

CDA #19 Ratifies Authorization for the Supervisor to Execute a License Agreement with Laufer Wind Group, LLC

TOWN BOARD RESOLUTIONS:

- Res. #860 2011 Jamesport Boardwalk Capital Improvement Project Budget Adjustment**
- Res. #861 2011 Stotzky Park Capital Improvement Project Budget Adjustment**
- Res. #862 East Creek District Budget Adjustment**
- Res. #863 Acceptance of 2010 Audited Financial Statements**
- Res. #864 Acceptance of 2010 Audited Community Preservation Fund Report**
- Res. #865 Acceptance of 2010 Audited Justice Court Report**
- Res. #866 General Fund Justice Court Budget Adjustment**
- Res. #867 Renovated Building at 201 Howell Building Department Capital Improvement Project Budget Adoption**
- Res. #868 Calverton Community Development Agency Budget Adjustment**
- Res. #869 General Fund Nutrition Department Budget Adjustment**
- Res. #870 General Fund Sanitation Budget Adjustment**
- Res. #871 Highway Department Budget Adjustment**
- Res. #872 Sewer District Budget Adjustment**
- Res. #873 Establishment of Bank Accounts**
- Res. #874 Ambulance District Budget Adjustment**
- Res. #875 Business Improvement District Budget Adjustment**
- Res. #876 Fort Pat Motel – Miamogue Park Capital Improvement Project Budget Adjustment**
- Res. #877 Authorization for Supervisor to Execute an Agreement with the Galamery Company, Inc.**

- Res. #878** Appoints Part-Time Recreation Leader to the Youth Bureau's Mentoring Matters Program (Anna Crescimanno)
- Res. #879** Appoints Part-Time Recreation Aide to the Youth Bureau's Mentoring Matters Program (Bernice Brown)
- Res. #880** Reappoints Clerks to the Tax Receiver's Office (Melissa Messina, Kristina Rowe)
- Res. #881** Approves Amended Site Plan of Metro Terminals of Long Island, LLC
- Res. #882** Authorizes Town Clerk to Publish and Post Public Notice of Public hearing to Consider a Proposed Local Law for an Amendment of Chapter 101 Entitled "Vehicles & Traffic" of the Riverhead Town Code (§101-3. Stop and Yield Intersections; Railroad Crossings; Parking Fields)
- Res. #883** Authorizes Town Clerk to Publish and Post a Notice of Pubic Hearing to Consider a Proposed Local Law for an Amendment of Chapter 101 Entitled, "Vehicles & Traffic" of the Riverhead Town Code (§101-10. Parking Prohibited. And §101-13. Parking Time Limited)
- Res. #884** Adopts a Local Law to Amend Chapter 108 of the Town Code of the Town of Riverhead Entitled, "Zoning" (Site Plan Review – Application Procedure; Fees.)
- Res. #885** Accepts 100% Site Plan Security of Jonathan Troyan
- Res. #886** Adopts a Local Law Amending Chapter 52 Entitled "Building Construction" of the Riverhead Town Code (§52-10 Building Permit Fees (Solar)
- Res. #887** Approves Extension and Reduces the Performance Security Posted by Portview Homes, Inc. in Connection with the Subdivision Entitled "Country Trails" (Road and Drainage Improvements)
- Res. #888** Approves Extension of Performance Security Posted by Stoneleigh Woods at Riverhead, LLC in Connection with the Condominium Project Entitled "Stoneleigh Woods of Riverhead, LLC" (Road and Drainage Improvements)
- Res. #889** Authorizes Recreational Deer Hunting with Shotgun on Town Property at Enterprise Park at Calverton from January 9, 2012 to January 31, 2012
- Res. #890** Extends Site Plan Approval for Headriver, LLC

