

RESOLUTION LIST**JULY 19, 2011**

- Res. #554 Riverhead Sewer District Budget Adjustment**
- Res. #555 Authorizes Supervisor to Appoint a Petty Cash Holder for the Building Department**
- Res. #556 Authorizes Submission and Publication of Notice of a JAB Grant Application for Funds to Purchase a Highway Patrol Unit Vehicle for the Town of Riverhead Police Department**
- Res. #557 Authorizes Town Supervisor to Execute Change Order No. 1 for Chapter 54 Demolition of Unsafe Structures and Debris Removal at the Knolls at Baiting Hollow 1411, 1311, 1211, 1111, 1310, 1210, 1100 Bluffs Drive**
- Res. #558 Authorizes the Town Clerk to Post and Publish the Attached Notice to Bidders for the Purchase of Paint**
- Res. #559 Settling Litigation Brought by M-GBC, LLC Against the Town of Riverhead**
- Res. #560 Promotes Detectives (Patrick Waski, David Freeborn)**
- Res. #561 Terminates a Seasonal Employee**
- Res. #562 Authorization to Publish Advertisement for Food Products for the Town of Riverhead**
- Res. #563 Authorization to Publish Advertisement for Truck Parts for the Town of Riverhead**
- Res. #564 Appoints a Summer Recreation Aide to the Recreation Department (Catherine Kirchhoff)**
- Res. #565 Appoints a Call-In Park Attendant II to the Recreation Department (Aaron Wilson)**
- Res. #566 86 Landing Lane, Baiting Hollow, NY Chapter 96 Budget Adoption**
- Res. #567 Authorizes the Town of Riverhead to Direct Jeffrey Thomas to Remove all Weeds, Grass and/or Rank Vegetation in Excess of Ten (10) Inches in Height Upon the Premise Known as 86 Landing Lane, Baiting Hollow, New York, 11933, a/k/a SCTM #0600-039.00-06-027.00 Pursuant to Riverhead Town Code Chapter 96**
- Res. #568 Adopts a Local Law Amending Chapter 108 Entitled, "Zoning" of the Riverhead Town Code, Article III, Residence A-40 Zoning Use District (§108-9 Accessory Buildings and Structures)**

- Res. #569** Amends Resolution #488 of 2011
- Res. #570** Approves the Chapter 90 Application of Apple Honda (July 27, 2011 through September 22, 2011)
- Res. #571** Authorizes the Retention of the Law Firm of Campolo, Middleton & McCormick, LLP
- Res. #572** Authorization to Publish Advertisement for a Request for Proposals for Credit Card Payment Processing, Debit Card Payment Processing and Electronic Check Payment Processing for the Benefit of the General Public Regarding Both In-Person and Internet Transactions
- Res. #573** Ratifies the Approval of the Chapter 90 Application of Riverhead Elks Lodge #2044 (Lawn Mower Event and Children's Bicycle Races – July 17, 2011)
- Res. #574** Approves Chapter 90 Application of Jamesport Fire Department (10K Race – August 28, 2011)
- Res. #575** Approves the Application for Fireworks Permit of Newton Carnivals (Peconic Bay Medical Center Family Festival – August 20, 2011)
- Res. #576** Authorizes Supervisor to Execute Agreement with Riverhead Youth Sports Inc. for Referee/Umpire Services for Town of Riverhead Police Athletic League Football Program
- Res. #577** Approves Chapter 90 Application of Polish Town Civic Association
- Res. #578** Approves Chapter 90 Application of Riverhead Foundation for Marine Research and Preservation (5K Run for the Ridley – October 22, 2011)
- Res. #579** Approves Chapter 90 Application of Starfish Junction Productions LLC (North Fork Craft, Beer, BBQ & Wine Festival – August 13, 2011)
- Res. #580** Approves the Application for Fireworks Permit of Jamesport Fire Department
- Res. #581** Authorizes Town Supervisor to Execute Change Order No. 1 Construction of Plant No. 15, H2M Project No.: RDWD 06-05 Riverhead Water District
- Res. #582** Authorizes the Supervisor to Execute Stipulation of Settlement Agreement with Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852
- Res. #583** Pays Bills

TOWN OF RIVERHEAD

Resolution # 554

RIVERHEAD SEWER DISTRICT

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS the Sewer District Superintendent has requested a transfer from the reserve account to cover unanticipated costs;

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>
114.081300.524000	Equipment	7,000	
114.081300.523011	Plant Improvements	6,500	
114.083100.541103	Pump Station Maintenance		13,500

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from electronic storage device and, if needed, a certified copy of same may 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was Thereupon Duly Declared Adopted

07.19.2011
110555

ADOPTED

TOWN OF RIVERHEAD

Resolution # 555

AUTHORIZES SUPERVISOR TO APPOINT A PETTY CASH HOLDER FOR THE BUILDING DEPARTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to appoint Sharon E. Klos as the interim petty cash holder for the existing petty cash account established for the Building Department, pursuant to Section 64-1 of Town Law; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Building Department and the Office of Accounting; 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

Wooten Yes No

Gabrielsen Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 556

AUTHORIZES SUBMISSION AND PUBLICATION OF NOTICE OF A JAG GRANT APPLICATION FOR FUNDS TO PURCHASE A HIGHWAY PATROL UNIT VEHICLE FOR THE TOWN OF RIVERHEAD POLICE DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, grant funding is available through the Federal Fiscal Year 2011 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program to provide funds for the Town of Riverhead to support Riverhead Police Department enforcement activities; and

WHEREAS, the Town of Riverhead Community Development Department ("**CDD**") wishes to apply for JAG grant funds in the amount of \$10,692.00 towards funding the purchase of a 2011 Chevy Tahoe vehicle as a Special Services Vehicle for the Police Department; and

WHEREAS, the JAG requires applicants to publish notice of availability of the grant for public review and comment for at least thirty (30) days in a newspaper of general circulation in the project area; and

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby authorizes publication of the attached notice in the News Review on Thursday, July 21, 2011, submission of the grant application to JAG, and further authorizes the Town Supervisor to execute the grant contracts with JAG if awarded.

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a notification of this resolution to CDD Director 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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Town of Riverhead intends to apply for a Federal Fiscal Year 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Grant to provide funds in the amount of \$10,692.00 to fund the purchase of a 2011 Chevy Tahoe vehicle as a Special Services Vehicle for the Police Department.

This application is available at the Town of Riverhead Town Clerk for a 30-day period for public review and comment. Interested citizens may submit comments no later than thirty (30) days from the date of this notice, to:

Town of Riverhead
Community Development Department
200 Howell Avenue
Riverhead, NY 11901

Dated: Riverhead, New York
July 21, 2011

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 557

**AUTHORIZES TOWN SUPERVISOR TO EXECUTE CHANGE ORDER NO. 1 FOR
CHAPTER 54 DEMOLITION OF UNSAFE STRUCTURES AND DEBRIS REMOVAL
AT THE KNOLLS AT BAITING HOLLOW 1411, 1311, 1211, 1111, 1310, 1210, 1100
BLUFFS DRIVE**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on February 15, 2011, the Riverhead Town Board adopted Resolution No. 114 entitled, "Award Bid for Chapter 54 Demolition of Unsafe Structures located at the Knolls of Baiting Hollow, 1411, 1311, 1211, 1111, 1410, 1310, 1210 1100 Bluffs Drive, Baiting Hollow, New York; and

WHEREAS, the bid was awarded to KJB Industries, Inc. in the amount of Forty Five Thousand Four Hundred Fifty Four & 00/100 (\$45,454.00); and

WHEREAS, the Town Engineer determined that additional work was required to remove a dilapidated fence and install a temporary construction fence to ensure the safety of area residents during the demolition phase for the additional amount of Six Thousand Seven Hundred Twenty Five & 61/100 (\$6,725.61) and has determined that contract item No. 170 Bluestone should be reduced from 90 cy to 65 cy for a decrease of Three Thousand Three Hundred Thirty Three & 25/100 (-\$3,333.25) for a total net increase of Three Thousand Three Hundred Ninety Two & 36/100 (\$3,392.36), said amount does not exceed adopted budget amount as set forth in Budget Adoption Resolution No. 106 adopted on February 15, 2011; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute a Change Order No. 1 in the amount of \$3,392.36; and

BE IT FURTHER RESOLVED, that the Engineering Department be and is hereby authorized to for a change order purchase request to the Purchasing Department to allow for an adjustment to the existing Town of Riverhead Purchase Order; 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; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to KJB Industries, Inc., 14 Center Drive, Riverhead, NY 11901, Engineering Department, Purchasing Department and the Office of Accounting.

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 # 558

**AUTHORIZES THE TOWN CLERK TO POST AND PUBLISH THE ATTACHED
NOTICE TO BIDDERS FOR THE PURCHASE OF PAINT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached Notice to Bidders for the purchase of Paint in the July 28, 2011 issue of the News Review newspaper; and

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

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

Wooten Yes No

Gabrielsen 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 PAINT for the use in the Town of Riverhead, Riverhead, New York will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am on AUGUST 19, 2011 at which time they will be publicly opened and read aloud.

Specifications may be examined and/or obtained on JULY 28, 2011 on the Town of Riverhead website at www.riverheadli.com, click on bid requests or at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked PAINT. Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and 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.

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

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 559

**SETTLING LITIGATION BROUGHT BY M-GBC, LLC AGAINST
THE TOWN OF RIVERHEAD**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, by resolution 500 of 2011, the Town Board declared M-GBC, LLC to be in default of its obligations to make required subdivision improvements pursuant to its approved subdivision plan; and

WHEREAS, M-GBC, LLC commenced a law suit in Supreme Court, Suffolk County, seeking to annul the Town's declaration of default and enjoin the Town's presentment of a sight draft pursuant to the letter of irrevocable letter of credit number 061130 from the Suffolk County National Bank on behalf of M-GBC, LLC; and

WHEREAS, the parties are desirous to settle this dispute due to the uncertainties of litigation and to avoid further costs; and

WHEREAS, the proposed settlement requires M-GBC, LLC to, among other things, complete the subdivision improvements in accordance with a firm completion schedule and further provides that in the event M-GBC, LLC fails to comply with that schedule, the Town shall have the right, without further proceedings, to immediately present sight drafts on the letter of credit in an amount necessary to complete all the subdivision improvements. The proposed settlement further provides that in the event M-GBC, LLC defaults, the settlement agreement shall constitute a formal resolution of the Town Board sufficient to allow the Town to draw against the letter of credit; and

WHEREAS, the proposed settlement is in the best interest of the Town;

NOW THEREFORE BE IT RESOLVED, that the proposed settlement agreement, a copy of which is annexed hereto, is hereby approved and the Supervisor is hereby authorized to sign the settlement agreement and any other documents necessary to implement its terms.

