF JAMESPORT FIRE DEPARTMENT TO
CONDUCT A FIREMEN'S CARNIVAL**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on April 15, 2011, the Jamesport Firemen's Association submitted a Chapter 90 Application for the purpose of conducting a Firemans' Carnival to be held at the George Young Community Center, S. Jamesport Avenue, Jamesport, New York, on Tuesday, July 19, 2011 through Saturday, July 23, 2011, between the hours of 5:00 p.m. and 12:00 midnight; and

WHEREAS, the Jamesport Firemen's Association has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b); and

WHEREAS, the Jamesport Firemen's Association has requested the Chapter 90 Application fee for this event be waived due to their not-for-profit status; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the application of the Jamesport Firemen's Association for the purpose of conducting a Firemen's Carnival to be held at the George Young Community Center, S. Jamesport Avenue, Jamesport, New York, on Tuesday, July 19, 2011 through Saturday, July 23, 2011 between the hours of 5:00 p.m. and 12:00 midnight is hereby approved; and be it further

RESOLVED, that approval for this event shall be subject to the following:

- Receipt of required Suffolk County Department of Health Vendors Temporary Food Service Permit;
- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s);

RESOLVED, that Chapter 46 entitled “Alcoholic Beverages” is deemed to be waived for the service of alcoholic beer during the event at or in locations and by licensed alcohol service providers to be determined prior to the commencement of the event; and be it further

RESOLVED, that the necessary tent permits must be obtained and any tent installations and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

RESOLVED, that employees of the Riverhead Buildings and Grounds Department, the Riverhead Police Department, the Riverhead Highway Department, the Sanitation Department and the Riverhead Fire Marshal Office are hereby authorized to utilize overtime expenditures to ensure the necessary public safety and security in connection with this event; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the “pre-opening” inspection appointment; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee for this event due to their not-for-profit status; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Jamesport Firemen’s Association, Attn: Sean McCabe, P.O. Box 78, Jamesport, New York, 11947; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 491

**APPROVES THE CHAPTER 90 APPLICATION OF
THE LONG ISLAND MOOSE CLASSIC CAR CLUB
(Classic Car Show – July 17, 2011)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on April 15, 2011, the Long Island Moose Classic Car Club submitted a Chapter 90 Application for the purpose of conducting a car show having all donations going to the “Wounded Warrior Project”, said event to include musical entertainment and craft sales, to be held on Sunday, July 17, 2011, having a rain date of Sunday, July 24, 2011, in the Tanger Shopping Mall, 1770 West Main Street, Riverhead, New York, between the hours of 8:00 a.m. and 5:00 p.m.; and

WHEREAS, BIDMA has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, the Town Board of the Town of Riverhead has declared itself “Lead Agency” in accordance with 6 NYCRR 617.6(b); and

WHEREAS, BIDMA has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an “Unlisted” action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the Chapter 90 Application of the LONG ISLAND Moose Classic Car Club submitted a Chapter 90 Application for the purpose of conducting a car show having all donations going to the “Wounded Warrior Project”, said event to include musical entertainment and craft sales, to be held on Sunday, July 17, 2011,

having a rain date of Sunday, July 24, 2011, in the Tanger Shopping Mall, 1770 West Main Street, Riverhead, New York, between the hours of 8:00 a.m. and 5:00 p.m., is hereby approved; and be it further

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee due to the applicant's not-for-profit status; and be it further

RESOLVED, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code, Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging a "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the LONG ISLAND Moose Classic Car Club, c/o Charles Cali, 45 Laurin Road, Calverton, New York, 11933; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110492

ADOPTED

TOWN OF RIVERHEAD

Resolution # 492

**APPROVES CHAPTER 90 APPLICATION OF
OLD STEEPLE COMMUNITY CHURCH
(Annual Antique Fair – August 27, 2011)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on May 5, 2011, Old Steeple Community Church submitted a Chapter 90 Application for the purpose of conducting an “Annual Antique Fair” to be located on their property at 656 Main Road, Aquebogue, New York, to be held on Saturday, August 27, 2011, between the hours of 8:00 a.m. and 5:00 p.m., having a rain date of Monday, September 5, 2011; and

WHEREAS, Old Steeple Community Church has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, the Town Board of the Town of Riverhead has declared itself “Lead Agency” in accordance with 6 NYCRR 617.6(b); and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an “Unlisted” action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the application of Old Steeple Community Church for the purpose of conducting an “Annual Antique Fair” to be located on their property at 656 Main Road, Aquebogue, New York, to be held on Saturday, August 27, 2011, between the hours of 8:00 a.m. and 5:00 p.m., having a rain date of Monday, September 5, 2011, is hereby approved; and be it further

RESOLVED, that the necessary tent permits must be obtained and any tent

installations and all electrical work shall comply with the applicable provisions of the Building and Fire Code of New York State and the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Old Steeple Community Church, P.O. Box 154, Aquebogue, New York, 11931; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 493

**APPROVES CHAPTER 90 APPLICATION OF RAILROAD MUSEUM
OF LONG ISLAND (“Riverhead Railroad Museum Open House 2011”)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on May 26, 2011, the Railroad Museum of Long Island submitted a Chapter 90 application for the purpose of conducting an event entitled, “Riverhead Railroad Museum Open House 2011”, which includes a toy train set raffle, railroad related vendors and displays. This event is to be located at 416 Griffing Avenue, Riverhead, New York, on Saturday, August 27th, 2011 and Sunday, August 28th, 2011 between the hours of 10:00 a.m. and 5:00 p.m.; and

WHEREAS, the Railroad Museum of Long Island has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, the Town Board of the Town of Riverhead has declared itself “Lead Agency” in accordance with 6 NYCRR 617.6(b); and

WHEREAS, an acceptable certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the applicant has requested the Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an “Unlisted” action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the Chapter 90 Application of Railroad Museum of Long Island for the purpose of conducting an event entitled, “Riverhead Railroad Open House 2011” to be located at 416 Griffing Avenue, Riverhead, New York on the aforementioned dates and times is hereby approved; and be it further

RESOLVED, that due to the Railroad Museum of Long Island's not-for-profit status, the Town Board of the Town of Riverhead hereby waives the Chapter 90 application fee for this event; and be it further

RESOLVED, that any necessary tents permits must be obtained and all tent installations and electric shall comply with the applicable provisions of the Building and Fire Code of New York State and the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Railroad Museum of Long Island, P.O. Box 726, Greenport, New York, 11944-0726; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 494

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
RIVERHEAD RACEWAY (July 2, 2011)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on April 27, 2011, Riverhead Raceway submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at the center of the racetrack at 1797-1785 Old Country Road, Riverhead, New York on July 2, 2011, at approximately 9:00 p.m., having a rain date of July 9, 2011; and

WHEREAS, the Town Attorney is in receipt of a completed Fireworks Application executed by the Chief of the Riverhead Fire Department and the Riverhead Fire Marshal and a certificate of insurance from both the fireworks company (Pyro Engineering Inc d/b/a Bay Fireworks) and Wordlife Metrodrome, Inc. d/b/a Riverhead Raceway, naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to their form; and

WHEREAS, the \$200.00 Fireworks Permit Application fee has been paid.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of Riverhead Raceway, for the purpose of conducting a fireworks display to be held at the center of the racetrack at 1797-1785 Old Country Road, Riverhead, New York on July 2, 2011, at approximately 9:00 p.m., having a rain date of July 9, 2011; is hereby approved with the following conditions:

- The applicant is required to pay a \$500.00 administrative fee payable to the Town of Riverhead no later than close of business on June 27, 2011.
- The required fire suppression equipment and personnel shall be provided by Riverhead Raceway. Riverhead Fire Department may provide additional fire apparatus at the discretion of the Chief of the Riverhead Fire Department.
- Scheduling a pre-event inspection between 4:00 p.m. and 6:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Riverhead Fire Chief in attendance.
- Fireworks and technicians must arrive at Riverhead Raceway no later than 4:00 p.m. on the day of the event.
- Fire Marshal to be present 30 minutes prior to commencement of show for purpose of final inspection and safety review.
- Firework shell size shall be limited to the size described on the application.
- The Fire Marshal shall have the final authorization to allow the show to

proceed or cancel the show if there are unsafe conditions, lighting and/or wind in excess of 30 miles per hour; and be it further

RESOLVED, that the Riverhead Fire Marshal is hereby authorized to receive overtime expenditures for the necessary public safety and security purposes in connection with this event; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Barbara Cromarty, 175 E. 62nd Street, 18 B, New York, New York, 10065, Pyro Engineering, Inc., 400 Broadhollow Road, Suite 3, Farmingdale, New York, 11735; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 495

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
RIVERHEAD RACEWAY (August 20, 2011)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on April 27, 2011, Riverhead Raceway submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at the center of the racetrack at 1797-1785 Old Country Road, Riverhead, New York on August 20, 2011, at approximately 9:00 p.m., having a rain date of August 27, 2011; and