- Res. #891** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 52 Entitled “Building Construction” of the Riverhead Town Code (§52-6 Application for Building Permit)
- Res. #892** Authorizes Settlement with County of Suffolk
- Res. #893** Approves Installation of Permanent Primary Electric Service by LIPA – Plant 17, Riverhead Water District
- Res. #894** Authorizes Preparation of Engineering Report to Update Master Plan Report for Riverhead Water District
- Res. #895** Awards Bid for Water Service Materials for Use in the Riverhead Water District
- Res. #896** Authorizes Town Supervisor to Execute Contract Amendment with US Department of the Navy RE: Ext. 89 – Peconic River Sportsman’s Club – Riverhead Water District
- Res. #897** Extends Bid for Electric Motor Repair/Replacement Including Emergency Repair for the Riverhead Water District
- Res. #898** Authorizes the Retention of the Law Firm of Steven E. Losquadro
- Res. #899** Authorizes the Supervisor to Execute an Agreement with the Riverhead Fire District Regarding Unleaded Fuel Services
- Res. #900** Authorizes Settlement of Legal Action by William Gary Robinson
- Res. #901** Authorizes Amendment #1 to Dunn Engineering Associates, P.C. PSA for Riverhead Alternative Transportation Path Project
- Res. #902** Authorizes Budget Modification to the 2010 & 2011 Community Development Block Grant Program
- Res. #903** Authorizes Execution and Submission of Grant Application to Suffolk County for Fiscal year 2012 Community Development Block Grant Funds
- Res. #904** Awards Bid for Town of Riverhead Fire and Security Alarm Contract 2012
- Res. #905** Ratifies Approval of Military Leave of Absence for a Police Officer in Part
- Res. #906** Establishes Time of Regular Meetings of the Town Board
- Res. #907** Grants Special Use Permit of R&K Precision Autoworks, Inc.

Res. #908 Authorizes Settlement of Lawsuit

Res. #909 Pays Bills

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

Resolution # 19

**RATIFIES AUTHORIZATION FOR THE SUPERVISOR TO EXECUTE A LICENSE
AGREEMENT WITH LAUFER WIND GROUP, LLC)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, by Town of Riverhead Community Development Agency (“CDA”) Resolution # 16, adopted on August 3, 2010, the CDA Board authorized a license agreement between the CDA and Laufer Wind Group, LLC for use of a portion of Town of Riverhead- Enterprise Park at Calverton (“EPCAL”) from September 2, 2010 through October 31, 2010; and

WHEREAS, by CDA Resolution # 22, adopted on December 7, 2010, the CDA Board authorized the execution of a license agreement from December 1 2010 through November 30, 2011; and

WHEREAS, Laufer Wind Group, LLC has expressed its desire to enter into a license agreement for an additional year with the CDA; and

WHEREAS, the CDA desires to grant the license to Laufer Wind Group, LLC.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to execute a License Agreement in substantially the form attached between the Town of Riverhead Community Development Agency and Laufer Wind Group, LLC for a term of one year commencing on December 1, 2011 and ending on November 30, 2012 for use of a portion of Town of Riverhead- Enterprise Park at Calverton; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Marc G. Dee, V.P. Business Development, Laufer Wind Group, LLC 270 Lafayette Street, Suite 1402, New York, New York 10012; 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

**LICENSE AGREEMENT BETWEEN THE
TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY
AND LAUFER WIND GROUP, LLC**

This Contract is made and entered into as of this ____ day of _____, 2011, by and between Riverhead Community Development Agency, a public instrumentality of the Town of Riverhead, County of Suffolk and State of New York ("CDA") and Laufer Wind Group LLC, (the "Licensee"), a limited liability company duly organized and existing under the laws of the State of Delaware having a principal place of business at 270 Lafayette Street, Suite 1402, New York, New York 10012.

WHEREAS, Licensee is in the business of developing and testing wind farm related equipment; and

WHEREAS, CDA owns fee title to approximately 1800 acres of land in Calverton, New York, commonly known as Calverton Enterprise Park (the "Park"), which land is depicted in Exhibit A attached hereto and made a part hereof; and

WHEREAS, CDA and Licensee entered into a license agreement for Licensee to enter and use a portion of the Park designated herein as the Licensed Area, to test a lighting system for wind farms facilities located near airfields for a term commencing on December 1, 2010 and ending on November 30, 2011; and

WHEREAS, CDA desires to grant to Licensee and Licensee desires to obtain from CDA a license to extend the current license agreement for one (1) year in order for Licensee to enter and use a portion of the Park designated herein as the Licensed Area, to test a lighting system for wind farms facilities located near airfields.