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution and to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901 and Vincent J. Messina Jr., Esq., Sinnreich Kosakoff & Messina LLP, 267 Carleton Avenue, Suite 301, Central Islip, New York

11722 and 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

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X

In the Matter of the Application of

STIPULATION

M-GBC, LLC,

Petitioner,

For an Judgment pursuant to Article 78 of the
Civil Practice Law and Rules

Index No.

-against-

THE TOWN BOARD OF THE TOWN OF
RIVERHEAD and SUFFOLK COUNTY
NATIONAL BANK,

Respondents.

-----X

WHEREAS, Petitioner is the owner in fee simple of certain real property which is the subject of a filed plat, approved by the Planning Board of the Town of Riverhead on March 16, 2006, entitled "Calverton Camelot II" (hereinafter sometimes referred to as "the subdivision"); and

WHEREAS, on or about November 30, 2006, the petitioner offered, and the respondent TOWN BOARD OF THE TOWN OF RIVERHEAD accepted, in a written resolution passed by the respondent TOWN BOARD, an irrevocable letter of credit from Suffolk County National Bank on behalf of the petitioner, bearing number 061130, in the amount of three million (\$3,000,000.00) dollars (hereinafter the "Letter of Credit"); and

WHEREAS, on or about June 14, 2011, respondent TOWN BOARD OF THE TOWN OF RIVERHEAD, in an open meeting, adopted a resolution, numbered resolution "500" (a copy of which is annexed hereto and made a part hereof as Exhibit "A"), which declared the petitioner in default of its obligations to make the required subdivision improvements; and

WHEREAS, petitioner commenced the within proceeding by petition verified on June 16, 2011, seeking the following relief:

a. Determining that Resolution 500 of 2011 of the Town Board of the Town of Riverhead is arbitrary, capricious, illegal, not based upon substantial evidence, and null and void and without legal force and effect; and

b. Enjoining and restraining respondent TOWN BOARD OF THE TOWN OF RIVERHEAD, directly, through its Supervisor or any officer or agent, from taking any steps to draw any funds from the Letter of Credit on the basis of the Resolution number 500 of 2011; and

c. For such other, further, and different relief as to the Court may seem just, proper, and equitable; and

WHEREAS, on June 16, 2011, in furtherance of the aforesaid resolution, the respondent TOWN BOARD, through its Supervisor, presented a sight draft to the respondent SUFFOLK COUNTY NATIONAL BANK; and

WHEREAS, on June 17, 2011, the petitioner and respondent TOWN BOARD OF THE TOWN OF RIVERHEAD appeared before the Hon. Arthur Pitts, J.S.C., and placed an agreement on the record whereby the status quo was preserved for all parties; and

WHEREAS, the parties hereto wish to resolve this matter in a manner resulting in the completion of the required subdivision improvements in accordance with a mutually agreed upon schedule, and release of the Letter of Credit;

NOW, THEREFORE, it is agreed by and between the parties and their respective attorneys as follows:

1. The petitioner agrees to complete each item shown on petitioner's schedule of completion annexed hereto and incorporated herein as Exhibit B by no later than the "finish" date ascribed

for that item on Exhibit B. Each item shall be completed in accordance with the requirements of the approved subdivision plan.

2. Upon the certification by the Town Engineer that all of the subdivision improvements have been completed in accordance with the time requirements set forth in Exhibit B and in accordance with the requirements of the approved subdivision plan, the Town agrees to release the Letter of Credit.

3. On the "finish date" for each item listed on Exhibit B, the Town Engineer will inspect the work and report to the Town and the petitioner whether the item has been completed in accordance with the requirements of the approved subdivision plan. In the event that the item is not completed as of its "finish" date and in accordance with the requirements of the approved subdivision plan, the TOWN shall notify petitioner, in writing and provide petitioner with a cure period of five (5) business days. Should petitioner fail to complete the work in accordance with the requirements of the approved subdivision plan within the cure period, the TOWN shall have the right to immediately present sight drafts on the Letter of Credit to respondent SUFFOLK COUNTY NATIONAL BANK in an amount necessary to complete all the subdivision improvements that remain to be finished without any further proceedings on the Town's part, and thereafter proceed to complete all the subdivision improvements that remain to be finished. This agreement shall constitute a "resolution of the Town Board" as that term is utilized in the Letter of Credit. The petitioner acknowledges that the Letter of Credit funds can be applied to the cost of the preparation of plans and specifications, bid documents, and construction oversight, and all construction work. Concurrent with such presentation, the Town shall give written notice to petitioner of same.

4. Intentionally Omitted.

5. Any delay in completion of the fence required by the New York State Department of Environmental Conservation in its approval dated March 16, 2011, and indicated on Exhibit "C" annexed hereto, shall not be deemed non-compliance with this stipulation, any schedules annexed hereto, or provide the basis for the presentation of the aforesaid sight draft. In the event that such fencing is not complete in accordance with the final completion date set forth in Exhibit B, the TOWN may require a cash bond in an amount equal to the cost to complete the fencing. The cash bond, if required, must be posted as a condition to the Town's release of the Letter of Credit. The petitioner acknowledges that the amount of the cash bond will include the cost of the preparation of plans and specifications, bid documents, and construction oversight, and all construction work.

6. Any delay in completion of the work required by the State of New York as and for Route 25 improvements, as currently permitted by the New York State Department of Transportation and bonded by petitioner with said NYSDOT, and indicated on the schedule contained in Exhibit "B" annexed hereto, shall not be deemed non-compliance with this stipulation, any schedules annexed hereto, or provide the basis for the presentation of the the Letter of Credit.

7. Nothing herein shall be construed to limit in any manner the ability of the parties to this stipulation to obtain judicial review of any dispute hereunder. Notwithstanding the foregoing, petitioner agrees that in the event the petitioner disputes the Town's declaration of a default under paragraph 3 and seeks to temporarily or permanently enjoin the Town from presenting a sight draft to the Suffolk County National Bank, the sole basis for such injunctive relief will be its claim that it was in full compliance with Exhibit B and any applicable cure period. In the event that such proceedings are commenced, the prevailing party shall pay the reasonable attorneys' fees of the other party.

8. The petitioner agrees that, upon release of the aforesaid Letter of Credit, it will pay to the Town a sum not to exceed \$30,000 towards the Town's costs incurred as a result of the actual additional engineering work in reviewing the petitioner's design for the revisions to the subdivision improvements necessitated due to the location of monitoring wells installed by the United States Navy on the subject property, and for monitoring petitioner's compliance with Exhibit B. The Town shall present its statement for the cost of the additional engineering work ten (10) days prior to the date the Letter of Credit is to be released.. In the event petitioner fails to make the payment within that time period, the Town can, without further proceedings, submit a sight draft under the Letter of Credit to the Suffolk County National Bank for the sum due.

10. The Town agrees that upon the execution of this stipulation, it will immediately advise the Suffolk County National Bank that the Town is withdrawing its June 16, 2011 demand for payment (Sight Draft 1) under the Letter of Credit.

11. Upon a) the Town Engineer's certification that petitioner has completed the work in accordance with the approved subdivision; and b) compliance with paragraph 5 above; the Town will release the Letter of Credit, less any sum due in paragraph "9" hereinabove. Effective immediately upon the signing of this stipulation by all parties, Resolution number 500 of 2011 shall be deemed of no force and effect.

12. Upon the execution of this stipulation, the petitioner's shall file a notice of discontinuance of this Article 78 proceeding without costs to either party.

Dated: July __, 2011

M-GBC, LLC,

By: _____
Jan Burman, Managing Member

TOWN OF Riverhead, New York 11901

By: _____
Sean Walter, Supervisor

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

New York State Department of Environmental Conservation
Division of Environmental Permits / Region One
Stony Brook University
50 Circle Road, Stony Brook, New York 11790-3408
Phone: (631) 444-0359 • Fax: (516) 444-0360
Website: www.dec.ny.gov



March 16, 2011

M-GBC, LLC
67 Clinton Rd.
Garden City, N.Y. 11530

Re: Permit #1-4730-01050 / 00002 Calverton Camelot Subdivision

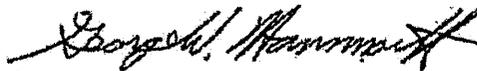
Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your reissued Wild, Scenic, Recreational Rivers System permit for the referenced project. Please carefully read all conditions and notifications contained in the permit to ensure compliance during the term of the permit.

You will note that Natural Resource Special Condition 3 requires the installation of appropriate fencing around the perimeter of all dedicated open space areas created by the subdivision. M-GBC, LLC should work with the recipient of the open space parcels (Town of Riverhead) to ensure that this condition is complied with. If you are unable to comply with any conditions, please contact us at the above address.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather.

Sincerely,


George W. Hammarth
Deputy Regional Permit
Administrator

cc: BOH



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
M-GBC LLC
67 CLINTON RD

GARDEN CITY, NY 11530
(631) 727-6937

Facility:
CALVERTON CAMELOT LLP PROPERTY
GRUMMAN BLVD - N SIDE - E OF OF LINE
RD & S OF ST RTE 25 SCTM # 0600-135-1-
LOTS 7.10, 7.13, 7.14, 7.16, 7.18, 7.20, 7.23, 7.25,
7.27, 7.32, 7.36, 7.40, 7.41, 7.42
CALVERTON, NY

Facility Location: in RIVERHEAD in SUFFOLK COUNTY

Facility Principal Reference Point: NYTM-E: 686.3 NYTM-N: 4531.4

Latitude: 41°54'45.0" Longitude: 73°47'16.2"

Project Location: Calverton Camelot Subdivision - Enterprise Park at Calverton

Authorized Activity: Subdivide approximately 470 acres into 34 lots as shown on the NYSDEC approved plans date-stamped March 15, 2005 and December 23, 2005.