WHEREAS, the Town Attorney is in receipt of a completed Fireworks Application executed by the Chief of the Riverhead Fire Department and the Riverhead Fire Marshal and a certificate of insurance from both the fireworks company (Pyro Engineering Inc d/b/a Bay Fireworks) and Wordlife Metrodrome, Inc. d/b/a Riverhead Raceway, naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to their form; and

WHEREAS, the \$200.00 Fireworks Permit Application fee has been paid.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of Riverhead Raceway, for the purpose of conducting a fireworks display to be held at the center of the racetrack at 1797-1785 Old Country Road, Riverhead, New York on August 20, 2011, at approximately 9:00 p.m., having a rain date of August 27, 2011; is hereby approved with the following conditions:

- The applicant is required to pay a \$500.00 administrative fee payable to the Town of Riverhead no later than close of business on August 15, 2011.
- The required fire suppression equipment and personnel shall be provided by Riverhead Raceway. Riverhead Fire Department may provide additional fire apparatus at the discretion of the Chief of the Riverhead Fire Department.
- Scheduling a pre-event inspection between 4:00 p.m. and 6:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Riverhead Fire Chief in attendance.
- Fireworks and technicians must arrive at Riverhead Raceway no later than 4:00 p.m. on the day of the event.
- Fire Marshal to be present 30 minutes prior to commencement of show for purpose of final inspection and safety review.
- Firework shell size shall be limited to the size described on the application.
- The Fire Marshal shall have the final authorization to allow the show to proceed or cancel the show if there are unsafe conditions, lighting and/or

wind in excess of 30 miles per hour; and be it further

RESOLVED, that the Riverhead Fire Marshal is hereby authorized to receive overtime expenditures for the necessary public safety and security purposes in connection with this event; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Barbara Cromarty, 175 E. 62nd Street, 18 B, New York, New York, 10065, Pyro Engineering, Inc., 400 Broadhollow Road, Suite 3, Farmingdale, New York, 11735; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110496

ADOPTED

TOWN OF RIVERHEAD

Resolution # 496

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER
A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD
TOWN CODE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the June 23, 2011 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC
HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 6th day of July, 2011 at 2:05 o'clock p.m. to consider a local law to amend Chapter 108, entitled "Zoning" of the Riverhead Town Code as follows:

**CHAPTER 108
ZONING**

**ARTICLE III
Residence A-40 Zoning Use District**

§ 108-9. Accessory buildings and structures.

A. Location.

- (1) No accessory building or structure shall be erected, reconstructed or altered so as to be situate as follows:
 - (d) One accessory building with a maximum floor area of ~~400~~ 144 square feet or less, a maximum height of 12 feet or less, located in the rear yard, shall be excepted from the provisions of Subsection A(1)(c) and additionally shall not require a permit. It shall be permitted five feet from a property line, 10 feet from any other building and 50 feet from a side street line and rear street line.

**ARTICLE IV
Residence B-40 (RB-40) Zoning Use District**

§ 108-13. Accessory buildings and structures.

A. Location.

- (1) No accessory building or structure shall be erected, reconstructed or altered so as to be situate as follows:
 - (d) One accessory building with a maximum floor area of ~~400~~ 144 square feet or less, a maximum height of 12 feet or less, located in the rear yard, shall be excepted from the provisions of Subsection A(1)(c) and additionally shall not require a permit. It shall be permitted five feet from a property line, 10 feet from any other building and 50 feet from a side street line and

rear street line.

ARTICLE V
Residence B-80 Zoning Use District

§ 108-17. Accessory buildings and structures.

A. Location.

- (1) No accessory building or structure shall be erected, reconstructed or altered so as to be situate as follows:
 - (d) One accessory building with a maximum floor area of ~~400~~ 144 square feet or less, a maximum height of 12 feet or less, located in the rear yard, shall be excepted from the provisions of Subsection A(1)(c) and additionally shall not require a permit. It shall be permitted five feet from a property line, 10 feet from any other building and 60 feet from a side street line and rear street line.

ARTICLE VA
Residence A-80 (RA-80) Zoning Use District

§ 108-20.3. Accessory buildings and structures.

A. Location.

- (1) No accessory building or structure shall be erected, reconstructed or altered so as to be situate as follows:
 - (d) One accessory building with a maximum floor area of ~~400~~ 144 square feet or less, a maximum height of 12 feet or less, located in the rear yard, shall be excepted from the provisions of Subsection A(1)(c) and additionally shall not require a permit. It shall be permitted five feet from a property line, 10 feet from any other building and 60 feet from a side street line and rear street line.

ARTICLE VI
Agriculture Protection Zoning Use District

§ 108-23. Accessory buildings and structures.

A. Location.

(1) No accessory building or structure shall be erected, reconstructed or altered so as to be situate as follows:

(d) One accessory building with a maximum floor area of ~~400~~ 144 square feet or less, a maximum height of 12 feet or less, located in the rear yard, shall be excepted from the provisions of Subsection A(1)(c) and additionally shall not require a permit. It shall be permitted five feet from a property line, 10 feet from any other building and 60 feet from a side street line and rear street line.

ARTICLE XXIV
Hamlet Residential (HR) Zoning Use District

§ 108-122. Accessory buildings and structures.

A. Location.

(1) No accessory building or structure shall be erected, reconstructed or altered so as to be situate as follows:

(d) One accessory building with a maximum floor area of ~~400~~ 144 square feet or less, a maximum height of 12 feet or less, located in the rear yard, shall be excepted from the provisions of Subsection A(1)(c) and additionally shall not require a permit. It shall be permitted five feet from a property line, 10 feet from any other building and 60 feet from a side street line and rear street line.

ARTICLE XXXII
Natural Resources Protection District

§ 108-156. Accessory buildings and structures.

A. Location.

(1) No accessory building or structure shall be erected, reconstructed or altered so as to be situate as follows:

(d) One accessory building with a maximum floor area of ~~400~~ 144 square feet or less, a maximum height of 12 feet or less, located in the rear yard, shall be excepted from the provisions of Subsection A(1)(c) and additionally shall not require a permit. It shall be permitted five feet from a property line, 10 feet from any other building and 60 feet from a side street line and rear street line.

- Overstrike represents deletion(s)
- Underscore represents addition(s)

Dated: Riverhead,
New York
June 14,
2011

**BY THE ORDER OF THE TOWN
BOARD OF THE TOWN OF
RIVERHEAD**

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 497

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH CUMMINS POWER SYSTEMS, LLC, REGARDING GENERATOR MAINTENANCE SERVICE FOR THE RIVERHEAD WATER DISTRICT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, The Town of Riverhead requires generator maintenance service regarding the effective administration of the Riverhead Water District.

WHEREAS, Cummins Power Systems, LLC, is ready, willing and able to provide generator service and maintenance at two separate plant facilities.

WHEREAS, the cost for such one-year service shall be a total of \$2,840.00.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to execute an agreement with Cummins Power Systems, LLC, regarding generator maintenance service at two separate plant facilities.

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the _____ of _____, 2011, between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and Cummins Power Systems, LLC, a company existing under the laws of the State of New York with a principal place of business at 890 Zerega Avenue, Bronx, New York, 10473 (hereinafter referred to as "Consultant").

In consideration of the mutual promises herein contained, Town of Riverhead and Consultant agree as follows:

1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in Schedule A attached hereto and made a part hereof. These services are to be rendered by Consultant as an independent contractor and not as an employee of Town.

2. TERM OF AGREEMENT

The Agreement shall commence on May 12, 2011 and terminate on May 11, 2012.

3. PAYMENT

For these services, Town will pay Consultant at the rates set forth in the attached schedule. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for in the attached schedule. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in the attached schedule. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require. Consultant shall produce an invoice after each completed service visit, and such invoice(s) shall be due net thirty (30) days from the invoicing date.

4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such data and information. Final payment

shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

5. PUBLICITY

Consultant shall not, without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant. Consultant shall not, without the prior written consent of the Town, provide, release or make available for inspection any documents, data, written material of any kind without the prior written consent of at least three members of the Town board or by resolution of the Town Board.

6. ASSIGNMENT AND SUBCONTRACTING

Performance of any part of this Agreement may not be subcontracted nor assigned without, in each case, the prior written consent of at least three members of the Town Board or by resolution of the Town Board.

7. TERMINATION

This Agreement may be terminated at any time and for any reason by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement. In the event Consultant cancels agreement Town shall be entitled to pro

8. RECORDS

Consultant shall keep accurate records of the time spent in the performance of services hereunder. The Town shall, until the expiration of three years after final payment under this Agreement, have access to and the right to examine any directly pertinent books, documents, papers and records of Consultant involving transactions related to this Agreement.

9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that the Consultant determines that a change order is required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the Town, its departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to Alex Ching, Cummins Power systems, LLC, 890 Zerega Avenue, Bronx, New York, 10473.