NOW THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties agree as follows:

1. Licensed Area, Use and Term: The area licensed by CDA to Licensee hereunder (the "Licensed Area") shall consist of that portion or portions of the Park as depicted by the cross-hatching on Exhibit A attached hereto and made a part hereof and shall include the improvements thereon including but not limited to any building, structure, any necessary equipment and any appurtenances thereto, such as appropriate means for ingress and egress upon the terms and conditions set forth hereunder. This License will provide Licensee and its employees, representatives, agents use and occupancy of the Property commencing on December 1, 2011 and terminating on November 30, 2012 (the "Term") for purposes of preparing the grounds the intended use of the Licensed Area which includes without limitation; the construction and installation of temporary structures and facilities necessary to the conduct the testing described herein (collectively, the "Permitted Use"). Either party may cancel the agreement without cause at any time upon fifteen (15) days written notice.

2. Compliance With Laws: Licensee shall at all times during the Term, comply with all applicable federal, state, county and municipal laws, regulations, ordinances, codes and restrictions, including, without

limitation, compliance with Article 28 of the New York State Tax Law and applicable regulations thereunder arising out of Licensee's Permitted Use and will secure any and all permits or licenses required for its activities and operations carried out at the Licensed Area. CDA agrees to cooperate with Licensee by providing any information at its disposal and otherwise use its best efforts to assist Licensee in pursuing its applications for all necessary approvals.

3. Compensation: In exchange for the License set forth above Licensee shall pay Licensor on or before the expiration date of the Term (or on or before the expiration date of any option period, as the case may be) a fee (the "License Fee") in an amount totaling One Thousand (\$1,000.00) dollars per month. The monthly license fee shall be due on the first day of each month, commencing on December 1, 2011 and ending on November 1, 2012 (the "License Fee Rate").

4. Responsibilities of Licensee: Subject to the terms of this Agreement, Licensee will be responsible for carrying out and shall have exclusive control of all operations associated with the within described activities. At the conclusion of the license period, Licensee will promptly commence garbage and rubbish removal and cleanup (the "Cleanup") so that the Property is delivered back to CDA in the same condition (normal wear and tear excepted) as delivered to Licensee on the commencement date of the Term. Licensee will remove all refuse, rubble, garbage and debris created as a result of its use and activities at the Property and dispose of the same at an appropriate waste facility.

5. Authority of CDA:

CDA represents and warrants that it owns fee title to the Licensed Area and has all the requisite authority necessary to enter into this agreement.

6. Insurance and Indemnification: Licensee will be responsible for providing comprehensive general liability insurance in the amount of not less than \$2,000,000 with a company or companies reasonably satisfactory to CDA. (In addition, Licensee will provide casualty insurance on the buildings, structures, equipment and facilities within the Property at their full replacement cost.) Licensee shall provide certificates of the foregoing insurance, showing CDA and the Town of Riverhead as additional insureds to the extent of their interest. Licensee agrees to indemnify and hold harmless CDA, the Town of Riverhead and their respective officers, employees, agents, representatives and officials from any and all loss or liability arising out of Licensee's use of the Property as described herein including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by Licensee and its employees, agents, representatives and concessionaires, or any concert attendee, of the Property, excepting liability solely caused by the negligence of CDA or the Town of Riverhead or their respective employees, agents or representatives.

7. Miscellaneous Responsibilities of Licensee: Except with respect to any specific services, equipment and facilities to be provided by CDA under this Agreement, Licensee will be responsible for acquiring all services and materials and otherwise for carrying out all actions necessary in connection with the project and related activities to take place,

including, but not limited to, all planning, operations, concessions, garbage removal, cleanup, construction and demolition or removal of all temporary structures, development. Licensee will obtain all necessary approvals required for the Project and for construction of any temporary structure or system to be used at the Licensed Area in connection with the Project or related activities. CDA shall use its best efforts to facilitate the Licensee's acquisition of such necessary approvals. In addition, Licensee will take all actions necessary to restore the Property to its condition existing on the date of the commencement of the Term (normal wear and tear excepted) under this agreement, including, without limiting the generality of the foregoing, the removal of all temporary structures and systems.

8. Successors and Assigns. This agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the parties; provided, however, that nothing herein shall be deemed to permit the assignment of this Agreement by either party without the express written consent of the other party. Licensee shall, however be allowed to change the name of either the Licensee entity or the name of the Project in its sole discretion without requiring the prior consent of CDA thereto. Additionally in the event CDA conveys the Park or any part thereof during the period of time from the date hereof to the end of the Term (and/or any Option Term) any successor in interest to CDA shall be bound to the obligations and responsibilities of CDA herein and Licensee's use and occupancy rights herein shall not be disturbed by any successor in-interest to CDA.