Permit Authorizations

Wild, Scenic & Recreational Rivers - Under Article 15, Title 27

Permit ID 1-4730-01050/00002

New Permit

Effective Date: 3/16/2011

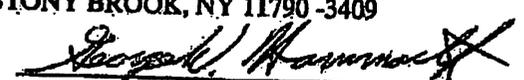
Expiration Date: 3/14/2015

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: GEORGE W HAMMARTH, Deputy Regional Permit Administrator

Address:  NYSDEC REGION 1 HEADQUARTERS
SUNY @ STONY BROOK/50 CIRCLE RD
STONY BROOK, NY 11790 -3409

Authorized Signature: 

Date: 3/16/11



Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: WILD, SCENIC & RECREATIONAL RIVERS**

1. **No Further Subdivision In WSR Jurisdiction Without Further DEC Approval** No further subdivision of any portion of the project site within the Peconic Wild, Scenic and Recreational River Area boundary shall occur without NYSDEC approval. No development shall occur on individual lots and blocks within the Wild, Scenic and Recreational River boundary without NYSDEC approval.
2. **No Disturbance To Freshwater Wetlands** With the exception of the fencing required in Natural Resource Special Condition 3, there shall be no disturbance to freshwater wetlands or protected buffer areas as a result of the permitted activity.
3. **Fence The Perimeter Of All Open Space Areas** The perimeter of all dedicated open space areas shown on the approved plans shall be fenced with an "open-type" fencing material (split-rail or chainlink) appropriate to demarcate the boundaries of the open space areas and prevent the entry of all-terrain vehicles (ATVs). "Solid-wall-type" fencing (stockade, basket weave, etc.) shall not be used. The fencing shall be installed so that a gap of at least four inches is maintained between the bottom of the fence and the ground surface. Fencing may be installed in vegetated wetlands and their 100-foot regulated adjacent areas if the subject boundary crosses a wetland and the total width of disturbance for the installation does not exceed one foot. If the fence alignment crosses open water, the fence installation should stop at the water line of the pond and continue on the opposite side.
4. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Cameron Engineering & Associates, six sheets stamped NYSDEC Approved 3/15/05 and/or 12/23/05.
5. **State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
6. **State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.



7. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

8. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.



3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 1 HEADQUARTERS
SUNY @ STONY BROOK 50 CIRCLE RD
STONY BROOK, NY 11790 -3409

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Wild, Scenic & Recreational Rivers.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit.



This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

New York State
Department of Environmental Conservation



NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of the approved work and any Department conditions applied to the approval, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

1-4730-01050/00002
Permit Number _____

Regional Permit Administrator

Expiration Date March 14, 2015

ROGER EVANS

NOTE: This notice is NOT a permit

TOWN OF RIVERHEAD

Resolution # 560

PROMOTES DETECTIVES

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Detective Patrick Waski and Detective David Freeborn have been assigned to investigative duties with the Riverhead Police Department since March 21, 2005 and June 1, 2005, respectively and both presently hold the designation of Detective Grade III; and

WHEREAS, it is the recommendation of Chief David J. Hegermiller that they both be promoted to the rank of Detective Grade II.

NOW THEREFORE BE IT RESOLVED, that effective August 20, 2011, Patrick Waski and David Freeborn are hereby promoted to the position of Detective Grade II at an annual salary as set forth in the current labor contract that exists between the Riverhead Police Benevolent Association and 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 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

07.19.2011
110561

ADOPTED

TOWN OF RIVERHEAD

Resolution # 561

TERMINATES A SEASONAL EMPLOYEE

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, that the employment of Seasonal Recreation Aide Amanda Dangelmaier be terminated effective July 19, 2011, and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Recreation Department, Personnel Officer and the Financial Administrator; 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

07.19.2011
110562

ADOPTED

TOWN OF RIVERHEAD

Resolution # 562

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR FOOD PRODUCTS FOR THE TOWN OF RIVERHEAD

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for FOOD PRODUCTS FOR THE TOWN OF RIVERHEAD and;

NOW THEREFORE BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the JULY 28, 2011 issue of the News Review 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
NOTICE TO BIDDERS

Sealed bids for the purchase of FOOD PRODUCTS for the use in the Town of Riverhead, Riverhead, New York will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am on AUGUST 11, 2011 at which time they will be publicly opened and read aloud.

Specifications may be examined and/or obtained on JULY 28, 2011 on the Town of Riverhead website at www.riverheadli.com, click on bid requests or at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked FOOD PRODUCTS . Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and 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.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 563

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR TRUCK PARTS 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 TRUCK PARTS FOR THE TOWN OF RIVERHEAD and;

NO THEREFORE BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the JULY 28, 2011 issue of the News Review 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
NOTICE TO BIDDERS

Sealed bids for the purchase of TRUCK PARTS will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am on AUGUST 5, 2011.

Bid packets, including specifications, may be obtained on the website at www.riverheadli.com, or at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm. on July 28, 2011.

Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and 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 **BID FOR TRUCK PARTS-2011**.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 564

APPOINTS A SUMMER RECREATION AIDE TO THE RECREATION DEPARTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

NOW THEREFORE BE IT RESOLVED, that effective July 20, 2011, this Town Board hereby appoints Catherine Kirchhoff to the position of Summer Recreation Aide, Level IV, to be paid the rate of \$10.25 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 # 565

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

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

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

NOW THEREFORE BE IT RESOLVED, that effective July 20th, 2011, this Town Board hereby appoints Aaron Wilson to the position of Call-in Park Attendant II, Level 2, to be paid the rate of \$10.75 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

07.19.2011
110566

ADOPTED

TOWN OF RIVERHEAD

RESOLUTION # 566

86 LANDING LANE, BAITING HOLLOW, 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
406.010010.411000.41079Real Property Taxes	\$3,750	
406.086660.540000.41079Contractual Expenses		\$3,000
406.086660.549001.41079Administration Fee		\$750

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 # 567

AUTHORIZES THE TOWN OF RIVERHEAD TO DIRECT JEFFREY THOMAS TO REMOVE ALL WEEDS, GRASS AND/OR RANK VEGETATION IN EXCESS OF TEN (10) INCHES IN HEIGHT UPON THE PREMISE KNOWN AS 86 LANDING LANE, BAITING HOLLOW, NEW YORK, 11933, a/k/a SCTM # 0600-039.00-06-027.00 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 June 7, 2011, and again on June 17, 2011, the accumulation of weeds, grass and/or rank vegetation in excess of ten (10) inches in height at the premises known as 86 Landing Lane, Baiting Hollow, New York, 11933, SCTM # 0600-039.00-06-027.00, owned by Jeffrey Thomas, 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 at the subject premises on or before June 17, 2011, and

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

WHEREAS, the accumulation of weeds, grass and/or rank vegetation in excess of ten (10) inches in height poses a fire hazard and a nuisance as defined in Chapter 96-1 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 weeds, 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 86 Landing Lane, Baiting Hollow, New York 11933, also known as SCTM # 0600-039.00-06-027.00, owned by Jeffrey Thomas 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 weeds, grass and/or rank vegetation to a height of not exceeding ten (10) inches in height at the premises designated as 86 Landing Lane, Baiting Hollow, New York 11933, also known as SCTM # 0600-039.00-06-027.00, owned by Jeffrey Thomas, 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 Accounting Department and the last known address, if any, of the owner Jeffrey Thomas, 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 Gabrielson Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution #568

ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 6th day of July, 2011 at 2:05 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 108 "Zoning" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk is hereby authorized to publish the attached notice of adoption once in the News-Review Newspaper, the official newspaper, and to post same on the signboard at Town Hall; 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 ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code at its regular meeting held on July 19, 2011.

Be it enacted by the Town Board of the Town of Riverhead 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
July 19, 2011

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 569

AMENDS RESOLUTION #488 of 2011

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, in accordance with Resolution #488 adopted on June 14, 2011, the Riverhead Town Board approved the Chapter 90 Application of the Riverhead Business Improvement District Management Association (BIDMA) 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, said resolution did not address Riverhead Town Code Chapter 46 entitled "Alcoholic Beverages" in connection with this Chapter 90 approval.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby amends Resolution #488 to reflect that Chapter 46 entitled "Alcoholic Beverages" is deemed to be waived for the service of alcoholic beer during the event in or at locations by licensed alcohol service providers; and be it further

RESOLVED, that all other terms and conditions of Resolution #488 shall remain in full force and effect; 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 # 570

APPROVES THE CHAPTER 90 APPLICATION OF
APPLE HONDA
(July 27, 2011 through September 22, 2011)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on June 17, 2011, Apple Honda submitted a Chapter 90 Application for the purpose of conducting an automobile tent sale upon their property at 1375 Old Country Road, Riverhead, New York, on July 27, 2011 through September 22, 2011, between the hours of 9:00 a.m. and 8:00 p.m., Mondays through Saturdays; and

WHEREAS, Apple Honda 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 applicable Chapter 90 Application fee has been paid; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the 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 Apple Honda for the purpose of conducting an automobile tent sale upon their property at 1375 Old Country Road, Riverhead, New York, on July 27, 2011 through September 22, 2011, between the hours of 9:00 a.m. and 8:00 p.m., Mondays through Saturdays, is hereby approved; 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 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 Apple Honda, 1375 Old Country Road, 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

07.19.2011
110571

ADOPTED

TOWN OF RIVERHEAD

Resolution # 571

**AUTHORIZES THE RETENTION OF THE LAW FIRM OF
CAMPOLO, MIDDLETON & McCORMICK, LLP**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Office of the Town Attorney, has requested that the Town Board, authorize the Town Attorney to retain the services of The Law Firm of Campolo, Middleton & McCormick, LLP to institute, defend or appear in action entitled Anthony Wayne Smith v. Town of Riverhead, James Lydon, Darren Fulton.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead be and hereby authorizes the retention of the Law Firm of Campolo, Middleton & McCormick, LLP to institute, defend or appear in that action entitled Anthony Wayne Smith v. Town of Riverhead, James Lydon, Darren Fulton as in its judgment may be necessary for the benefit or protection of the town in any of its rights of property; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to execute the Retainer Agreement; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Law Firm of Campolo, Middleton & McCormick, LLP; 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 # 572

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR A REQUEST FOR PROPOSALS FOR CREDIT CARD PAYMENT PROCESSING, DEBIT CARD PAYMENT PROCESSING AND ELECTRONIC CHECK PAYMENT PROCESSING FOR THE BENEFIT OF THE GENERAL PUBLIC REGARDING BOTH IN-PERSON AND INTERNET TRANSACTIONS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town of Riverhead is seeking proposals from qualified parties for credit card payment processing, debit card payment processing and electronic check payment processing, for the benefit of the general public regarding both in-person and internet transactions at various Town departments, offices and facilities.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the issuance of the attached Request for Proposals for credit card payment processing, debit card payment processing and electronic check payment processing ; and be it further

RESOLVED, that the Town Clerk is hereby authorized to publish and post the following public notice in the July 28, 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

NOTICE TO BIDDERS

PLEASE TAKE NOTICE, that sealed proposals must be received by the Office of the Town Clerk at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on or before **September 1, 2011, at 11 o'clock a.m.**, for:

REQUEST FOR PROPOSALS

The Town of Riverhead is seeking proposals from qualified parties interested in providing credit card payment processing, debit card payment processing and electronic check payment processing, for the general public, both in-person and via the internet, at various Town departments, offices and facilities.

Specifications and guidelines for submission of proposals will be available on the Town website at <http://riverheadli.com/bid-preaccess.html> on or before July 28, 2011, or at the Office of the Town Clerk and may be picked up between the hours of 8:30 am and 4:30 pm, Monday through Friday, beginning July 28, 2011.