11. COMPLIANCE WITH LAWS

Consultant shall comply with all applicable federal, state and local laws and ordinances and regulations in the performance of its services under this Agreement. Consultant will notify Town immediately if Consultant's work for Town becomes the subject of a government audit or investigation. Consultant will promptly notify Town if Consultant is indicted, suspended or debarred. Consultant represents that Consultant has not been convicted of fraud or any other felony arising out of a contract with any local, state or federal agency. In carrying out the work required hereunder, Consultant agrees not to make any communication to or appearance before any person in the executive or legislative branches of the local, state or federal government for the purpose of influencing or attempting to influence any such persons in connection with the award, extension, continuation, renewal, amendment or modification of any contract or agreement. Consultant may perform professional or technical services that are rendered directly in the preparation, submission or negotiation activities preceding award of a Town agreement/contract or to meet requirements imposed by law as a condition for receiving the award but only to the extent specifically detailed in the statement of work. Professional and technical services are limited to advice and analysis directly applying Consultant's professional and technical discipline.

12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance and, if applicable, worker's compensation insurance in the amount of \$1,000,000 per occurrence and \$2,000,000.00 in the aggregate. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant under this Agreement.

13. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead which any such official, employee, representative shall receive either directly or indirectly anything of value whether monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town, contract with the Town for sale of any product or service. Consultant further represents and covenants that neither it nor any of its employees or representatives has offered or shall offer any gratuity to the Town, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment

with respect thereto. Consultant further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with Town.

14. DISCLOSURE

The Town shall have the right, in its discretion, to disclose the terms and conditions of this Agreement (as it may be amended from time to time), including but not limited to amounts paid pursuant hereto, to agencies of the local, state and federal government.

15. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement. In the event that any of the material(s) and/or workmanship, used under this agreement, are found to be defective during the Warranty Coverage, Cummins Power Systems shall correct such defect(s) at no additional cost to the Town during the Warranty Coverage Period which shall be effective for ninety (90) days from the date of installation for the hours and days of Monday-Friday, 8:00 a.m. to 4:00 p.m.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

By:
TOWN OF RIVERHEAD

DATE:

SCHEDULE A

Planned Maintenance Agreement

EQUIPMENT

GENERATOR - 500, 275kW □

DATE IN SERVICE: n/a
WARRANTY CERT. # n/a

TYPE	MANUFACTURER	MODEL	SERIAL NUMBER
------	--------------	-------	---------------

Plant #11 @ 5737 Middle Country Rd. Calverton

GENSET#1:	Cummins PG	500DFED-5587622	A030454361
ENGINE:	Cummins	KTA19-G4	37206012

Plant #12-1 @ Swan Pond Rd.

GENSET#2:	Cummins PG	275DFBF-3731Y	E036501839
ENGINE:	Cummins	NTA855-G6	30369815

ADDITIONAL EQUIPMENT

TYPE	MANUFACTURER	MODEL	SERIAL NUMBER
n/a	n/a	n/a	n/a

Maintenance Agreement

Customer # 340325 - Riverhead Water District

This **Planned Maintenance Agreement** is entered into by Cummins Power Systems, LLC. and the generator set owner/agent named on page 1. During the Term of this Agreement, provided your account is current, Cummins Power Systems, LLC. will perform the service work as described in the attached **Planned Maintenance Check List**, on the listed equipment. The equipment will be inspected and or serviced at agreed intervals **during normal business hours** (unless otherwise specified) each year this agreement is in effect. A written report is to be provided to the customer within 10 days following the visit. As part of this agreement, it is recommended that the customer follow the maintenance procedures described herein.

ADDITIONAL REPAIRS AND SERVICES

Any additional repairs, pails, or services that are found, but not included under this agreement, will be brought to the attention of the customer or site representative. In the event extra repairs are needed a price quote will be sent to the owner. Repairs will be made only after proper authorization by the owner or authorized representative. Cummins Power Systems, LLC. will commence repairs once a signed quote and a written purchase order are received. Any additional repairs, maintenance, or services will be performed (if authorized) at the current Cummins Power Systems, LLC. contract customer rates for labor, parts and mileage. Emergency service calls will be responded with the next available service technician. Emergency services between regular inspection visits will be provided at Cummins Power Systems' contracted customer rates for labor, parts, travel time and mileage.

AGREEMENT TERMS AND CONDITIONS

*Agreement price includes materials, labor, travel time, and mileage to perform the services listed on the Planned Maintenance Check List. Agreement includes lube oil, lube oil filters, fuel oil filters, coolant filters (where used), and 1 gallon of coolant (top off).

LIMITED WARRANTY POLICY OF CUMMINS POWER SYSTEMS, LLC.

Service, Repair, Parts and Workmanship .

CONSULTANT agrees to correct by repair or replacement any defects of material or workmanship installed under this Planned Maintenance Agreement, which may develop under normal and proper use within (90) days of installation. Such correction shall constitute a fulfillment of all obligations to the owner and shall constitute owner's sole remedy.

Maintenance Agreement

Customer # 340325 - Riverhead Water District

Plant #11 @ 5737 Middle Country Rd. Calverton

One PM Full Service(s) "PMFS" per year \$1,420.00
(May 2011 / Mon-Fri bet. 08:00-16:00 hrs) See "PM Service Scope of Work" for details.

Plant #12-1 @ Swan Pond Rd.

One PM Full Service(s) "PMFS" per year \$1,420.00
(May 2011 / Mon-Fri bet. 08:00-16:00 hrs) See "PM Service Scope of Work" for details.

***Sub-Total per 1st year** **\$2,840.00**

invoicing for this Agreement will include total above plus all applicable taxes. The customer will be invoiced separately following each service visit. Payment is due 30 days from the date of invoice. This agreement takes effect May 12 of 2011, for a term of

12 months, ending May 11 of 2012, at the contractual rate of \$2,840.00.

PM Service Scope Of Work

PM Site Inspection	PM Full Service	Planned Maintenance Service Scope of Work
5.1 ENGINE LUBRICATING SYSTEM		
X	X	1. Check for leaks and visually inspect compartment. Record any findings.
X	X	2. Check engine oil level & PSI, record readings, and advise if out of mfg. specs.
	X	3. Change lubricating oil filter(s) and dispose according to EPA guidelines.
	X	4. Change engine oil and take oil sample for lab analysis (CC2525).
	X	5. Change hydraulic governor oil and check level
5.2 ENGINE COOLING SYSTEM		
X	X	1. Check for leaks throughout all engine compartment.
X	X	2. Check radiator air restriction
X	X	3. Check operation of coolant heater.
X	X	4. Check all hoses and connections. Tighten all clamps, if necessary.
X	X	5. Check coolant level. Record Level and Temperature. Top off cooling system. >
X	X	6. Check belt condition and tension. Adjust, if necessary.
X	X	7. Check antifreeze concentration. Record concentration and D.C.A level.
	X	8. Change coolant filter(s) and dispose as per EPA guidelines.
X	X	9. Check radiator cap and thermostat for operation
	X	10. Take coolant sample for lab analysis, if applicable (CC2700)
5.3 ENGINE AIR INTAKE SYSTEM		
X	X	1. Check air cleaner element(s). Clean air cleaner housing.
X	X	2. Check all intake piping.
X	X	3. Check and clean crankcase breather element(s).
5.4 ENGINE FUEL SYSTEM		
X	X	1. Check day tank, fuel lines and connections for leaks.
	X	2. Change fuel filter(s) and dispose as per EPA guidelines.
X	X	3. Check day tank fuel level and fuel gauge. Record fuel level.
X	X	4. Check fuel transfer pump.
X	X	5. Drain water separator(s), if necessary.
X	X	6. Check governor control linkage
	X	7. Take fuel sample for lab analysis, if applicable (DF9).
5.5 ENGINE EXHAUST SYSTEM		
X	X	1. Check for leaks throughout exhaust system.
X	X	2. Drain exhaust condensation drain trap (if equipped)
5.6 ENGINE ELECTRICAL SYSTEM		
X	X	1. Check battery electrolyte level and clean terminals & cables.
X	X	2. Check battery charging system Record DC. voltage on each battery
5.7 MAIN GENERATOR		
X	X	1. Record A/C VOLTAGE.
X	X	2. Record FREQUENCY.
5.8 CONTROLS AND SWITCH GEAR		
X	X	1. Check for operational instrumentation
X	X	2. Check Automatic Transfer Switch(es) and load test, if possible.
X	X	3. Check that all switches are back in Automatic Mode.
	X	4. Change ATS(s) 3V battery, when applicable. (Applicable to Cummins equipment)
5.9 EQUIPMENT CALIBRATION (Applicable to Cummins equipment only)		
X	X	1. Update & calibrate ECF(is) with InCal/NPower programs, when necessary and if applicable.
X	X	2. Update & calibrate ATS(s) with InSight program, when necessary and if applicable.
X	X	3. Update & calibrate generator control system(s), when necessary and if applicable.
6.0 REPORTS & RECOMMENDATIONS		
X	X	1. Provide field service report(s) to site contact(s).
X	X	2. Brief site contact(s) of any findings and recommendations.
X	X	3. Clean up working environment and bring out all tools & waste material(s)

Contract Rates

The following labor rates are for customers **Covered** by a **"Signed" Planned Maintenance Agreement**. These rates would apply to any additional work/repairs that are not part of the Planned Maintenance Agreement.