9. Conditions To License Agreement: The rights and obligations of

both CDA and Licensee hereunder are conditioned on Licensee's receipt of the necessary approvals for its project. If Licensee is unsuccessful in obtaining the necessary approvals or the Project does not occur, then this Agreement shall terminate and the obligations of each party herein shall be null and void.

10. Entire Agreement. This contract constitutes the entire agreement between the parties and no further agreement, express or implied, written or oral, exists with respect to the subject matter of this document.

11. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

In Witness Whereof, Licensee has caused this instrument to be signed in its company name by Marc G. Dee, VP, Business Development, hereunto duly authorized, and Town of Riverhead Community Development Agency has caused this instrument to be signed in its corporate name by Sean M. Walter, its Chairman, hereunto duly authorized, as of the day and the year first above written.

Laufer Wind Group LLC

Riverhead Community
Development Agency

By: _____
Name: Marc G. Dee
Title: VP, Business Dev.

By: _____
Name: Sean M. Walter
Title: Chairman

TOWN OF RIVERHEAD

Resolution # 860

**2011 JAMESPORT BOARDWALK
CAPITAL IMPROVEMENT PROJECT**

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Superintendent of Recreation is requesting a transfer of funds to expand the Jamesport Town Beach/East Creek Capital Improvement Project.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board authorize the Accounting Department to make the necessary transfer from the East Creek Fund and establish the following budget adjustment:

		<u>FROM</u>	<u>TO</u>
122.099010.595406.70112	East Creek Transfer	61,500	
406.071800.524907.70112	Playground Equipment		6,500
406.071800.523004.70112	Improvements - Pavilion		55,000

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

12.06.2011
110861

ADOPTED

TOWN OF RIVERHEAD

Resolution # 861

2011 STOTZKY PARK
CAPITAL IMPROVEMENT PROJECT

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

		<u>FROM</u>	<u>TO</u>
406.095031.481736.70110	Special Trust Transfer	5,000	
406.071100.523004.70110	Ice Rink		5,000

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

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

THE VOTE

Giglio <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

12.06.2011
110862

ADOPTED

TOWN OF RIVERHEAD

Resolution # 862

EAST CREEK DISTRICT

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS a transfer of funds is necessary for unanticipated Insurance 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>
122.072300.523011	Misc. Plant Improvements	10,700	
122.019100.548300	Unallocated Insurance		10,700

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 # 863

ACCEPTANCE OF 2010 AUDITED FINANCIAL STATEMENTS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead authorized Albrecht, Viggiano, Zureck & Company, P.C. to conduct the audit of the records of the Town of Riverhead for the year ended December 31, 2010; and

WHEREAS, Albrecht, Viggiano, Zureck & Company, P.C. has audited the basic financial statements and issued a report thereon presented a Single Audit Report of the Schedule of Expenditures of Federal Awards in accordance with OMB Circular A-133 and a New York State Department of Transportation Single Audit.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby accepts the audit report on the Basic Financial Statements, Single Audit Report and the New York State Department of Transportation Single Audit for the year ended December 31, 2010: and

THEREFORE BE IT FURTHER RESOLVED, that the Town Clerk provide a copy of this resolution to the Accounting Department: and

THEREFORE BE IT FURTHER RESOLVED that the I.T. Department is authorized to post the report on the audited Basic Financial Statements, the Single Audit Report and the New York State Department of Transportation Single Audit for the year ended December 31, 2010 on the Town of Riverhead's website .

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

12.06.2011
110864

ADOPTED

TOWN OF RIVERHEAD

Resolution # 864

**ACCEPTANCE OF 2010 AUDITED
COMMUNITY PRESERVATION FUND REPORT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town of Riverhead authorized George R. Rehn, CPA to conduct the audit of the records of the Town of Riverhead Community Preservation Fund for the year ended December 31, 2010; and

WHEREAS, George R. Rehn, CPA has audited the Community Preservation Fund and issued a report in accordance with NY Town Law §64-E.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby accepts the Community Preservation Fund audit report for the year ended December 31, 2010: and

THEREFORE BE IT FURTHER RESOLVED, that the Town Clerk provide a copy of this resolution to the Accounting Department: and

THEREFORE BE IT FURTHER RESOLVED that the I.T. Department is authorized to post the CPF Audit Report for the year ended December 31, 2010 on the Town of Riverhead's web site; .