Each proposal must be submitted in a sealed envelope clearly marked "**CREDIT CARD PAYMENT PROCESSING, DEBIT CARD PAYMENT PROCESSING AND ELECTRONIC CHECK PAYMENT PROCESSING**" and must be received by the Office of the Town Clerk by no later than **11:00 a.m. on September 1, 2011.**

This RFP is not an offer or a binding commitment to contract on the part of the Town. The Town retains the right to postpone or cancel the RFP or to reject all proposals, if the Town determines, in its sole discretion, that the best interests of the Town will be served thereby.

**BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD
Diane M. Wilhelm, TOWN CLERK**

Town of Riverhead

Suffolk County, New York

TOWN OF RIVERHEAD



Request for Proposals

For

Credit Card Payment Processing, Debit Card Payment Processing and Electronic Check Payment Processing, for the benefit of the general public, regarding both in-person and internet transactions, at various Town departments, offices and facilities.

Sealed Proposals Must be Received
In the Office of the Town Clerk
200 Howell Avenue
Riverhead, New York 11901
On or Before 11:00 a.m. on September 1, 2011

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I. NOTICE TO BIDDERS

PLEASE TAKE NOTICE, that sealed proposals must be received by the Office of the Town Clerk at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York **on or before September 1, 2011, at 11 o'clock a.m.** for:

REQUEST FOR PROPOSALS

The Town of Riverhead is seeking proposals from qualified credit card payment processing, debit card payment processing and electronic check payment processing consultants interested in providing credit card payment processing, debit card payment processing and electronic check payment processing, for the general public, both in-person and via the internet, at various Town departments, offices and facilities.

Specifications and guidelines for submission of proposals will be available on the Town website at <http://riverheadli.com/bid-preaccess.html> on or before July 28, 2011, or at the Office of the Town Clerk and may be picked up between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, beginning July 28, 2011.

Each proposal must be submitted in a sealed envelope clearly marked **"Credit Card Payment Processing, Debit Card Payment Processing and Electronic Check Payment Processing"** and must be received by the Office of the Town Clerk by no later than **11:00 am on September 1, 2011.**

This RFP is not an offer or a binding commitment to contract on the part of the Town. The Town retains the right to postpone or cancel the RFP or to reject all proposals, if the Town determines, in its sole discretion, that the best interests of the Town will be served thereby.

**BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD
DIANE M. WILHELM, TOWN CLERK**

II. INSTRUCTIONS TO BIDDERS

1. Receipt of Proposals

The Town of Riverhead invites proposals for credit card payment processing, debit card payment processing and electronic check payment processing, for the benefit of the general public, regarding both in-person transactions and via the internet, for various Town departments, offices and facilities.

2. Form, Preparation, and Presentation of Proposal

Bidders should return the *entire bid package* and provide the information as requested.

Each proposal must be submitted on the forms provided. Bids must be contained in a sealed envelope marked "Credit Card Payment Processing, Debit Card Payment Processing and Electronic Check Payment Processing"

Bidders must provide ALL INFORMATION.

INCOMPLETE SUBMISSIONS MAY BE REJECTED!!

- If a question is not applicable, indicate by writing "N/A" in answer space.
- All blank spaces for bid prices must be filled in, in ink, in both words and figures, in a legible format, with a total or gross sum for which the bid is made. In case of discrepancy between the unit price and total amount bid for any item, the unit price, as expressed in words, shall govern.
- All Bidders Qualifications questions must be answered.
- General Municipal Law forms must be signed.
- Proposals that contain any omission, erasure, alteration, addition or items not called for in the itemized bid form, or that contain irregularities of any kind may be rejected.

3. Rejection of Proposals

A. The Town Board reserves the right to reject any proposal if the information submitted in the Bidder's Qualifications statement or an investigation of such bidder fails to satisfy the Town Board that such bidder is properly qualified to carry out the obligations of the Contract and to complete the work contemplated therein.

B. The Town Board reserves the right to reject any and all proposals in whole or in part, to waive any information in any or all proposals, and to accept the proposal

or part thereof which it deems most favorable to the Town after all proposals have been examined and/or checked. No proposal shall be withdrawn for a period of forty-five (45) days after being received.

4. Method of Award

All proposals will be compared based on the totality of the bidder's presentation regarding "Credit Card Payment Processing, Debit Card Payment Processing and Electronic Check Payment Processing (the "Project"). The Town reserves the right to award the Contract to the bidder who, in the Town's sole determination, offers a proposal that outlines the most efficient and effective plan for undertaking and providing the services that are in the best interests of the Town.

5. Insurance Required By The Town of Riverhead

A. The Bidder/Offeror shall carry and maintain Comprehensive General Liability Insurance, including products, contractual, property and personal injury in the amount of \$2,000,000.00 per occurrence and \$4,000,000.00 in the aggregate and \$1,000,000.00 as and for professional liability per claim and in the aggregate, and, if applicable, worker's compensation insurance and employer's liability insurance in compliance with statutory limits.

B. In addition to the extent a contract is awarded, Bidder/Offeror shall be required to carry automobile liability insurance including owned and non-owned and hired automobiles with a combined single limit of \$1,000,000.00 per occurrence. CONSULTANT hereby indemnifies and holds the TOWN, its departments, officers, agents and employees, harmless against any and all claims, actions, including appeals 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 Bidder, Bidder's employees, subcontractors or agents under a contract to provide services outlined in this RFP.

Note, Town may request proof of the above insurances as set forth in provision #6 Town's Reservation of Rights" set forth below.

6. Town's Reservation of Rights

The Town reserves all rights with respect to this RFP, including but not limited to the following:

This RFP is not an offer or a binding commitment to contract on the part of the Town. The Town retains the right to postpone or cancel this RFP or to reject all proposals if the Town determines, in its sole discretion, the best interests of the Town will be served thereby. The Town further reserves the right to reject any proposal that is, in the Town's sole discretion, determined to be incomplete, non-responsive, purports to alter any required terms or conditions of this RFP, or that contains any other irregularities.

The Town may make such investigation as the Town deems necessary to determine the responsibility of any bidder or to verify the ability of any bidder to perform the services detailed in the specifications within the goals and time parameters set forth herein. The Town reserves the right to reject any proposal if the information requested by the Town is not submitted as required or if the information submitted by or the investigation of any bidder fails to satisfy the Town that the bidder is responsible or is qualified and capable of carrying out the obligations of the Contract.

Upon acceptance of a proposal, the Town shall, by letter, officially notify the successful bidder of said acceptance and, prior to the award of the Contract, enter into negotiations with the successful bidder. The Town retains the right to withdraw from such negotiations with the successful bidder and to rescind its acceptance of the successful bidder's proposal should the Town be unable to conclude the negotiations within thirty (30) business days following the official notification of acceptance.

Once negotiations have been completed, the Town will pass a resolution awarding the Contract, and the successful bidder will be required to sign the Contract and provide evidence of insurance and any additional documentation required by the Town. If the successful bidder refuses, fails, or neglects to sign the Contract or to provide evidence of required insurance or any other documentation required by the Town within ten (10) business days of receipt of a Notice of Award from the Town, the bidder shall be considered to have abandoned the Contract, and the Town shall have the right to rescind the award of the Contract.

The Town shall not be liable for any costs, expenses, or losses, including without limitation loss of business opportunity, claimed or incurred by any party in connection with the preparation or submission of a proposal in response to this RFP, or otherwise in connection with this RFP or its modification, postponement, or cancellation. All proposals become the property of the Town upon submission.

III. SPECIFICATIONS

1. Summary

The Town of Riverhead, hereinafter referred to as the Town," is requesting proposals from all qualified credit card payment processing, debit card payment processing and electronic check payment processing consultants interested in providing credit card payment processing, debit card payment processing and electronic check payment processing, for the benefit of the general public, regarding both in-person transactions and via the internet, for various Town departments, offices and facilities.

The term "Offeror" as used herein shall refer to individuals, firms or organizations submitting proposals in response to this Request for Proposals (RFP). The term "Contractor" or "Provider" is also used to describe the successful "offerors" in the context of providing services under a contract resulting from this RFP.

All responses received in response to this RFP will be evaluated on the criteria described herein.

PLEASE NOTE: All inquiries regarding the substantive terms or requirements of this RFP must be submitted in writing. Inquiries should be faxed to the Office of the Town Clerk, 631-727-3200 ext. 262 or fax at 631- 208-4034, and must be received by no later than 11:00 am on August 15, 2011. Responses to inquiries deemed appropriate by the Town will be issued in the form of addenda to the RFP and provided to all those who request or had previously received a copy of the RFP.

Officially issued written addenda from the Town shall be the only authorized method for communicating the clarification or modification of the requirements of this RFP. Interested parties may contact the Town of Riverhead to verify receipt of the RFP and any addenda.

2. General Conditions

A. Prime Responsibility: The selected Contractor will be required to assume full responsibility for all services and activities offered in its/their proposal, whether or not provided directly. Further, the Town will consider the selected Contractor to be the sole point of contact with regard to contractual matters.

B. Assurance: Any contract awarded under this RFP must be carried out in full compliance with Title VI and VII of the Civil Rights Act of 1964 as amended, and Section 604 of the Rehabilitation Act of 1973 as amended. The Provider must guarantee that services provided will be performed in compliance with all applicable local, county, state and federal laws and regulations pertinent to this project.

C. Independent Contractor: In performance of the work, duties and obligations assumed by the Offeror, it is mutually understood and agreed that the Contractor, including any and all of the Contractor's officers, agents and employees, will at all times be acting and performing in an independent capacity and not as an officer, agent, servant, employee, joint venture, partner or associate of the Town.

D. The Town reserves the right to reject any and all proposals; to negotiate specific terms, conditions, compensation, and provisions on any contracts that may arise from this solicitation; to waive any informalities or irregularities in the proposals; and to accept the proposal(s) that appear(s) to be in the best interest of the Town. In determining and evaluating the proposals, the experience of those who will be providing services under the contract, price, and demonstration of ability to meet the schedule for completion of tasks by Offerors will be considered, along with other relevant factors.

E. The Town reserves the right to:

- Request clarification of any submitted information;
- Not enter into any agreement;
- Not to select any Offerors;
- Amend or cancel this process at any time;
- interview Offerors prior to award and request additional information during the interview;
- Negotiate a multi-year contract or a contract with an option to extend the duration;
- Award more than one contract if it is in the best interest of the Town; and/or
- Issue similar RFPs in the future.

F. Qualified Offerors must be prepared to enter into a contract with the Town. The contract will incorporate many standards, terms and conditions referenced in this RFP. Portions of this RFP and the Offeror's proposal may be made part of any resultant contract and incorporated in the contract.