Monday-Friday 07:30AM - 04:00PM	\$145.00/hour*
Monday-Friday 04:01PM - 08:00PM	\$217.50/hour*
Monday-Friday 08:01PM - 07:29AM	\$290.00/hour*
Saturday, first 8 hours	\$217.50/hour*
Saturday, after the first 8 hours	\$290.00/hour*
Sunday	\$290.00/hour*
Holidays (New Year's Day, Martin Luther King Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day)	\$290.00/hour*

Emergency calls are billed at a 4 hour minimum charge. Travel time and mileage are portal to portal + tolls. Mileage charge is \$2.25 per mile.

Dated:

Town Of Riverhead

By: Sean M. Walter, Town Supervisor

Dated:

Cummins Power Systems, LLC

By:

TOWN OF RIVERHEAD

Resolution # 498

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH
INFOSYS INTERNATIONAL, INC., REGARDING RECORDS CATALOGING
SERVICES**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead desires to catalog its records in a more efficient and organizational manner; and

WHEREAS, InfoSys International, Inc., is ready, willing and able to provide records cataloging services as desired by the Town of Riverhead at a cost of \$25.00 per hour per inventory clerk in addition to a one-time consultation fee of \$1,582.00; and

WHEREAS, the New York State Archives Department has appropriated grant monies in the amount of \$60,506.00, to the Town of Riverhead for the purpose of defraying costs associated with records cataloging.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute an Agreement with InfoSys International, Inc., regarding records cataloging services, at the cost stated above; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Clerk and the Office of the Town Attorney.

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the _____ of _____, 2011, between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and INFOSYS INTERNATIONAL INC., 110 Terminal Drive, Plainview, New York, 11803 (hereinafter referred to as "Consultant").

In consideration of the mutual promises herein contained, Town of Riverhead and Consultant agree as follows:

1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the following services:

- a. Identify and Catalog records as directed by appropriate Town personnel.
- b. Separate records.
- c. Cull files.
- d. Inventory inactive Town Records.
- e. Provide organizational data in a legible format.

At the conclusion of the identification, cataloging and inventory of those records located within the basement of the Riverhead Town Hall building, 200 Howell Avenue, Riverhead, New York, Consultant shall provide Town with a legible, organized and specifically identified directory of all records so identified in a manner that shall provide ready-access to town personnel.

- f. Records Management Plan/Records Management Policy and Procedures Manual- Consultant shall also provide a records management plan/records management policy and procedures manual incorporating records already produced to date as well as a plan to manage records to be produced in the future.

Consultant shall undertake the above-referenced services in conformance with New York State law, rule and regulation including but not limited to the rules and regulations promulgated by the New York State Archives Department including but not limited to the MU-1 Retention Schedule.

These services are to be rendered by Consultant as an independent contractor and not as an employee of Town.

2. TERM OF AGREEMENT

The Agreement shall commence on June 16, 2011 and terminate on June 30, 2011.

3. WORK DAYS/WORK HOURS/PAYMENT

For these services, Town will pay Consultant at the rate \$25.00 per hour, per inventory clerk, exclusive of commute time and lunch/break time, for time actually worked by inventory clerks in

cataloging town records and other services referenced in paragraph 1(a-e) above, payable on a bi-weekly basis. Consultant's inventory clerks shall work from 7 hours per day not to exceed 9 hours per day, Monday to Friday, or any part thereof, excluding holidays, from June 16, 2011 to June 30, 2011, and Consultant may utilize a maximum of six (6) inventory clerks. Consultant shall provide the names, addresses, dates of birth and social security numbers of the designated inventory clerks on or before June 13. Town and Consultant agree that such scope of services referenced in paragraph 1 (a-e) above shall be capped at a maximum of 566 man-hours. In addition, Town agrees to pay Consultant a fee in the amount of \$1,582.00, regarding production of the Records Management Plan/Records Management Policy and Procedures Manual upon production of such plan/policy/manual which shall include conferences, in person, or otherwise, of whatever duration, regarding the specifics of the Plan/Policy/Manual, as addressed in paragraph 1(f) above. Town and Consultant agree that payment shall be proffered and provided as per a New York State Local Government Records Management Grant, Project No. 0580110962. The Town shall not have any liability for any other expenses or costs. Consultant shall not incur any expenses in Town's behalf. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement."

Consultant further agrees and consents to an employment background check, solely at Town expense. Consultant/Inventory Clerks shall execute all paperwork necessary to facilitate the background check as a term of this Agreement.

4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such data and information. Final payment shall not be due hereunder until after receipt by Town of such complete document and data file, including the Records Management Plan, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

5. PUBLICITY

Consultant shall not, without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant. Consultant shall not, without the prior written consent of the Town, provide, release or make available for

inspection any documents, data, written material of any kind without the prior written consent of at least three members of the Town board or by resolution of the Town Board.

6. ASSIGNMENT AND SUBCONTRACTING

Performance of any part of this Agreement may not be subcontracted nor assigned without, in each case, the prior written consent of at least three members of the Town Board or by resolution of the Town Board.

7. TERMINATION

This Agreement may be immediately terminated at any time for any reason by either party upon written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement subject to receipt of certified time logs and all data regarding the cataloging of the subject records, including but not limited to the production of the Records Management Plan.

8. RECORDS

Consultant shall keep accurate records of the time spent in the performance of services hereunder which shall be provided to Town no later than five business days after the event in question. The Town shall, until the expiration of seven years after final payment under this Agreement, have access to and the right to examine any directly pertinent books, documents, papers and records of Consultant involving transactions related to this Agreement. Consultant agrees that the subject Town records, so cataloged, are the exclusive property of the Town and may not be retained by Consultant for any reason. Consultant further agrees that said records, for purposes of this Agreement, are confidential in nature and may not be divulged for any reason under any circumstances.

9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that the Consultant determines that a change order is required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the Town, its departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to InfoSys International Inc., 110 Terminal Drive, Plainview, New York, 11803.

11. COMPLIANCE WITH LAWS

Consultant shall comply with all applicable federal, state and local laws, rules, regulations and ordinances in the performance of its services under this Agreement. Consultant will notify Town immediately if Consultant's work for Town becomes the subject of a government audit or investigation. Consultant will promptly notify Town if Consultant and/or its Inventory Clerks are indicted, suspended or debarred. Consultant represents that Consultant has not been convicted of fraud or any other felony arising out of a contract with any local, state or federal agency, nor any of its employees/independent contractors. In carrying out the work required hereunder, Consultant agrees not to make any communication to or appearance before any person in the executive or legislative branches of the local, state or federal government for the purpose of influencing or attempting to influence any such persons in connection with the award, extension, continuation, renewal, amendment or modification of any contract or agreement. Consultant may perform professional or technical services that are rendered directly in the preparation, submission or negotiation activities preceding award of a Town agreement/contract or to meet requirements imposed by law as a condition for receiving the award but only to the extent specifically detailed in the statement of work. Professional and technical services are limited to advice and analysis directly applying Consultant's professional and technical discipline.

12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance in the amount of \$1,000,000 per occurrence and \$2,000,000.00 in the aggregate and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant under this Agreement.

13. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead which any such official, employee, representative shall receive either directly or indirectly anything of value whether

monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town, contract with the Town for sale of any product or service. Consultant further represents and covenants that neither it nor any of its employees or representatives has offered or shall offer any gratuity to the Town, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment with respect thereto. Consultant further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with Town.

14. DISCLOSURE

The Town shall have the right, in its discretion, to disclose the terms and conditions of this Agreement (as it may be amended from time to time), including but not limited to amounts paid pursuant hereto, to agencies of the local, state and federal government.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

By: Sean M. Walter, Town Supervisor
TOWN OF RIVERHEAD

By: Raj Mehta, Chairman and CEO
INFOSYS INTERNATIONAL INC.

DATE:

DATE:

TOWN OF RIVERHEAD

Resolution # 499

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING SPECIAL USE PERMIT PETITION OF VERTICAL LINE APPAREL, INC.

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Riverhead Town Board is in receipt of a Special Use Permit Petition from Vertical Line Apparel, Inc., pursuant to Section 108-230 B(1) to allow a principal outdoor sports facility of an existing turf athletic field approved by the Town Board by Resolution 95 of 2006 as an accessory "to the principal industrial use for the exclusive enjoyment of the owner and his and her employees, and

WHEREAS, the above referenced site plan approval resolution restricted the height of outdoor lighting fixtures not to exceed seventeen (17) feet, and

WHEREAS, relief by the Riverhead Zoning Board of Appeals for the height of the existing outdoor lighting fixtures is required prior to the issuance of the contemplated special use permit approval, and

WHEREAS, the applicant made an appearance before the Town Board at its work session of Thursday, June 9, 2011, and

WHEREAS, the Town Board desires to go to public hearing on the subject special use permit petition at this time, now

THEREFORE BE IT, RESOLVED, that in the matter of the special use permit petition of Vertical Line Apparel, the Riverhead Town Board desires to hold a public hearing at this time, and

BE IT FURTHER RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the June 23, 2011 edition of the official newspaper of the Town of Riverhead, and

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 6th of July at 2:10 o'clock pm, to consider the special use permit petition of Vertical Line Apparel, pursuant to 108-230 B(1) of the Riverhead Zoning Ordinance, to allow as a principal use an existing outdoor sports facility on real property located at Spur Road, Calverton, New York, (EPCAL); such real property more particularly described as Suffolk County Tax Map Number 0600-135.2-1-25.