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 # 865

**ACCEPTANCE OF 2010 AUDITED
JUSTICE COURT REPORT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead authorized Albrecht, Viggiano, Zureck & Company, P.C. to conduct the audit of the records of the Town of Riverhead Justice Court for the calendar years ending 2007, 2008, 2009, and 2010; and

WHEREAS, Albrecht, Viggiano, Zureck & Company, P.C. has audited the Justice Court and issued a report in accordance with Section 2019-a of the Uniform Justice Court Act.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby accepts the Justice Court Audit Report for the years ending December 31, 2007, December 31, 2008, December 31, 2009, and December 31, 2010; and

THEREFORE BE IT FURTHER RESOLVED, that the Town Clerk provide a copy of this resolution to the Accounting Department.

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

THE VOTE

Giglio Yes No

Wooten Yes No

Walter Yes No

Gabrielsen Yes No

Dunleavy Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 866

GENERAL FUND
Justice Court

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Justice Court is requesting a transfer of funds for year end Interpreter and Stenography charges;

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

		<u>FROM</u>	<u>TO</u>
001.032260.422052	NYS Court Interpreter Revenue	1,500	
001.016200.542500	Supplies and Service	4,000	
001.011100.543940	Interpreter Charges		1,500
001.011100.543960	Stenographic Services		4,000

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

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

THE VOTE

Giglio <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

TOWN OF RIVERHEAD

Resolution # 867

RENOVATED BUILDING AT 201 HOWELL
BUILDING DEPARTMENT

CAPITAL IMPROVEMENT PROJECT
BUDGET ADOPTION

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Budget Adoption needs to be established for the new Building at 201 Howell;

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

		<u>FROM</u>	<u>TO</u>
406.092680.466000.40206	Insurance Recoveries	500,000.00	
406.095031.481001.40206	Transfer General Fund F/B	100,000.00	
406.036200.523011.40206	Building Improvements		449,900
406.036200.523000.40206	Improvements over than Building		110,100
406.036200.547900.40206	Special Items/Professional Svcs		40,000

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

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

THE VOTE

Giglio <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

TOWN OF RIVERHEAD

Resolution # 868

CALVERTON COMMUNITY DEVELOPMENT AGENCY

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Resolution #791 adopted 10/18/11 approved the purchase of deer hunting signs at EPCAL and therefore requires an increase in the appropriation for the purchase.

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>
914.012410.442105	Lease of Buildings	250.00	
914.069800.541203	Grounds, Repair & Maintenance		250.00

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

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

THE VOTE

Giglio <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

TOWN OF RIVERHEAD

Resolution # 869

GENERAL FUND
Nutrition Department

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Senior Citizen Program Director requests a transfer of funds for the purchase of various equipment in the Senior Center;

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

		<u>FROM</u>	<u>TO</u>
001.067720.542000	Supplies	7,800	
001.067720.524900	Equipment		7,800

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

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

12.06.2011
110870

ADOPTED

TOWN OF RIVERHEAD

Resolution # 870

GENERAL FUND
Sanitation

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Engineer requested a transfer of funds for professional contractor services at the Landfill, as required per DEC inspection regulations;

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

		<u>FROM</u>	<u>TO</u>
001.081600.547500	Waste Disposal Expenses	46,300	
001.081600.541100	Landfill Repairs & Maintenance		46,300

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

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 # 871

HIGHWAY DEPARTMENT

BUDGET ADJUSTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS a surplus of funds exist in the Highway District appropriations for Improvements, Debt Service, Landfill fees and signage; and

WHEREAS a transfer of funds is necessary for year-end expenses and purchases;

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>
111.099010.595384	Transfer from Debt Service	52,500	
111.051400.523000	Improvements Other than Buildings	33,000	
111.051400.542512	Signage	18,000	
111.051400.547504	Landfill Fees	25,000	
111.051300.524000	Equipment Purchases		51,000
111.051100.541301	Asphalt		25,000
111.019100.548300	Unallocated Insurance		1,400
111.051100.514500	Sick Time Buy Back		8,300
111.051400.541303	Traffic Paint		17,800
111.051100.546303	Gas, Oil and Grease		25,000

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

12.06.2011
110872

ADOPTED

TOWN OF RIVERHEAD

Resolution # 872

SEWER DISTRICT

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS a transfer of funds is necessary for year end expenses for vehicle use;

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>
114.097100.570000	Enterprise Interest Expense	17,000	
114.081300.541500	Repair, Gas, Oil & Diesel		11,500
114.081300.546300	Fuel		5,500

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 # 873

ESTABLISHMENT OF BANK ACCOUNTS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, for Financial Reporting purposes, it is necessary to distinguish between Enterprise Capital Projects and Governmental Capital Projects.