G. Prior to commencement of services, the Contractor must provide evidence of the following insurance coverages: Workers' Compensation, Disability, and Professional Liability insurance in the amount of \$1,000,000 per occurrence. The Accord form is acceptable to evidence the liability coverage.

H. The Contractor will be required to maintain the required coverages, at its sole cost and expense, throughout the entire term and any subsequent renewal terms of the contract.

3. General Scope of Services/Detail & Description of Services/Schedule

A. General Scope of Services

The Town is seeking a credit card payment processing, debit card payment processing and electronic check payment processing consultant to provide credit card payment processing, debit card payment processing and electronic check payment processing, for the benefit of the general public, regarding both in-person transactions and via the internet, at various Town departments, offices and facilities.

B. Detail & Description of Services

Credit Card Payment Processing, Debit Card Payment Processing and Electronic Check Payment Processing

Consultant shall be required to provide credit card payment processing, debit card payment processing and electronic check payment processing, for the benefit of the general public, regarding both in-person transactions and via the internet along with the following features:

1. 24 hour/7 days per week of continuous internet transaction capability
2. User-friendly internet capability
3. Technical Support regarding start-up, implementation and maintenance
4. Customer Support
5. Visa, MasterCard and Discover card authorization

4. Proposal Content and Format Requirements

A. Cover Sheet

- 1) Provide the full legal name of the Contractor who will execute the contract. Provide specific information concerning the Offeror, including: the proposing entity's legal name, type of entity, and Federal Tax ID Number.
- 2) The cover sheet must be signed by an owner, corporate officer, or agent authorized by the Offeror.

B. Description of Services, Background and Staff

1) Services

- a. Itemize the complete list of services to be provided.
- b. Note instances where services exceed the scope or detail requested in this RFP.
- c. Note instances where services offered do not meet the scope requested in this RFP.
- d. Address instances where possible cost efficiencies may be gained, quality may be improved or the Town may otherwise benefit from adopting your proposal over the generally listed terms of this RFP.

2) Background and Experience

- a. Provide an overview of the types of work and history of your organization. Include a high level account of your qualifications as they relate to this proposal and how they qualify your organization to be the best fit for these services. The following list contains items required as an integral part of this proposal:
 - Firm profile.
 - Background and experience in the field of credit card payment processing, debit card payment processing and electronic check payment processing, particularly in regard to municipal services for comparable projects.
 - Resume of key personnel directly involved in this engagement.
 - Summary of your understanding of the scope of services being requested and your approach to carrying out the work.
 - Charges and Fees: amount, basis, waivers, how and when assessed.
 - Specifications and itemization of required equipment and/or devices and charges and fees for same.
 - Third-party company involvement, services, fees and charges.
- b. Provide examples and references that substantiate experience in providing the types of service requested in this proposal. Client references - list a minimum of two clients whose scope of work most closely reflects that mentioned in the statement of solicitation. Information shall include at a minimum: Client name address, location, scope of services provided, and reference contact information (name and phone number).

- c. Please describe any current, pending or past litigation (within the last 10 years) that the Offeror has been, is, or is expected to be a party to.
- d. Financial Stability: provide documentation of the Offeror's financial stability. Three (3) years of audited financial statements would be ideal if available; however, the Town will consider other forms of documentation provided to meet this content requirement.

5. Selection Procedures

Proposals will be evaluated on the criteria outlined in the PROPOSAL CONTENT AND FORMAT REQUIREMENTS section.

After an initial review of each of the proposals for completeness, the Offerors submitting the most highly rated proposals may be invited for interviews prior to final selection, to further elaborate on their proposals. The Town reserves the right to award a contract without holding interviews, in the event the written proposals provide a clear preference on the basis of the criteria described.

Should interviews be conducted, the same criteria will be used to select the final provider.

The Contractor selected for this project will be required to accept the Town's contract and to comply with insurance standards as deemed acceptable to the Town Attorney. No agreement with the Town is in effect until both parties have signed a contract.

6. Inquiries

Direct all inquiries regarding the proposal process or proposal submissions to:

Town Clerk
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901
631-727-3200

IV. GENERAL MUNICIPAL LAW - SECTION 103-a and 103-b

GROUND FOR CANCELLATION OF CONTRACT BY MUNICIPAL CORPORATIONS

Upon the refusal of a person, when called before a grand jury to testify concerning any transaction or contract had with the State, and political subdivision thereof, a public authority or with any public department, agency or official of the State or of any political subdivision thereof or of a public authority, to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract,

- a) such person, and any firm, partnership or corporation, of which he is a member, partner, director or officer shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contracts with any municipal corporation or any public department, agency or official thereof for goods, work, or services, for a period of five years after such refusal, and to provide also that,
- b) any and all contracts made with any municipal corporation or any public department, agency or official thereof, since the effective date of this law, by such person, and by any firm, partnership or corporation of which he is a member, partner, director or officer may be cancelled or terminated by the municipal corporation without incurring any penalty or damages on account of such cancellation or termination, but any monies owing by the municipal corporation for goods delivered or work done prior to the cancellation or termination shall be paid.

This condition shall be further subjected to any other provisions or subsequent amendments to Section 103-a and 103-b of the General Municipal Law.

In acknowledgment of the above:

Offeror's Business Name: _____

Signed by: _____

Title: _____

Date: _____

V. GENERAL MUNICIPAL LAW - SECTION 103-d

Non-Collusive Bidding Certificate

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under the penalty of perjury, that to the best of his knowledge and belief:

- (A) The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor or potential competitor;
- (B) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder prior to the opening, directly or indirectly to any other bidder, competitor or potential competitor;
- (C) No attempt has been or will be made by the bidder to induce any other person, partnership, or corporation to submit or not to submit a bid for the purpose of restricting competition.

I hereby affirm, under the penalty of perjury, the foregoing statement is true:

Signed by: _____

Title: _____

Date: _____

Affix corporate seal if contractor is a corporation.

VI. BIDDER QUALIFICATIONS

All questions must be answered and the information given must be clear and comprehensive. If necessary, questions may be answered on separate attached sheets.

Section A.

- 1. Name of Offeror/Organization: _____
- 2. Main Office Address: _____
- 3. When Organized: _____
- 4. If a Corporation, Indicate State Incorporated In: _____
- 5. NAME OF PARTNERS HOME ADDRESS OF PARTNERS

(If Bidder is a FIRM, state here the name and home address of each member thereof)

If Bidder is a CORPORATION, complete the information below:

Name and Address of President: _____

Name and Address of Vice President: _____

Name and Address of Secretary: _____

6. Does any other contractor, vendor or person have, hold, or may derive any actual or beneficial percentage of interest in any other form of ownership of the Offeror in an amount of 5% or more? Yes/No _____

If yes, please provide:

Name: _____

Address: _____

Section B.

Provide information below regarding similar contracts held:

Organization Name:

Contact Person (Name and Phone Number):

Amount of Contract:

Date Completed:

Section C.

1. Have you ever failed to complete any contract awarded to you? Yes/No _____
2. Have you ever defaulted on a contract? Yes/No _____ If yes, state where and why:

3. Has any officer or partner of your organization ever been an officer or partner of some other organization that failed to complete a contract? Yes/No _____

If yes, state name of individual, other organization and reason:

4. Has any officer or partner of your organization ever failed to complete a contract in his/her own name? Yes/No _____ If yes, state name and reason:

5. In what other lines of business are you financially interested?

6. Who will personally supervise this contract?

Name and Phone Number

Title

7. Do you have, or can you obtain, sufficient personnel and equipment to perform this contract as required by the "Bid Proposal"? Yes/No _____

8. Provide names and phone numbers of local (Long Island) government references:

9. Provide contact names and phone numbers for emergencies that require an immediate response:

Day: _____ Night: _____

10. List all major equipment you will utilize to perform all work. Indicate whether you currently own or lease the equipment, or will lease it (attach a separate sheet if necessary)

11. Successful Offeror shall provide the Town, at the signing of the contract, the following information:

a. Table of Organization of the CONTRACTOR showing the names and addresses of all individuals serving on the Board of Directors or comparable body of the CONTRACTOR.

b. Proof of financial capability and a detailed financial statement

Section D.

('Delete phrases that are not applicable)

I, _____ the '(applicant herein),
(an officer or agent of the corporate applicant) namely its _____.(list
corporate interest) (swears) or (affirms) under the penalties of perjury that:

1. The following persons have a direct or indirect interest in this bid:

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE OF BIRTH</u>
-------------	----------------	----------------------

(In case of corporations, all officers of the corporation and stockholders owning more than 5% of the corporate stock must be listed. Attach an additional sheet, if necessary).

2. The following person(s) listed immediately above are related by blood or marriage to an officer or employee of the OWNER. Attach an additional sheet, if necessary.

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>NAME/POSITION OF EMPLOYEE/OFFICER</u>
-------------	---------------------	--

False statements made herein are punishable as a Class A misdemeanor pursuant to 210.45 of the Penal Law.

Legal Name of Person/Firm/Corporation

By: _____

07.19.2011
110573

ADOPTED

TOWN OF RIVERHEAD

Resolution # 573

**RATIFIES THE APPROVAL OF THE CHAPTER 90 APPLICATION OF
RIVERHEAD ELKS LODGE #2044
(Lawn Mower Event and Children's Bicycle Races – July 17, 2011)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on May 12, 2011, the Riverhead Elks Lodge #2044 (Riverhead Elks) submitted a Chapter 90 Application for the purpose of conducting an event to include lawn mower race(s) and children's bicycle races to be held at the Riverhead Elks Lodge located at 1239 East Main Street, Riverhead, New York, on Sunday, July 17, 2011 between the hours of 12:00 noon and 4:00 p.m., having a rain date of Sunday, July 24, 2011; and

WHEREAS, the Riverhead Elks submitted and completed a Short Environmental Assessment Form pursuant to 6 NYCRR Part 617 identifying the potential adverse environmental impacts of the event; and

WHEREAS, the Riverhead Elks have requested the Chapter 90 Application fee for this event be waived; 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 Riverhead Elks for the purpose of conducting an event to include lawn mower race(s) and children's bicycle races to be held at the Riverhead Elks Lodge located at 1239 East Main Street, Riverhead, New York, on Sunday, July 17, 2011, between the hours of 12:00 noon and

4:00 p.m., having a rain date of Sunday, July 24, 2011, is hereby approved subject to the conditions set forth herein; and be it further

RESOLVED, that this event shall be subject to the provisions of Chapter 46 (Alcoholic Beverages) of the Riverhead Town Code; and be it further

RESOLVED, that the sale and/or consumption of alcoholic beverages shall be strictly prohibited at this event; and be it further

RESOLVED, that there shall be no music played out of doors before 12:30 p.m. or after 5:30 p.m. on the day of the event, including music played from vehicles; and be it further