Dated: Riverhead, New York

Date: June 14, 2011

BY THE ORDER OF THE TOWN BOARD OF
THE TOWN OF RIVERHEAD

06.14.2011
110500

ADOPTED

TOWN OF RIVERHEAD

Resolution # 500

**DECLARES M-GBC, LLC IN DEFAULT REGARDING
THE SUBDIVISION ENTITLED "MAP OF CALVERTON CAMELOT II"**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Riverhead Planning Board, by resolution dated March 20, 2006, approved the final plat subdivision map entitled "Map of Calverton Camelot"; and

WHEREAS, Town Law Section 277 2(c) requires that:

(c) all streets or other public places shown on such plats be suitably graded and paved; street signs, street lighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices (including necessary ducts and cables or other connecting facilities), sanitary sewers and storm drains be installed all in accordance with standards, specifications and procedures acceptable to the appropriate town departments except as hereinafter provided, or alternatively that a performance bond or other security be furnished to the town, as hereinafter provided.

WHEREAS, the Planning Board permitted the map to be filed with the County Clerk prior to the completion of the necessary public improvements conditioned upon the posting of a performance security in the amount of \$3,000,000, and

WHEREAS, M-GBC, LLC has posted Suffolk County National Bank Irrevocable Letter of Credit #061128 in the amount of \$3,000,000.00 for improvements to be completed within said subdivision; and

WHEREAS, by Resolution #10 dated February 5, 2009, the Planning Board requested the Town Board declare M-GBC, LLC in default of its obligation to timely complete the required improvements within the subdivision; and

WHEREAS, by Resolution #35 dated April 2, 2009, the Planning Board again requested that the Town Board declare M-GBC, LLC in default of its obligation for the timely completion of the required improvements within the subdivision; and

WHEREAS, pursuant to Planning Board Resolution #2011-0018, dated February 17, 2011, it is recommended that the Town Board call and draw upon the performance security posted in connection with this subdivision and retain the services of a licensed engineer to design the required improvements, suitable for public bid, and construct same at the expense of the developer; and

WHEREAS, M-GBC, LLC has failed, or neglected to perform, the required site improvements within the subdivision entitled "Map of Calverton Camelot II"; and

WHEREAS, the lots within the subdivision have been sold by the developer and there is substantial traffic from New York State Route 25 and Grumman Boulevard accessing the site through the partially constructed roads which constitutes a threat to public health and safety, and

WHEREAS, M-GBC, LLC remains in default in connection with said subdivision, and

WHEREAS, the construction schedule for the Town to complete the public improvements during the 2011 construction season before the asphalt plants close in November requires the immediate preparation of documents suitable for public bidding, and

WHEREAS, The Raynor Group, P.E. & L.S. PLLC has estimated the professional engineering services necessary to prepare plans and specifications, bid opening and bid tabulation suitable for award at a fee of \$70,000.00.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Riverhead Town Board hereby declares M-GBC, LLC in default of its obligations to complete the public improvements required for the subdivision of Calverton Camelot II; and be it further

RESOLVED, that the Town Supervisor is hereby directed to present Suffolk County National Bank Irrevocable Letter of Credit 061128 in the amount of \$70,000.00 for payment by reason of default of M-GBC, LLC; and be it further

RESOLVED, that the Town Supervisor be and hereby is directed upon receipt of \$70,000.00 to execute an engineering services agreement with The Raynor Group, P.E. & L.S. PLLC as attached hereto; and be it further

RESOLVED, that upon completion of bidding documents this Board shall authorize the public bid of the necessary public improvements of Calverton Camelot II; and be it further

RESOLVED, that upon receipt of public bids this Board shall adopt further resolutions to draft all necessary funds from the above referenced letter of credit to fund all costs related to the construction and dedication of the public improvements required by the realty subdivision of Calverton Camelot II; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Mr. Jan Burman, M-GBC, LLC, c/o Burman Properties, 2545 Hempstead Turnpike, East Meadow, NY 11554; Vincent J. Messina, Jr., Esq. Sinnreich, Kosakoff & Messina, LLP, 267 Carleton Avenue, Suite 301, Central Islip, NY 11722; and Steve Peddy, Esq. and Todd C. Steckler, Esq., Berkman, Henoch, Peterson & Peddy, P.C., 100 Garden City Plaza, Garden City, NY 11530; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 501

APPOINTS TOWN BOARD COORDINATOR

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, there is a vacancy of a Town Board Coordinator.

NOW, THEREFORE, BE IT RESOLVED, that Linda Hulse is hereby appointed to the exempt position of Town Board Coordinator effective June 15, 2011.

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Linda Hulse, the Financial Administrator and the Personnel Officer; and be it further

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 502

**SETTING TERMS AND CONDITIONS OF EMPLOYMENT
FOR FULL-TIME TOWN BOARD COORDINATOR**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

BE IT RESOLVED, that the terms and conditions of employment of Full-Time Town Board Coordinator Linda Hulse ("the employee") shall, effective June 15, 2011, be as follows:

TERM

1. These terms and conditions of employment shall continue in full force and effect until subsequently altered by Town Board resolution.
2. The employee is employed at the will of the Town Board and for no specific term or duration.

HOURS OF WORK

1. The employee's minimum basic work week shall be 35 hours. There shall be no maximum number of hours of work per week. The employee shall not receive additional compensation for holiday pay. The employee is not entitled to earn, accrue, or be paid for overtime or compensatory time.
2. The employee shall be entitled to the same paid holidays as are set forth in the 2011-2014 CSEA collective bargaining agreement, providing the holiday falls on a day the employee is normally scheduled to work.
3. (a) Five (5) days of personal leave will be granted per annum.
(b) Personal leave may not be accumulated and must be used within the calendar year earned, except that unused personal days at the end of each year shall be converted to sick time and may be used as sick time, subject to all the rules and pertaining to sick time.
(c) Personal leave must be approved by the Town Supervisor. The employee must request such leave at least forty eight (48) hours in advance unless the personal

leave is deemed to be an emergency of which the employee had no prior knowledge, in which case the employee must notify the Town Supervisor or designee of such absence. Failure to notify the Town Supervisor or designee of the absence will result in loss of pay for the day's absence.

4. Funeral Leave. The employee shall be entitled to four (4) consecutive working days leave of absence computed either from the day of death or the day following death, at the employee's option, for the death of the employee's spouse, child (including adopted children), father, mother, brother, sister, parents, parents-in-law, grandparents, grandparents-in-law, grandchildren, daughter-in-law, brother-in-law, sister-in-law, son-in-law, or stepchild.

5. Jury Service. The employee will be paid the employee's regular salary while performing jury service upon documentary proof being filed with the Town Supervisor. The employee shall endorse the jury salary checks to the Town. Travel allowance or mileage compensation checks for jury service are to be retained by the employee.

6. Court Appearance. The employee's absence by reason of appearance as a defendant or witness on behalf of the Town in any court action involving the Town will be approved by the Town Supervisor for the number of days necessary. The employee shall not lose any salary therefrom.

7. Parentage Leave. The employee shall receive a parentage leave as defined in the 2011-2014 CSEA contract.

VACATIONS

1. The employee shall be entitled to seventy (70) hours of vacation per annum (January 1 to December 31).

2. The employee, upon request, shall be paid the employee's vacation pay prior to the vacation, providing the employee shall have given three (3) weeks' notice to the Supervisor.

3. Upon retirement or termination of service, except for cause, the employee shall be compensated, in cash, for any accumulated vacation.

4. The employee may carry over any unused vacation days/hours from one (1) year into the following year, but in no event shall the employee carry over more than 105 vacation hours from one year to the next.

5. The employee, at the employee's option, shall be entitled to make an election to work the current year's allotted vacation time. The employee must provide written notification to the Supervisor of the exercising of this option not fewer than thirty (30) days prior to the date of which payment is requested. The Supervisor is to acknowledge receipt of this notification to the payroll personnel prior to payment.

Payment is to be processed during the next overtime run. The buyback shall be in blocks of three days per month.

SICK LEAVE

1. Sick leave is absence necessitated by the employee's illness or other physical disability. Sick leave will be accumulated at the rate of 1.25 hours per month up to a total accumulated sick leave of three hundred (300) days. After three hundred (300) days, additional paid sick leave may be granted in the sole discretion of the Town Board. In order to receive sick leave, the employee shall, when absent because of sickness for more than three (3) days, furnish the Supervisor, when requested by him, with a medical certificate. Failure to furnish a medical certificate will result in loss of pay for absent days. The Town Board, in its discretion, may request a physical examination the employee before the employee's return to work.