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to establish bank accounts in the name of Town of Riverhead Water District Capital Projects and Town of Riverhead Sewer District Capital Projects; and

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

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

12.06.2011
110874

ADOPTED

TOWN OF RIVERHEAD

Resolution # 874

AMBULANCE DISTRICT

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a transfer of funds is necessary for fuel, telephone and to install Air Conditioning in the Riverhead Ambulance bay area.

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>
120.045400.543925	RVAC Contract	25,725	
120.045400.524900	Miscellaneous Equipment		17,875
120.045400.546303	Utilities – Fuel/Gasoline		7,200
120.045400.546101	Utilities – Telephone		650

and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Ambulance District and the Accounting 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 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

12.06.2011
110875

ADOPTED

TOWN OF RIVERHEAD

Resolution # 875

BUSINESS IMPROVEMENT DISTRICT

BUDGET ADJUSTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Business Improvement District requested additional funds be distributed for various expenditures;

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>
118.000000.499999	Appropriated Fund Balance	20,000	
118.064100.542609	Promotions – Advertising		15,000
118.064100.522100	Specialty Bldg – Santa House		5,000

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

12.06.2011
110876

ADOPTED

TOWN OF RIVERHEAD

Resolution # 876

FORT PAT MOTEL – MIAMOGUE PARK
CAPITAL IMPROVEMENT PROJECT

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Engineer and Superintendent of Recreation is requesting a transfer of funds to include a playground at Miamogue Park.

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>
406.095031.481736.42067	Special Trust Transfer	10,000	
406.071100. 524907.42067	Playground Equipment		10,000

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

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

THE VOTE

Giglio <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

12.06.2011
110877

ADOPTED

TOWN OF RIVERHEAD

Resolution # 877

**AUTHORIZATION FOR SUPERVISOR TO EXECUTE AN AGREEMENT WITH
THE GALAMERY COMPANY, INC.**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town is in need of Grant Assistance in the preparation of the Schedule of Expenditures of Federal Awards (SEFA Schedule) for 2011 Financial Reporting purposes; and

WHEREAS, The Galamery Company, Inc. has expertise with the reporting requirements of 'Grants' along with knowledge of the Town of Riverhead's financial system.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor's execution of the attached Agreement with The Galamery Company, Inc. for the purpose of assisting in the preparation of the Schedule of Expenditures of Federal Award for 2011, and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to The Galamery Company, Inc., Post Office Box 830, Hicksville, New York 11802-0830, 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

12.06.2011
110878

ADOPTED

TOWN OF RIVERHEAD

Resolution # 878

APPOINTS PART-TIME RECREATION LEADER TO THE YOUTH BUREAU'S MENTORING MATTERS PROGRAM

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a Part-time Recreation Leader is needed by the Riverhead Town Youth Bureau for the Mentoring Matters Program.

NOW THEREFORE BE IT RESOLVED, that effective December 6, 2011, this Town Board hereby appoints Anna Crescimanno as a part time-Recreation Leader, at the hourly rate of \$14.00; 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

12.06.2011
110879

ADOPTED

TOWN OF RIVERHEAD

Resolution # 879

APPOINTS PART-TIME RECREATION AIDE TO THE YOUTH BUREAU'S MENTORING MATTERS PROGRAM

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Part-Time Recreation Aide is needed by the Riverhead Town Youth Bureau for the Mentoring Matters Program.

NOW, THEREFORE BE IT RESOLVED, that effective December 6, 2011, this Town Board hereby appoints Bernice Brown as a Part-Time Recreation Aide, at the hourly rate of \$10.30; 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

Wooten Yes No

Walter Yes No

Gabrielsen Yes No

Dunleavy Yes No

The Resolution Was Thereupon Duly Declared Adopted

12.06.2011
110880

ADOPTED

TOWN OF RIVERHEAD

Resolution # 880

REAPPOINTS CLERKS TO THE TAX RECEIVER'S OFFICE

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, This Town Board recognizes that the need to provide additional clerical personnel to the Office of the Receiver of Taxes to assist in the processing of tax money.