RESOLVED, that the applicant shall water down the lawnmower track area to prevent excessive dust from the lawnmower races; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee ; 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 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 should the conditions of this approval be violated that the Riverhead Police Department shall have the authority to revoke the permit and require the public to vacate the premises; and be it further

RESOLVED, that this approval is subject to a fire safety inspection by the Town Fire Marshal 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 the Riverhead Elks Lodge #2044, P.O. Box 688, 1239 E. Main Street, Riverhead, New York, 11901; and be it

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 # 574

**APPROVES CHAPTER 90 APPLICATION OF JAMESPORT FIRE DEPARTMENT
(10K Race - August 28, 2011)**

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

WHEREAS, on June 6, 2011, the Jamesport Fire Department submitted a Chapter 90 Application for the purpose of conducting a 10K race from Iron Pier Beach to Jamesport Town Beach to be held on Sunday, August 28, 2011, between the hours of 8:00 a.m. and 1:00 p.m.; and

WHEREAS, the Jamesport Fire Department 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 Fire Department 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 Fire Department for the purpose of conducting a 10K race from Iron Pier Beach to Jamesport Town Beach to be held on Sunday, August 28, 2011, between the hours of 8:00 a.m. and 1:00 p.m. is hereby approved; and be it further

RESOLVED, that the necessary tent permits must be obtained, if applicable, 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 the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee for this event 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 the Jamesport Fire Department, Robert Sikora, P.O. Box 531, 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 # 575

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
NEWTON CARNIVALS
(Peconic Bay Medical Center Family Festival – August 20, 2011)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on June 29, 2011, Newton Carnivals submitted a Fireworks Permit Application for the purpose of conducting a fireworks display on Saturday, August 20, 2011 at 10:15 p.m., having a rain date of Sunday, August 21, 2011, to be held on property owned by Kenny Barra of Knightland Inc. located at 6164 Route 25A, Wading River, New York, in connection with the previously approved Chapter 90 event hosted by the Peconic Bay Medical Center entitled a "Family Festival" to be held on August 18, 2011 through August 21, 2011; and

WHEREAS, Newton Carnivals has paid the applicable Fireworks Permit Application fee; and

WHEREAS, the Town Attorney is in receipt of a completed Fireworks Application executed by the Chief of the Wading River 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 Newton Carnivals, for the purpose of conducting a fireworks display to be held at 6164 Route 25A, Wading River, New York on Saturday, August 20, 2011 at 10:15 p.m., having a rain date of Sunday, August 21, 2011, is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Wading River 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 Marshal and the Wading River Fire Chief in attendance.
- Fireworks and technicians must arrive at the subject location 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 Town Clerk is hereby authorized to forward a copy of this resolution to Newton Carnivals, 4075 Jericho Turnpike, East Northport, New York, 11731; Pyro Engineering, Inc., d/b/a Bay Fireworks, 400 Broadhollow Road, Suite 3, Farmingdale, New York, 11735, and the Wading River Fire Department; 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 # 576

AUTHORIZES SUPERVISOR TO EXECUTE AGREEMENT WITH RIVERHEAD YOUTH SPORTS, INC. FOR REFEREE/UMPIRE SERVICES FOR TOWN OF RIVERHEAD POLICE ATHLETIC LEAGUE FOOTBALL PROGRAM

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead Police Athletic League is a non-profit organization that provides organized sports programs, activities, and education for children ages 5-13 designed with the intent of giving children healthy social and behavioral skills and the goal to reduce their susceptibility to gang involvement, alcohol and drug use and delinquency; and

WHEREAS, the Riverhead Youth Sports, Inc. provides professional officials to referee games; and,

WHEREAS, the Riverhead Youth Sports, Inc. has offered to provide professional officials to referee games for the football program(s) offered to boys in Riverhead that are part of and affiliated with the Town of Riverhead Police Athletic League.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with Riverhead Youth Sports, Inc. for referee services for football program(s) offered to boys in Riverhead that are part of and affiliated with the Town of Riverhead Police Athletic League in an amount not to exceed \$6000.00; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Office of Accounting; 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

AGREEMENT BETWEEN TOWN OF RIVERHEAD AND SUFFOLK COUNTY POLICE ATHLETIC LEAGUE

THIS AGREEMENT made and entered into this ____ day of July 2011, by and between the Town of Riverhead, a municipal corporation duly existing under the laws of the State of New York , (hereinafter referred to as the "Town"), with its principal place of business located at 200 Howell Avenue, Riverhead, NY and the Riverhead Youth Sports, Inc., having an address at P.O. Box 888, Riverhead, NY 11901.

WHEREAS, the Town of Riverhead Police Athletic League is a non-profit organization that provides organized sports programs, activities, and education for children ages 5-13 designed with the intent of giving children healthy social and behavioral skills and the goal to reduce their susceptibility to gang involvement, alcohol and drug use and delinquency; and

WHEREAS, the Riverhead Youth Sports, Inc. provides professional officials to referee games; and,

WHEREAS, the Riverhead Youth Sports, Inc. has offered to provide professional officials to referee games for the Football program(s) offered to boys in Riverhead that are part of and affiliated with the Town of Riverhead Police Athletic League.

WHEREAS, by Resolution #___ adopted on July 19, 2011, that the Town Board authorized the Supervisor to enter into an agreement with Riverhead Youth Sports, Inc. for referee services for football program(s) offered to boys in Riverhead that are part of and affiliated with the Town of Riverhead Police Athletic League in an amount not to exceed \$6000.00; and

NOW THEREFORE, in consideration of the mutual covenants and agreements herein, the parties agree as follows:

SECTION ONE: Purpose

The purpose of this Agreement is to contract with Riverhead Youth Sports, Inc. to provide and arrange for officiating services for the football program(s) offered to boys in Riverhead that are part of and affiliated with the Town of Riverhead Police Athletic League to increase the public health, safety, and quality of life for the youth of the Town of Riverhead. The Town's payment for services hereunder to Riverhead Youth Sports, Inc. is intended to provide social and recreational programs and services that enable youth, especially from poor or otherwise disadvantaged family backgrounds, to participate in these healthy and productive programs to reduce crime and increase youth opportunities for productive activities within the community.

SECTION 2. Scope of Work:

Riverhead Youth Sports, Inc. shall provide and arrange for officiating services for the football programs offered to boys in Riverhead that are part of and affiliated with the Town of Riverhead Police Athletic League.

SECTION 3. Duration of Contract:

The term of this agreement shall commence on July 19, 2011 and expire at the end of the Town of Riverhead Police Athletic League Winter/Football Season 2011/2012 .

SECTION 4. Consideration:

As consideration for the services provided, as specified in Paragraph 2, the Town will reimburse or provide *payment the Riverhead Youth Sports, Inc. for a sum of money not to exceed six thousand dollars (\$6000.00) (approximately 50 games with \$120.00 for officiating costs per game) to provide and arrange for officiating services for the football program(s) offered to boys in Riverhead that are part of and affiliated with the Town of Riverhead Police Athletic League during the contract period. Riverhead Youth Sports, Inc. may submit vouchers seeking payment or reimbursement for monies spent on officiating services on a biweekly or monthly basis during the contract period. *To the extent that Riverhead Youth Sports, Inc. seeks payment prior to completion of officiating services, Riverhead Youth Sports, Inc. shall be required to provide the Town with documentation to substantiate costs related to such services within 60 days. It is agree and understood that consideration is limited to payment or reimbursement of monies/costs related to officiating services and no additional costs, charges, or fees are permitted under this agreement.

SECTION 5. Relationship:

The Town and Riverhead Youth Sports, Inc. intend that an independent contractual relationship be created by this contract. The Riverhead Youth Sports, Inc. is not considered to be an employee of the Town for any purpose and neither the Riverhead Youth Sports, Inc. nor any employee of the Riverhead Youth Sports, Inc. shall be entitled to any of the benefits the Town provides for the Town's employees, including, but no limited to, health insurance, sick or annual leave, or workers compensation. The Riverhead Youth Sports, Inc. specifically represents and stipulates that the Riverhead Youth Sports, Inc. is engaged in the business of providing the services set forth in this contract, whether or not for profit, and that the Riverhead Youth Sports, Inc. is fully registered and legally authorized to conduct such business, and pays all necessary taxes and assessments levied against such business. The terms of this agreement are not intended to create any duties, obligations or liabilities to any third parties. Neither party intends this agreement to create any third-party beneficiaries to this agreement.

SECTION 6. Suspension, Termination, and Close Out:

If the Riverhead Youth Sports, Inc. fails to comply with the terms and conditions of this contract, the Town may pursue such remedies as are legally available, including, but not limited to, the suspension or termination of this contract.

SECTION 7. Changes, Amendment, Modifications:

The Town and Riverhead Youth Sports, Inc. may, agree from time to time, to change or modify the Scope of Work to be performed hereunder. Any such change, amendment or modification shall be in writing and signed by all parties.

SECTION 8. Assignability:

The Riverhead Youth Sports, Inc. shall not assign any interest on this contract and shall not transfer any interest on the contract without prior written consent of the Town.

SECTION 9. Reports and Information:

The Riverhead Youth Sports, Inc., at such times as and in such form as the Town may require, shall furnish the Town such periodic reports, including an accounting for the expenditures of Town funds, as it may request pertaining to the work of services undertaken pursuant to the contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by

this contract.

SECTION 10. Liability and Indemnification:

The Riverhead Youth Sports, Inc. agrees to hold the Town harmless and shall indemnify and defend all claims, demands, or suits of law or equity arising from the negligent or intentionally wrongful actions or omissions of the Riverhead Youth Sports, Inc. or the Riverhead Youth Sports, Inc. officials or agents in providing the services called for under this agreement.

SECTION 11. Severability:

If any portion of this Agreement is held to be invalid or unenforceable for any reason, such holding shall not affect the validity or enforceability of any of the remaining portion.