2. The employee, or legal representative, upon retirement or severance, is entitled to cash payment for accumulated sick leave. Said payment shall be paid in a lump sum the value of the employee's accumulated and unused sick leave to the extent of one hundred (100%) percent of the first two hundred and eighty (280) days thereof.

3. The employee may elect to reduce the sick time accrued under paragraph "1" one by filing a written election with the Supervisor one (1) month prior to payment. Buy-out shall be in lots of thirty five (35) hours. No buy-out shall be permitted unless, at the time of election, the employee has accumulated at least seventy (70) hours. The rate of pay shall be calculated at the time of payment based on a two hundred sixty (260) day work year. If the employee "buys-out" sick leave, the employee shall be permitted to reaccumulate sick days to a maximum of three hundred (300) days or (2100) hours for use in the event of illness, but those days may not be reaccumulated for payment purposes.

4. If the employee falls ill while on vacation then, upon presentation of a medical certificate certifying that the employee was confined to bed for more than five (5) working days during the vacation, may charge this illness to sick leave upon proper notification to the Supervisor and may take the same number of sick days as vacation days.

GRIEVANCE PROCEDURE

1. Consideration of Grievance.

A grievance by the employee shall be made, in writing, to the Town Board. Upon receipt of the grievance, the Town Board may request the employee to submit any agreed statement of facts or the employee's version of the facts, or any other documents that the Town Board may deem pertinent to the determination of the appeal.

The Town Board shall conduct a hearing within twenty (20) business days of receipt of an appeal. Within twenty (20) business days after the hearing, the Town Board shall make a decision based on its findings and advise the employee. The decision of the Town Board shall be final and all parties bound thereby.

2. Time of Hearings.

All discussions and hearings shall, so far as practicable, be conducted during working hours.

3. Representation.

The employee shall have the right at all times to representation of the employee's choosing.

4. Limitations.

If a grievance occurs and cannot be resolved immediately, the employee shall obey all directives and shall present the grievance as soon thereafter as practicable. Grievances that are not presented within ten (10) days of the occurrence shall be deemed to have been abandoned.

5. Withdrawn Grievances.

The employee may withdraw a grievance at any point in the grievance procedure.

HEALTH INSURANCE

1. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family coverage for hospitalization under the Town's Health Insurance Program. The Town shall pay for one hundred (100%) percent coverage for the employee if she retires from the Town and Town shall also pay to the extent of fifty (50%) percent coverage on the premiums for her family.

If the employee and spouse are currently receiving (or are eligible to receive) family health benefits through the Town, only one will be permitted to continue to receive family level coverage. In this event, the person whose coverage changes from family to individual or no coverage will be entitled to the health insurance buy-out. The employee may reinstate coverage in the event of an emergency causing the loss of the other person's Town health insurance, consistent with the rules and regulations of the Town's health insurance plan and applicable laws and regulations.

At retirement, the former employee who is otherwise eligible for family retiree health insurance coverage through the Town but for the operation of this provision shall continue to be ineligible for family retiree health insurance coverage through the Town. However, during retirement, the former employee may reinstate his/her own family

health insurance coverage, if the former employee has dependents as defined in the Plan, in the event of an emergency causing the loss of the other person's Town health insurance, consistent with the rules and regulations of the Town's health insurance plan and applicable laws and regulations.

In the event that the employee's employment with the Town should terminate, she shall have the option, at her own expense, to participate in the Town Health Insurance Program, consistent with applicable laws, rules and regulations.

The service requirement for receipt of health insurance in retirement shall be ten consecutive years of service with the Town, and The employee must either (1) be employed by the Town on the last date immediately prior to retirement into the NYSERS; or (2) have been employed by the Town as her last public sector employer, and have continuously self-paid her health insurance premiums to, and remained enrolled in, the Town's health insurance plan between the last date of service with the Town and the date of vesting and receipt of benefits from the NYSERS, whichever is applicable, as set forth in the NYSERS Rules and Regulations (Part 256).

2. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family plan for dental coverage under the Riverhead Town Dental Plan. If the employee and spouse are currently receiving (or are eligible to receive) family dental insurance benefits through the Town, only one will be permitted to continue to receive family level coverage. In this event, the person whose coverage changes from family to individual coverage or no coverage will be entitled to the dental insurance buy-out. Should that person choose to decline to receive individual coverage, then that person will be eligible for the buy-out of the individual coverage.

3. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family plan for optical coverage under the Riverhead Town Optical Plan. If the employee and spouse are currently receiving (or are eligible to receive) family optical insurance benefits through the Town, only one will be permitted to continue to receive family level coverage. In this event, the person whose coverage changes from family to individual coverage or no coverage will be entitled to the optical insurance buy-out. Should that person choose to decline to receive individual coverage, then that person will be eligible for the buy-out of the individual coverage.

4. The employee, at the employee's option, may elect not to accept the Town's hospitalization coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: \$1,650.00 if the employee changes from family to no coverage; \$900 if the employee changes from family to individual coverage; \$750 if the employee changes from individual to no coverage. Also, at the employee's option, the employee may elect not to accept the dental coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: \$230 if the employee changes from family to no coverage; \$150 if the employee

changes from family to individual coverage; \$80 if the employee changes from individual to no coverage. Also, at the employee's option, the employee may elect not to accept the optical coverage for a period of not less than one calendar year and receive a payment of twenty five dollars (\$25.00) during the first full pay period of each year the election is made. The employee must sign an application form each year and said application shall include an acknowledgment that the employee is covered under another plan.

GENERAL PROVISIONS

1. The Town agrees to provide legal counsel to defend the employee in any action arising out of an assault on the employee on Town business, and the Town hereby agrees to defend, indemnify, and hold the employee harmless for any and all acts performed for the Town, its agents and employees, provided the employee was acting within the scope of employment. In the event that the employee is appointed, authorized or directed by the Town or one of its agencies to represent it as a member of the board of directors of an organization or agency, then the employee shall be covered by the provisions of Public Officers Law Section 18 and Town Code Sections 15-1 and 15-2 pertaining to the defense and indemnification of officers and employees of public entities, provided the employee is otherwise eligible for coverage pursuant to the terms of those provisions.

2. If the employee is injured or assaulted in the course of employment, the employee shall receive full salary until such time as the employee's application for reinstatement to full duty status, or, in the event of permanent disability, the employee's application for a disability pension be finally determined or by a physician's examination determining no further disability, whichever comes first. If the employee is injured on the job and reports the same to the Supervisor, and has to be absent from work, no days shall be deducted from her sick leave for such injury. If the employee receives a compensation check for lost time due to a compensable injury, the employee shall endorse the employee's check over to the Town. The above shall apply if the employee was acting within the scope of employment.

3. A leave of absence, without pay, may be granted to the employee in the discretion of the Town Board for a maximum of six (6) months, upon written application therefore and good cause shown.

4. If the employee is absent without leave or without due notification to the Supervisor, the employee shall suffer loss of pay for the days of such absence.

5. The employee will be paid every two (2) weeks on Thursday of the latter week.

6. Upon the employee's request to examine the employee's official employment personnel file, the employee may be permitted to do so at the discretion of the Town Board. Any material classified as confidential shall not be subject to duplication by the

employee, but the employee shall have an opportunity to read said material and make a written reply, which shall be inserted in the personnel folder.

7. To the extent permitted by the U.S. Internal Revenue Code and the New York State Income Tax Laws, the Town shall establish a deferred compensation plan for the employee.

WAGES

The employee shall receive the following annual salary:

Effective June 15, 2011: \$40,542.48

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 503

AMENDS RESOLUTION #449

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Resolution #449, duly adopted by the Riverhead Town Board on June 1, 2011, established the rate of pay at \$19.00 per hour for Part-time Police Officers Matthew Neknez and Christopher Pendzick effective May 18, 2011; and

WHEREAS, Resolution #449 did not indicate an hourly rate of pay for these Part-time Police Officers between May 12, 2011, their date of reinstatement, and May 18, 2011, the date establishing their rate of pay.