NOW, THEREFORE, BE IT RESOLVED, that Melissa Messina and Kristina Rowe be and are hereby reappointed as temporary part-time clerks effective December 19, 2011 through January 25, 2012 at the hourly rate of \$10.25.

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 # 881

APPROVES AMENDED SITE PLAN OF METRO TERMINALS OF LONG ISLAND, LLC

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Town Board resolution #1052 dated November 17, 2009 approved the site plan of Metro Terminals of Long Island, LLC;

WHEREAS, the mylar site plan was signed by the Deputy Supervisor on March 12, 2011;

WHEREAS, an amended site plan was submitted by Metro Terminals of Long Island LLC to do the following: add a proposed extension of the rail spur onto the property; clear three wooded areas of 7,635 sq. ft., 18,107 sq. ft., and 82,019 sq. ft.; reconfigure the New York State Department of Environmental Conservation open space area for tiger salamanders, reconfigure the Town of Riverhead Area to Remain Natural; change the curbing along Scott Ave. to stay on Metro property at all entrance driveways; change the drainage improvements to reflect as built drainage installation; add a catch basin with grate at the second driveway from the south end of the site; add new grading in an area behind main building where natural depression was backfilled; remove the truck parking area at the northeast corner of the parking lot; relocate parking spaces near the dumpster to the rear of main building; reconfigure the driveway near the fireguard tank to allow trucks to pass by trucks loading at the fireguard tank; add a flagpole to the front planting bed; add a heating oil tank behind building 06-78; change the driveway in front of canopy to concrete; modify the security gates on the front of the canopy to open towards the front yard; change the configuration of the 8' high chain link fence between the two existing 500,000 gallon tanks and in between the future 500,000 gallon tanks; change the 8' chain link fence gates to sliding gates; move a chain link fence towards building 06-78; add a proposed pipe rack from lot 32; and add an access gate in the chain link fence near the canopy; etc. upon real property located on the west side of Scott Ave. in Calverton, New York, known and designated as Suffolk County Tax Map Number 0600-135.2-1-8.3; and

WHEREAS, the Planning Department has reviewed the three-page amended site plan prepared by Michael Mapes, P. E., last revised September 15, 2011 and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved with conditions;

WHEREAS, one of the conditions is that this resolution does not include approval of the most westerly rail spur depicted shown on the amended site plan (labeled future rail spur) as directed by the Counsel to the Water District;

WHEREAS, a copy of a letter dated November 3, 2011 from the New York State Department of Environmental Conservation was submitted on November 15, 2011 indicating that the north-eastern most portion of the 2.9 acres previously designated to remain as open space for the tiger salamanders would be disturbed in order to accommodate the extension of the rail spur; however, the proposed disturbance to the north-eastern most portion of the 2.9 acres previously designated to remain as open space for tiger salamanders is not within 535 ft. of the breeding pond; therefore the plans could be modified to include an additional protected area adjacent to the 1.25 acres of already protected New York State Department of Environmental Conservation open space in the north-western section of the property greater than or equal to the amount of designated open space area to be cleared;

WHEREAS, the New York State Department of Environmental Conservation indicated in the letter dated November 3, 2011 that the Bureau of Wildlife would need to see plans in order to approve the project, but if the plans are as discussed on August 10, 2011 there should be no issues with endangered species;

WHEREAS, the New York State Department of Environmental Conservation open space area to the north-west has been increased from 1.25 acres to 1.45 acres to make up for the reduction of the 2.9 acre New York State Department of Environmental Conservation open space area to 2.7 acres; retaining the 4.15 acres of open space area previously required by the New York State Department of Environmental Conservation;

WHEREAS, due to the clearing for the extension of the rail spur, the Town of Riverhead Area to Remain Natural has also been reconfigured to include the 4.15 acres in the New York State Department of Environmental Conservation open space areas and an additional .13 acres to equal 186,436.80 sq. ft. (4.28 acres), which equals the square footage of Area to Remain Natural (35% of the parcel) approved by the original site plan resolution;

WHEREAS, a copy of a revised Major Oil Storage Facility License (#1-3344) from the New York State Department of Environmental Conservation issued on August 18, 2011 and expiring March 31, 2013 listing the #2 fuel oil and diesel tanks, but not the vegetable oil (biofuel B100) tanks, was received on September 23, 2011;