IN WITNESS WHEREOF, the Town and the Riverhead Youth Sports, Inc. have executed this contract agreement as of the date and year last written below:

TOWN OF RIVERHEAD:

Supervisor

Date

Attest:

Town Clerk

Town Attorney

Riverhead Youth Sports, Inc

Riverhead Youth Sports, Inc President

Date

TOWN OF RIVERHEAD

Resolution # 577

APPROVES CHAPTER 90 APPLICATION OF POLISH TOWN CIVIC ASSOCIATION

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

WHEREAS, on March 1, 2011, the Polish Town Civic Association submitted a Chapter 90 Application for the purpose of conducting their annual "Polish Town Street Fair and Festival" to include a carnival, to be held on Pulaski Street, Osborne Avenue, Hallett Avenue and Lincoln Street, Riverhead, New York, on the following dates and times:

Friday, August 19, 2011	6:00 p.m. to 10:00 p.m. – (Carnival only)
Saturday, August 20, 2011	10:00 a.m. to 6:00 p.m. – (Fair & Carnival)
Sunday, August 21, 2011	10:00 a.m. and 6:00 p.m. – (Fair & Carnival);

and

WHEREAS, the Polish Town Civic Association has completed and filed a Long 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 Polish Town Civic Association has requested the Chapter 90 Application fee for this event be waived due to their not-for-profit status; and

WHEREAS, Polish Town Civic Association has requested this event be exempt from Chapter 46 (Alcoholic Beverages) of the Riverhead Town Code; 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 Polish Town Civic Association for the purpose of conducting their annual Polish Town Street Fair at the above referenced locations, dates and times, 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 permit(s), including the food handling permit(s);
- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s); and be it further

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

RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes this event to be exempt from Chapter 86 entitled, "Noise Control" of the Riverhead Town Code; and be it further

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

RESOLVED, that any 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 and the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); 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 employees of the Riverhead Buildings and Grounds Department, the Riverhead Police Department, the Riverhead Highway Department and the Riverhead Fire Marshal 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 the Town Clerk is hereby authorized to forward a copy of this resolution to the Polish Town Civic Association, 300 Lincoln Street, 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 # 578

**APPROVES CHAPTER 90 APPLICATION OF RIVERHEAD FOUNDATION FOR
MARINE RESEARCH AND PRESERVATION
(5K RUN FOR THE RIDLEY – October 22, 2011)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on June 20, 2011, the Riverhead Foundation for Marine Research and Preservation (Riverhead Foundation) submitted a Chapter 90 Application for the purpose of conducting a 5K Foot Race, said course to begin on East Main Street, continuing on East Main Street, Riverside Drive, River Avenue and ending at McDermott Avenue, to be held on Saturday, October 22, 2011 between the hours of 6:00 a.m. and 12:00 noon; and

WHEREAS, the Riverhead Foundation has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 61; 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, Riverhead Foundation has requested the 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 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 Riverhead Foundation For Marine Research and Preservation for the purpose of conducting a 5K Foot Race at the

mentioned locations to be held on Saturday, October 22, 2011 between the hours of 6:00 a.m. and 12:00 noon is hereby approved; and be it further

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

RESOLVED, that the necessary tent permit must be obtained, if applicable, and that the tent installation 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 Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

RESOLVED, that this approval is subject to a fire safety inspection by the Town Fire Marshal 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 due to the applicant's not-for-profit status, the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application Fee; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Foundation for Marine Research and Preservation, Attn: Robert A. DeGiovanni, Jr., 467 East Main Street, 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

Wooten Yes No

Gabrielsen Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 579

**APPROVES CHAPTER 90 APPLICATION OF
STARFISH JUNCTION PRODUCTIONS LLC
(NORTH FORK CRAFT BEER, BBQ & WINE FESTIVAL – August 13, 2011)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on April 8, 2011, Starfish Junction Productions LLC submitted a Chapter 90 Application for the purpose of conducting a “North Fork Craft Beer, BBQ & Wine Festival”, having food and craft sales, and musical entertainment, to be held at Martha Clara Vineyards at 6025 Sound Avenue, Riverhead, New York on Saturday, August 13, 2011, between the hours of 1:00 p.m. and 6:00 p.m.; and

WHEREAS, Starfish Junction Productions LLC has completed and filed a Long Environmental Assessment Form in accordance with 6 NYCRR 617.6(b); and

WHEREAS, the Town Board of the Town of Riverhead has declared itself “Lead Agency” in accordance with 6 NYCRR 617; and

WHEREAS, the applicable Chapter 90 Application fee has been paid for this event; 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 including the certificate of insurance 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 Starfish Junction Productions LLC for the purpose of conducting “North Fork Craft Beer, BBQ & Wine Festival”, having food and craft sales, and musical entertainment, to be held at Martha Clara

Vineyards, 6025 Sound Avenue, Riverhead, New York on Saturday, August 13, 2011, between the hours of 1:00 p.m. and 6:00 p.m., 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 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 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 scheduling 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 Starfish Junction Productions LLC, 226 North Fehr Way, Bay Shore, New York, 11796 and Martha Clara Vineyards, 6025 Sound Avenue, 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 # 580

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
JAMESPORT FIRE DEPARTMENT**

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

WHEREAS, on June 17, 2011, the Jamesport Fire Department submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held on the property known as the Albert Schmitt Farm, Rte. 25, Jamesport, New York, on Saturday, July 23, 2011 at approximately 10:00 p.m.; and

WHEREAS, the Jamesport Fire Department 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 Jamesport Fire Department and the Riverhead Fire Marshal and a certificate of insurance from the fireworks company (Pyrotecnico) 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 Jamesport Fire Department, for the purpose of conducting a fireworks display to be held on the property known as the Albert Schmitt Farm, Rte. 25, Jamesport, New York on July 23, 2011 at approximately 10:00 p.m., is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Jamesport Fire Department.
- Scheduling a pre-event inspection between 12:00 noon and 2:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Jamesport Fire Chief in attendance.
- Fireworks and technicians must arrive at the subject location no later than 2:00 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.
- The show 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, lightning and/or wind in excess of 30 miles per hour; and be it further

RESOLVED, that the applicable Fireworks Permit Application Fee is hereby

waived due to its not-for-profit status; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Jamesport Fire Department, 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

07.19.2011
110581

ADOPTED

TOWN OF RIVERHEAD

Resolution # 581

AUTHORIZES TOWN SUPERVISOR TO EXECUTE CHANGE ORDER NO. 1
CONSTRUCTION OF PLANT NO. 15
H2M PROJECT NO.: RDWD 06-05

RIVERHEAD WATER DISTRICT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, H2M Group, consulting engineers to the Riverhead Water District, by attached letter dated July 6, 2011 including detailed Change Order and budget adjustments, did recommend that Change Order No. 1 for project known as Construction of Plant No. 15 be executed.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute the attached Change Order No. 1 for the project of the Riverhead Water District known as Construction of Plant No. 15, and

BE IT FURTHER RESOLVED, that Change Order No. 1 as specifically described in the attached change order details various cost adjustments to the contract with Delta Well & Pump Company, Inc. resulting in an increase of \$195,165.95 to the contract amount for a new contract amount as modified by Change Order No. 1 of \$477,185.95, and be it further

RESOLVED, that the approval of said Change Order No. 1 does not increase the original total project cost budget for project known as Construction of Plant No. 15, 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



architects + engineers

575 Broad Hollow Road tel 631.756.8000
Melville, NY 11747 fax 631.694.4122

July 6, 2011

Supt. Gary Pendzick
Riverhead Water District
1035 Pulaski Road
Riverhead, New York 11901

**Re: Riverhead Water District
Plant No. 15
H2M Project No.: RDWD 06-05**

Dear Supt. Pendzick:

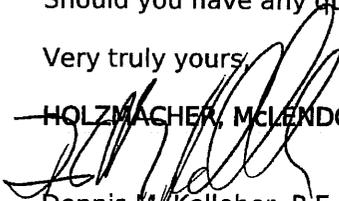
Back in 2007, the Town/District established a budget for the construction of Plant No. 15, with a total project cost of \$1.916 million. Now that the project is in its final part of construction, the District will need to revise the budget line items of the project. Please note that the project will be completed within the original total project cost budget.

As shown on Table No. 1, the total budget for Contract No. 1 - Well Work needs to be increased to reflect the additional work required to conform to the NYSDEC permit requirements, including the construction of monitoring wells, as well as the modifications of the well construction to obtain effective well yield.

At this time, we recommend that the purchase order for Delta Well be increased from \$284,633 to \$469,387.95. A change order detailing the cost increases have been prepared and is being forwarded to your office under separate cover for execution by the Supervisor.

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

DMK:slj
Enclosure

cc: Supervisor Sean Walter
Councilman George Gabrielsen
Asst. Mark Conklin
William Rothaar, Financial Administrator
Richard Ehlers, Esq.

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RIVERHEAD WATER DISTRICT
CONSTRUCTION OF PLANT NO. 15
CONTRACT W - WELL CONSTRUCTION
H2M PROJECT NO.: RDWD 06-05

CHANGE ORDER NO. 1

July 20, 2011

Owner: RIVERHEAD WATER DISTRICT
1035 Pulaski Street
Riverhead, New York 11901
Contact: Supt. Gary Pendzick (516) 727-3205

Contractor: DELTA WELL & PUMP COMPANY, INC.
97 Union Avenue
Ronkonkoma, New York 11779
Contact: Chris Okon (631) 981-2255

Engineer: HOLZMACHER, McLENDON & MURRELL, P.C.
575 Broad Hollow Road
Melville, New York 11747
Contact: Dennis M. Kelleher, P.E. (631) 756-8000, ext. 1410

Item A: **DESCRIPTION OF CHANGE:**

For mobilization and demobilization associated with the construction of the additional test wells as required by the DEC.

REASON FOR CHANGE:

An additional test well was required to be installed by the DEC for each permanent supply well installed to monitor for saltwater intrusion.

COST OF CHANGE:

Material and labor	\$ 2,900.00
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Item B: **DESCRIPTION OF CHANGE:**

For the installation of three additional test well settings during well construction.

REASON FOR CHANGE:

During construction and test pumping of the new supply wells, additional settings were required due to poor water quality and screen yield capacities from the anticipated design setting.

COST OF CHANGE:

Material and labor \$ 28,500.00

Item C: DESCRIPTION OF CHANGE:

For the installation of three new monitoring wells, one monitoring well per new supply well.

REASON FOR CHANGE:

During the permitting process with the DEC, they required that monitoring wells for each supply well be installed as an early detection for salt water intrusion.

COST OF CHANGE:

Material and labor \$ 67,404.00

Item D: DESCRIPTION OF CHANGE:

For the installation, test pumping and monitoring of a temporary monitoring well during construction.

REASON FOR CHANGE:

During the permitting process with the DEC, they required that the saltwater interface at the site be temporarily monitored prior to formally approving the new supply wells.

COST OF CHANGE:

Material and labor \$ 19,560.00

Item E: DESCRIPTION OF CHANGE:

For the installation of an additional test well boring at Well 15-1.

REASON FOR CHANGE:

The originally specified well depth for 15-1 showed poor water bearing formations, so a second deeper test well boring was required.

COST OF CHANGE:

Material and labor \$ 35,000.00

Item F: DESCRIPTION OF CHANGE:

For the installation of an additional test well boring for Well 15-3.

REASON FOR CHANGE:

The originally specified well depth for 15-3 showed poor water bearing formations, so a second deeper test well boring was required.

COST OF CHANGE:

Material and labor	\$ 35,000.00
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Item G: DESCRIPTION OF CHANGE:

Depth adjustment associated with the test well borings.