NOW, THEREFORE BE IT RESOLVED, that Resolution #449 be amended to include an hourly rate of pay at \$19.00 for Matthew Neknez and Christopher Pendzick effective May 12, 2011; and

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 504

AWARDS BID FOR DISPOSAL OF TOWN GENERATED CONSTRUCTION & DEMOLITION MATERIAL

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the DISPOSAL OF TOWN GENERATED CONSTRUCTION & DEMOLITION MATERIAL and;

WHEREAS, two(2) bids were received, opened and read aloud on the 9th day of June 2011 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York; and

WHEREAS, the Sanitation Superintendent has reviewed all bids and calculated gas, mileage, staff time for each of the bid proposals, (Excel Calverton transfer station, 3.4 miles from Town Hall and Eastern transfer station 18 miles from Town Hall), and;

WHEREAS, Sanitation Superintendent recommends that EXCEL be awarded the bid subject to transportation to and from EXCEL facility located in Calverton, N.Y. and;

NOW, THEREFORE, BE IT RESOLVED, that the bid for the DISPOSAL OF TOWN GENERATED CONSTRUCTION & DEMOLITION MATERIAL be and is hereby awarded to EXCEL DEMOLITION RECYCLING with limitation to the Calverton site for \$60.00 per ton;

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

RESOLUTION # 505

46 DOLPHIN WAY, RIVERHEAD, NY
CHAPTER 96

BUDGET ADOPTION

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

BE IT RESOLVED that the Supervisor be, and is hereby, authorized to establish the following budget adoption:

	FROM	TO
406.010010.411000.41078Real Property Taxes	\$3,750	
406.086660.540000.41078Contractual Expenses		\$3,000
406.086660.549001.41078Administration Fee		\$750

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielson Yes No
Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 506

PAYS BILLS

Councilman Gabrielsen offered the following resolution,
which was seconded by Councilwoman Giglio

ABSTRACT #11-19 June 02, 2011 (TBM 06/14/11)				
FUND NAME			06/02/11 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		833,023.74	833,023.74
RECREATION PROGRAM FUND	6		2,546.05	2,546.05
HIGHWAY FUND	111		75,035.57	75,035.57
WATER DISTRICT	112		55,965.26	55,965.26
RIVERHEAD SEWER DISTRICT	114		26,476.94	26,476.94
REFUSE & GARBAGE COLLECTION DI	115		5,838.86	5,838.86
STREET LIGHTING DISTRICT	116		6,481.84	6,481.84
PUBLIC PARKING DISTRICT	117		1,060.75	1,060.75
BUSINESS IMPROVEMENT DISTRICT	118		150.00	150.00
AMBULANCE DISTRICT	120		545.64	545.64
EAST CREEK DOCKING FACILITY FU	122		112.51	112.51
CALVERTON SEWER DISTRICT	124		841.46	841.46
RIVERHEAD SCAVANGER WASTE DIST	128		14,748.35	14,748.35
RISK RETENTION FUND	175		18,311.02	18,311.02
CDBG CONSORTIUM ACOUNT	181		715.53	715.53
TOWN HALL CAPITAL PROJECTS	406		16,345.33	16,345.33
WATER DISTRICT CAPITAL PROJECT	412		159,725.92	159,725.92
TRUST & AGENCY	735		25,485,372.08	25,485,372.08
TOTAL ALL FUNDS			26,703,296.85	26,703,296.85

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.2011
110507

ADOPTED

TOWN OF RIVERHEAD

Resolution # 507

2011 WADING RIVER DREDGING PROJECT

BUDGET ADOPTION

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Due to the Blizzard late December 2010 dredging is required for the Wading River Creek and Beach Erosion Project.

WHEREAS, the Town shall seek reimbursement for all costs from FEMA and SEMO at 75% and 12 ½% with a town match of 12 ½%.

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and is hereby, authorized to establish the following budget adoption:

		<u>FROM</u>	<u>TO</u>
099.095031.481001.44022	General Fund Transfers	11,468.25	
099.072300.492000.44022	SEMA -Aid	11,468.25	
099.072300.493000.44022	FEMA -Aid	68,809.50	
099.072300.523015.44022	W.R. Creek Dredging		91,746

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Engineering Department and the Accounting Department.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.11

On a motion by Councilman Dunleavy, seconded by Councilman Gabrielsen resolution #507 was TAKEN OFF THE FLOOR

THE VOTE:

YES – 5 Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes

NO - 0

On a motion by Councilwoman Giglio, seconded by Councilman Dunleavy resolution #507 was ADOPTED

THE VOTE:

YES – 5 Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes

NO - 0

TOWN OF RIVERHEAD

Resolution # 508

APPOINTS A PART-TIME ACCOUNT CLERK TYPIST TO THE WATER DISTRICT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, due to the retirement of a full-time employee, a vacancy for a part-time Account Clerk Typist exists in the Riverhead Water District; and

WHEREAS, Civil Service has established a certified list of Eligibles, list # 08-0212-337, for the position of Account Clerk Typist, the list was canvassed, interviews were conducted, and the position was also duly posted for, Job Posting #3; and

WHEREAS, pursuant to a completed background check, a recommendation of a suitable candidate has been made by the Superintendent of the Water District and the Personnel Officer.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby appoints Robin Halpin to the position of Part-Time Account Clerk Typist effective June 20, 2011 at the hourly rate of \$15.00; and

BE IT FURTHER, RESOLVED that Halpin's normal work schedule shall be set at 18 hours per week.

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.11

On a motion by Councilman Dunleavy, seconded by Councilman Gabrielsen resolution #508 was TAKEN OFF THE FLOOR

THE VOTE:

YES – 5 Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes
NO - 0

On a motion by Councilman Dunleavy, seconded by Councilman Wooten resolution #508 was ADOPTED

THE VOTE:

YES – 5 Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes
NO - 0

TOWN OF RIVERHEAD

Resolution # 509

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH
EATON CORPORATION FOR EMERGENCY BATTERY SYSTEM**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town of Riverhead Police Department/Justice Court Building requires continuous operation due to the nature of the building's activities;

WHEREAS, the Town of Riverhead Police Department/Justice Court Building requires an uninterrupted power source to facilitate continuous operation; and

WHEREAS, the Proactive Battery System protects the subject building in the event of a power failure and allows the building to continue operation until the emergency generator is activated; and

WHEREAS, the Eaton Corporation is ready, willing and able to continue to provide maintenance of the Proactive Battery System.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached renewal agreement with Eaton Corporation regarding emergency battery system service for one year in the amount of \$4,838.00; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Garry Luerssen, 407 East Main Street, Ste 2, PO Box 255, Port Jefferson, New York 11777; the Town Engineering Department; and the Office of the Town Attorney; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.11

On a motion by Councilman Dunleavy, seconded by Councilman Gabrielsen resolution #509 was TAKEN OFF THE FLOOR

THE VOTE:

YES – 5 Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes

NO - 0

On a motion by Councilman Wooten, seconded by Councilman Gabrielsen resolution #509 was ADOPTED

THE VOTE:

YES – 5 Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes

NO - 0

SCHEDULE A

Eaton Contract # 253658-R1
Renewal term: 6/1/11 – 5/31/12

**Subject: Maintenance Renewal – Eaton 9330-40kva UPS System.
Serial Number: EU063AXX07**

Eaton would like to offer you the following comprehensive maintenance options to insure the reliability of the UPS & Battery System located at the above location:

Eaton Pro-Active 1 year service with 1 UPS & Battery PM \$4,838.00 – 1 year

- *One Year Parts, Labor, Expenses For The UPS Electronics*
- *7x24 Coverage, 7 days per week, 24 hours per day, 365 days per year*
- *1 PM Visit on UPS Electronics and Internal Battery 7x24*
- *UPS Firmware & Software Upgraded by Eaton Factory Trained Technicians when required. Software is proprietary - No 3rd party vendor will be capable of doing these upgrades.*
- *Eight (8) Hours [Maximum] Response Time*
- *30% Reduced Labor and Material Rates for Services Outside Purchased Coverage. This discount does not apply to battery replacement.*

Added Benefits of an Eaton Service Agreement:

- Technicians carry \$100,000.00 of **new** parts inventory in their van to expedite all repairs. Many 3rd party vendors utilize used parts. Eaton gives its customers priority shipments on new replacement parts.
- 24 Hour Dispatch Center (800-843-9433) to assist you day or night.
- Local technicians for a quick response to your service needs. (typical response time within 2-4 hours)

Eaton Contract # 253658-R1
Renewal term: 6/1/11 – 5/31/12

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the _____ of _____, 2011 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and EATON CORPORATION, POWER QUALITY OPERATIONS-AMERICAS, a corporation doing business in the State of New York with a principal place of business at 8609 Six Forks Road, Raleigh, NC 27615 (hereinafter referred to as "Consultant").

In consideration of the mutual promises herein contained, Town of Riverhead and Consultant agree as follows:

1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in Schedule A attached hereto and made a part hereof at the Police Department/Justice Court Building, 210 Howell Avenue, Riverhead, New York, 11901. These services are to be rendered by Consultant as an independent contractor and not as an employee of Town.

2. TERM OF AGREEMENT

The Agreement shall commence on June 1, 2011, and terminate on May 31, 2012.

3. PAYMENT

For these services, Town will pay Consultant in the amount of \$4,838.00 for the term of the Agreement and as set forth in the attached schedule A. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for in the attached schedule. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in the attached schedule. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require.

4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such data and information. Final payment

shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

5. PUBLICITY

Consultant shall not, without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant. Consultant shall not, without the prior written consent of the Town, provide, release or make available for inspection any documents, data, written material of any kind without the prior written consent of at least three members of the Town board or by resolution of the Town Board.

6. ASSIGNMENT AND SUBCONTRACTING

Performance of any part of this Agreement may not be subcontracted nor assigned without, in each case, the prior written consent of at least three members of the Town Board or by resolution of the Town Board.

7. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement on a pro-rated basis.

8. RECORDS

Consultant shall keep accurate records of the time spent in the performance of services hereunder. The Town shall, until the expiration of seven years after final payment under this Agreement, have access to and the right to examine any directly pertinent books, documents, papers and records of Consultant involving transactions related to this Agreement.

9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that the Consultant determines that a change order is required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the Town, its departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, Esq., 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to Eaton Corporation, Power Quality Operations-Americas, 8609 Six Forks Road, Raleigh, NC 27615.

11. COMPLIANCE WITH LAWS

Consultant shall comply with all applicable federal, state and local laws and ordinances and regulations in the performance of its services under this Agreement. Consultant will notify Town immediately if Consultant's work for Town becomes the subject of a government audit or investigation. Consultant will promptly notify Town if Consultant is indicted, suspended or debarred. Consultant represents that Consultant has not been convicted of fraud or any other felony arising out of a contract with any local, state or federal agency. In carrying out the work required hereunder, Consultant agrees not to make any communication to or appearance before any person in the executive or legislative branches of the local, state or federal government for the purpose of influencing or attempting to influence any such persons in connection with the award, extension, continuation, renewal, amendment or modification of any contract or agreement. Consultant may perform professional or technical services that are rendered directly in the preparation, submission or negotiation activities preceding award of a Town agreement/contract or to meet requirements imposed by law as a condition for receiving the award but only to the extent specifically detailed in the statement of work. Professional and technical services are limited to advice and analysis directly applying Consultant's professional and technical discipline.

12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the negligent acts or omissions of Consultant under this Agreement.

Notwithstanding anything in this Agreement or otherwise to the contrary, in no event shall Consultant or Town, or their respective officers, directors, employees or agents be liable to the other for any incidental, indirect, special or consequential damages, such as, but not limited to, delay damages, lost profits or revenue, lost data or lost opportunity damages, resulting from or in connection with any claim or cause of action, whether brought in contract or in tort. Under no circumstances shall the aggregate liability arising out of or in connection with this Agreement exceed the price paid hereunder for the goods and services provided.

13. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead which any such official,

employee, representative shall receive either directly or indirectly anything of value whether monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town, contract with the Town for sale of any product or service. Consultant further represents and covenants that neither it nor any of its employees or representatives has offered or shall offer any gratuity to the Town, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment with respect thereto. Consultant further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with Town.

14. DISCLOSURE

The Town shall have the right, in its discretion, to disclose the terms and conditions of this Agreement (as it may be amended from time to time), including but not limited to amounts paid pursuant hereto, to agencies of the local, state and federal government.

15. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with the decision of Town.

16. WARRANTY

Consultant shall perform all service in a professional and workmanlike manner. Consultant warrants repairing or replacing defective parts or materials and correct defective workmanship reported to Consultant and/or diagnosed by Consultant's personnel during the term of this Agreement. Consultant warrants its corrective maintenance and replacement parts to be free from defects in material and workmanship for the term of this Agreement or for a period of ninety (90) days from the completion date of the repair or replacement of parts or materials, whichever is longer. In the event the parts or materials fail to meet published specifications due to a defect in parts or materials or workmanship covered by this Warranty, Consultant, at its discretion, will repair or replace the warranted parts or materials at no cost to Town. This Warranty shall not apply to any Power Module and/or Battery that has been: (i) subject to damage caused by accident, fire, flood, lightning, vandalism, acts of God, Town's neglect, misuse, misapplication, incorrect connection or external damage; (ii) subject to repair or alteration by Town (or a third party) not authorized by Consultant in writing. THIS WARRANTY IS EXCLUSIVE EXCEPT FOR WARRANTY OF TITLE. CONSULTANT DISCLAIMS ALL OTHER WARRANTIES, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. CORRECTION OF NON-CONFORMITIES IN THE MANNER AND FOR THE PERIOD OF TIME PROVIDED ABOVE SHALL CONSTITUTE CONSULTANT'S SOLE LIABILITY AND TOWN'S EXCLUSIVE REMEDY FOR FAILURE OF CONSULTANT TO MEET ITS WARRANTY

OBLIGATIONS, WHETHER CLAIMS OF TOWN ARE BASED IN CONTRACT, IN TORT (INCLUDING NEGLIGENCE AND STRICT LIABILITY) OR OTHERWISE. Parts or materials supplied, but not manufactured by consultant, are warranted solely by the manufacturer. Consultant's obligation under this Warranty is conditioned upon receipt of all payments due from Town.

17. FORCE MAJEURE

Neither party shall be liable for any failure to perform, or delay in performing under this Agreement to the extent that such failure or delay results from causes beyond its reasonable control including, without any limitation, any act of God, war, revolution, riot, civil commotion, labor strike or any applicable governmental or judicial law or regulation, order or decree.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

TOWN OF RIVERHEAD

EATON CORPORATION, POWER
QUALITY OPERATIONS-AMERICAS

By: Sean M. Walter, Supervisor

By:

TOWN OF RIVERHEAD

Resolution # 510

**DECLARES PUBLIC EMERGENCY REGARDING CONDITION OF WADING RIVER
CREEK AND CREEK ROAD BEACH EROSION**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, in December of 2010, the Town was plagued by a Nor'easter storm with extremely high winds causing high tides and surf which, in turn, resulted in major beach erosion and shoaling of Wading River Creek such that the creek was rendered impassable; and

WHEREAS, many area residents reported the devastating effects of the December Nor'easter and reiterated concerns expressed to Town Officials by the Wading River Fire District regarding the navigability of Wading River Creek impacting the Wading River Fire District's ability to timely respond to emergency calls and reported flooding of the roadways caused by the shoaling of the creek such that vehicle access to and from their homes is hazardous at best; and

WHEREAS, in addition to the above, state officials contacted the Town and expressed concern over the health, safety and welfare of residents and a need to re-open this access point to the Long Island Sound; and

WHEREAS, the engineers employed by the Town Engineering Department inspected the creek and confirmed that the December Nor'easter destroyed the Town's earlier dredging activity and once again the creek was rendered impassible; and

WHEREAS, the Town made application to the NYS Department of Conservation and Army Corps of Engineers for a modification to the permits, Permit No. 1-4730-00091/0009 and Permit # NAN2003-00515 respectively, which authorized the previous dredging such that the Town would be permitted to re-dredge and obtain relief from the activity window restrictions of "Special Conditions 7 and 13, and special conditions C 1 and (D) respectively; and

WHEREAS, in addition to the notification and application to the NYS Department of Environmental Conservation and Army Corps of Engineers, the Town also reported the storm disaster to the Federal Emergency Management Agency (FEMA) and New York State Emergency Management Office (SEMO) for the purpose of obtaining emergency financial assistance for a re-dredge project; and

WHEREAS, the Town of Riverhead has forwarded a request for modification of the permits to re-dredge to the NYS Department of Environmental Conservation and Army Corps of Engineers granted the Town's, however, the Town was informed that the dredging may only occur within the month of July; and

WHEREAS, the Town, after careful consideration of all factors, including the increase use of waters and beach at this time of year, determines that the navigability of the creek and access/use of the creek by emergency personnel is vital to the Town's ability to protect the life, health and safety of the inhabitants of this area and delay will jeopardize emergency response time to the detriment of the health, safety and welfare of Town residents, such that an emergency exists requiring the Town to act immediately to address and remedy the situation; and

WHEREAS, the Town shall seek to utilize contractor services and Reddan Surveying, along with Land Use Services (bird monitoring) such companies shall be required to undertake and complete all necessary re-dredging and related activities within the limited time parameters set by the permitting authorizes; and

WHREAS, the Engineering Department estimate that costs shall not exceed (\$91,746.00) and the Town shall seek reimbursement for all costs, including but not limited to survey, bird monitoring, sediment and erosion control, and dredging, of the Wading River Creek project from FEMA and SEMO, at 75% and 12 ½%, respectively, for monies used to address to storm disaster DR1899NY; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board be and does hereby declare the conditions along the beach at Creek Road and the shoaling of Wading River Creek to be a public emergency under General Municipal Law section 103(4); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the expenditure of Ninety One Thousand Seven Hundred Forty Six & 00/100 (\$91,746.00), with reimbursement from FEMA and SEMO for 75% and 12 ½% for all costs related to the Wading River Creek project; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize the Financial Administrator for the Town of Riverhead to amend the budge as appropriate to reflect the authorization herein; and

BE IT FURTHER RESOLVED, that the Engineering Department shall secure such emergency purchase orders necessary to retain the services of a dredging contractor for dredging and sediment control, Reddan Surveying for pre/post dredge surveys) and Land Use Services (bird monitoring) in the amount not to exceed \$91,746.00; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Engineering Department, Office of the Town Attorney, Purchasing Department and the Office of Accounting; and

BE IT FURTHER RESOLVED, that the all Town Department may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

06.14.11

On a motion by Councilman Dunleavy, seconded by Councilman Gabrielsen resolution #510 was TAKEN OFF THE FLOOR

THE VOTE:

YES – 5 Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes
NO - 0

On a motion by Councilman Gabrielsen, seconded by Councilwoman Giglio resolution #510 was ADOPTED

THE VOTE:

YES – 5 Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes
NO - 0