REASON FOR CHANGE:

A credit will be given for a reduction in the well boring depth by a total of 295 ft. associated with the above Items E and F.

COST OF CHANGE:

Credit	(\$ 2,950.00)
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Item H: DESCRIPTION OF CHANGE:

For the installation of alternate Well 15-1 supply well.

REASON FOR CHANGE:

During development and test pumping of the originally installed Well 15-1, there was little to no water bearing capacity from the screen zone formation. This well was required to be abandoned, and a new well was required.

COST OF CHANGE:

Material and labor	\$ 20,000.00
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Item I: DESCRIPTION OF CHANGE:

Depth adjustment associated with the construction of the permanent well construction.

REASON FOR CHANGE:

A credit will be given for a reduction in the well depth by a total of 446 ft. associated with the above Item H.

COST OF CHANGE:

Credit (\$ 4,460.00)

Item J: DESCRIPTION OF CHANGE:

Additional well development for Well 15-1.

REASON FOR CHANGE:

During development and test pumping of Well 15-1, there was little to no water bearing capacity from the screen zone formation. In an effort to increase the water bearing capacity, additional well development was required.

COST OF CHANGE:

Material and labor \$ 3,800.00

Item K: DESCRIPTION OF CHANGE:

Installation of an RCA driveway off of Tuthills Lane.

REASON FOR CHANGE:

The existing driveway off of Tuthills Lane was a dirt driveway. The contractor suggested that the heavy equipment required during construction would compromise the existing driveway if it was not stabilized.

COST OF CHANGE:

Material and labor \$ 2,613.95

Item L: DESCRIPTION OF CHANGE:

For not using the entire Allowance line item in the bid.

REASON FOR CHANGE:

Credit for only using a portion of the Allowance line item originally specified.

COST OF CHANGE:

Credit (\$ 10,692.00)

Item M: DESCRIPTION OF CHANGE:

For not using the original Screen Adjustment line item in the bid.

REASON FOR CHANGE:

Credit for not using the Screen Adjustment line item originally specified.

COST OF CHANGE:

Credit (\$ 1,500.00)

Item N: DESCRIPTION OF CHANGE:

For not using the entire Test Well Abandonment line item in the bid.

REASON FOR CHANGE:

Credit for only using a portion of the Test Well Abandonment line item originally specified.

COST OF CHANGE:

Credit (\$ 10.00)

TOTAL COST OF CHANGE ORDER NO. 1: \$195,165.95

Contract Cost Summary

A.	Original Contract Amount:	\$282,020.00
B.	Cost of Change Order No. 1:	<u>\$ 195,165.95</u>
C.	Revised Contract Amount:	\$477,185.95

Recommended By: _____ Date: _____
Holzmacher, McLendon & Murrell, P.C.

Accepted By: _____ Date: _____
Delta Well & Pump Company, Inc.

Approved By: _____ Date: _____
Town of Riverhead/Riverhead Water District

TOWN OF RIVERHEAD

Resolution # 582

**AUTHORIZES THE SUPERVISOR TO EXECUTE STIPULATION OF SETTLEMENT
AGREEMENT WITH CIVIL SERVICE EMPLOYEES
ASSOCIATION, INC. , LOCAL 1000, AFSCME, AFL-CIO, RIVERHEAD
UNIT OF THE SUFFOLK LOCAL, #852**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, an employee, who is a member of the CSEA and entitled to the benefits and protections set forth in the contract, seeks to exercise employee's option to decline coverage pursuant to Article X "Insurance"; and

WHEREAS, the Town gave consideration to employee's request and employee's change in circumstance not known to employee at the requisite time set forth in Article X (1)(c) to permit employee to timely exercise the option; and

NOW, THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute a Stipulation of Settlement with the CSEA to grant employee the right to decline coverage as set forth in Article X 1(a) and exercise option as set forth in Article X 1(c) such that employee be entitled to prorated payment related to termination of coverage; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

STIPULATION

Made this __ day of July, 2011, between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (Town) and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of Suffolk Local #852 having its principal office at 3 Garet Place, Commack, New York (CSEA), and

WHEREAS, Theresa Davis, is an employee in the Information Technologies Department for the Town of Riverhead and is presently employed full time as a Networks and Systems Technician, and

WHEREAS, pursuant to the contract between the parties, upon becoming a bargaining unit member on August 9, 1999, Theresa Davis is entitled to the benefits and protections set forth in the contract, specifically, Article X "Insurance"; and

WHEREAS, pursuant to Article X "Insurance" the Town shall pay on behalf of all full-time employees the cost of either the individual or family plan hospitalization subject to conditions set forth in Article X 1 (a)-(g); and

WHEREAS, Article X 1 (c) provides in pertinent part that an employee may at his/her option decide not to accept the Town's hospitalization coverage for a period of not less than one calendar year and receive a December payment as follows: employee drops from family to no coverage \$1650; employee drops

from family to individual coverage: \$900; if the employee drops from individual to no coverage: \$750; and

WHEREAS, the employee Theresa Davis has advised the Town of a change in circumstance not known to employee Theresa Davis at the requisite time set forth in Article X (1)(c) to permit her to timely exercise her option to decline coverage and based upon the change of circumstance employee Theresa Davis requests that the Town grant her the right to decline the hospitalization coverage set forth in Article X 1(a) and afford her the opportunity to exercise her option as set forth in Article X 1(c) to drop from family coverage to no coverage such that she may be entitled to receive a payment in the month of December for \$687.50 prorated such that she be eligible to receive payment for the period of time from August 1, 2011 to December 31, 2011.

NOW, THEREFORE, it is mutually agreed as follows:

1. That the Town Board agrees that due to the change of circumstance not known to employee Terri Davis at the requisite time set forth in Article X (1)(c) to permit her to exercise her option to decline coverage from family coverage to no coverage, the Town Board shall permit and accept employee Terri Davis' notice/request to decline the Town's hospitalization coverage effective August 1, 2011 such that she may be entitled to receive a payment in the month of December for \$687.59 prorated such that she be eligible to receive payment for the period of time from August 1, 2011 to December 31, 2011.

2. That this stipulation constitutes the entirety of the parties' agreement herein.

3. This stipulation shall not, in any way, constitute or be construed to constitute "past practice" for the parties now or in the future and shall remain specific to this matter.

Sean M. Walter, Supervisor

Matthew E. Hattorff, for CSEA

07.19.2011
110583

ADOPTED

TOWN OF RIVERHEAD

Resolution # 583

PAYS BILLS

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

ABSTRACT #11-24 July 07, 2011 (TBM 07/19/11)				
FUND NAME			07/07/11 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		75,903.85	75,903.85
POLICE ATHLETIC LEAGUE	4		60.00	60.00
RECREATION PROGRAM FUND	6		4,140.00	4,140.00
MULTI YEAR OPERATING GRANT FUN	99		233.97	233.97
HIGHWAY FUND	111		3,615.99	3,615.99
WATER DISTRICT	112		815,759.94	815,759.94
REPAIR & MAINTENANCE RESERVE F	113		1,072,973.94	1,072,973.94
RIVERHEAD SEWER DISTRICT	114		1,685.92	1,685.92
REFUSE & GARBAGE COLLECTION DI	115		33.34	33.34
STREET LIGHTING DISTRICT	116		3,948.15	3,948.15
RIVERHEAD SCAVANGER WASTE DIST	128		33.34	33.34
RISK RETENTION FUND	175		17,458.99	17,458.99
CDBG CONSORTIUM ACOUNT	181		80.82	80.82
WATER DISTRICT DEBT SERVICE	383		600,850.31	600,850.31
TOWN HALL CAPITAL PROJECTS	406		3,525.00	3,525.00
WATER DISTRICT CAPITAL PROJECT	412		844,077.44	844,077.44
TRUST & AGENCY	735		29,763.81	29,763.81
TOTAL ALL FUNDS			3,474,144.81	3,474,144.81

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.19.2011
110583

ADOPTED

TOWN OF RIVERHEAD

Resolution # 583

PAYS BILLS

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

ABSTRACT #11-25 July 14, 2011 (TBM 07/19/11)				
FUND NAME			07/14/11 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		1,064,963.18	1,064,963.18
RECREATION PROGRAM FUND	6		14,468.27	14,468.27
CHILD CARE CENTER BUILDING FUN	9		1,390.00	1,390.00
HIGHWAY FUND	111		84,578.49	84,578.49
WATER DISTRICT	112		176,327.27	176,327.27
RIVERHEAD SEWER DISTRICT	114		122,408.19	122,408.19
REFUSE & GARBAGE COLLECTION DI	115		7,531.60	7,531.60
STREET LIGHTING DISTRICT	116		14,462.72	14,462.72
PUBLIC PARKING DISTRICT	117		2,200.66	2,200.66
AMBULANCE DISTRICT	120		3,591.64	3,591.64
EAST CREEK DOCKING FACILITY FU	122		1,189.04	1,189.04
CALVERTON SEWER DISTRICT	124		18,082.46	18,082.46
RIVERHEAD SCAVANGER WASTE DIST	128		23,200.73	23,200.73
MAIN STREET REHAB PROGRAM	177		17,000.00	17,000.00
CDBG CONSORTIUM ACOUNT	181		715.53	715.53
GENERAL FUND DEBT SERVICE	384		1,265.62	1,265.62
WATER DISTRICT CAPITAL PROJECT	412		137,602.52	137,602.52
RIVERHEAD SEWER CAPITAL PROJEC	414		367,776.49	367,776.49
CALVERTON SEWER CAPITAL PROJEC	424		974.87	974.87
TRUST & AGENCY	735		5,030,983.13	5,030,983.13
CALVERTON PARK - C.D.A.	914		542.00	542.00
TOTAL ALL FUNDS			7,091,254.41	7,091,254.41

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.19.2011
110584

NOT ADOPTED

TOWN OF RIVERHEAD

Resolution #584

APPOINTS A HEARING OFFICER

Councilman Dunleavy offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, that the Town Board of the Town of Riverhead authorizes the appointment of Valerie Marvin, Esq. as the Hearing Officer with respect to a Section 75 Hearing involving a Town employee, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the suspension without pay for up to 30 days of the employee effective the day after the service of the charges upon the employee and pending the hearing and determination of those charges.

RESOLVED that the Town Clerk is hereby authorizes to forward a copy of this resolution to Matt Hattorff, CSEA President, Town Attorney's Office, Personnel Officer and the Financial Administrator; 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 **NOT ADOPTED**

On a motion of Councilman Dunleavy, seconded by Councilwoman Giglio, resolution #584 was TAKEN OFF THE FLOOR

THE VOTE:

Yes-5 Giglio, yes; Wooten, yes; Dunleavy, yes; Gabrielsen, yes; Walter, yes

No-0