WHEREAS, as per New York State Department of Environmental Conservation website, petroleum does not include vegetable oils that do not contain crude oil or any fraction thereof;

WHEREAS, in a letter from Suffolk County Department of Health Services dated April 29, 2010, that agency indicates that due to a directive from the New York State

Department of Environmental Conservation asserting their sole jurisdiction over petroleum storage at Major Oil Storage Facilities, Suffolk County Department of Health Services has ceased permitting activities (review/approval for new construction and modifications, issuance of operating permits and registration requirements) at Major Oil Storage Facilities;

WHEREAS, the Town Board has carefully considered the merits of the amended site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information; and

WHEREAS, the amended site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received by the Office of the Financial Administrator of the Town of Riverhead as per receipt no L 8001; and

WHEREAS, the Town Board has reviewed the amended site plan aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that in the matter of the amended site plan application of Metro Terminals of Long Island, LLC the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the Action to be an Unlisted Action pursuant to 6NYCRR Part 617 without significant impact and that an Environmental Impact Statement need not be prepared.

WHEREAS, as per a letter from the Suffolk County Department of Planning dated April 29, 2011 the amended project is considered a matter for local determination as there appears to be no significant county-wide or inter-community impacts;

BE IT FURTHER

RESOLVED, that the Metro Terminals of Long Island, LLC, amended site plan last revised September 15, 2011 to do the following: add a proposed extension of the rail spur onto the property; clear three wooded areas of 7,635 sq. ft., 18,107 sq. ft., and 82,019 sq. ft.; reconfigure the New York State Department of Environmental Conservation open space area for tiger salamanders, reconfigure the required Town of Riverhead Area to Remain Natural; change the curbing along Scott Ave. to stay on Metro property at all entrance driveways; change the drainage improvements to reflect as built drainage installation; add a catch basin with grate at the second driveway from the south end of the site; add new grading in an area behind main building where natural depression was backfilled; remove the truck parking area at the northeast corner of the parking lot; relocate parking spaces near the dumpster to the rear of main building; reconfigure the driveway near the fireguard tank to allow trucks to pass by trucks loading at the fireguard tank; add a flagpole to the front planting bed; add a heating oil tank behind building 06-78; change the driveway in front of canopy to concrete; modify the security gates on the front of the canopy to open towards the front yard; change the configuration of the 8' high chain link fence between the two existing

500,000 gallon tanks and in between the future 500,000 gallon tanks; change the 8' chain link fence gates to sliding gates; move a chain link fence towards building 06-78; add a proposed pipe rack from lot 32; and add an access gate in the chain link fence near the canopy; etc. is hereby approved by the Town Board with the following conditions:

1. That this resolution does not include approval of the most westerly rail spur shown on the amended site plan (labeled future rail spur);
2. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
3. That a covenant containing all the limitations and provisions of these approvals contained in this resolution shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
4. That the form, design, location, and color of all signage shall be submitted for the sign permit procedure prior to being installed at the property (the site plan approval does not indicate approval of signage); that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as any restrictions imposed as a condition of the site plan approval granted herein;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
9. That all new utilities shall be constructed underground;
10. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;

11. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
12. The applicant must satisfy all requirements of the New York State Building Code;
13. That pursuant to Section 108-133(I) of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing or building permit, shall post a letter of credit in an amount equaling one hundred percent (100%) of the site improvement costs as estimated by the Planning Board. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said letter of credit, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The land clearing or building permit shall not be issued until the Town Clerk certifies that the letter of credit has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the clearing or building permit or any renewal thereof;
14. That the applicant shall be required to file and obtain all the necessary site inspections as prescribed in section 108-131E of the **Code of the Town of Riverhead**;
15. That no Certificates of Occupancy shall issue until the Town Supervisor or his designee signs a mylar site plan which must be submitted and signature shall be conditional upon the following:
 - i. That the mylar site plan includes a Town Board certification box, on each page of the plans, in the format approved by the Planning Department;
 - ii. That the mylar is revised so that the easements & utilities plan (page 2 of 3) and the drainage plan (page 3 of 3) show acreages for the New York State Department of Environmental Conservation open space areas matching the Proposed Site Plan (page 1 of 3);
 - iii. That six (6) paper plans matching the mylar site plan are submitted;
 - iv. That certification of clean title to the satisfaction of the Town Attorney is submitted;
 - v. That the applicant shall submit a digital copy of the site plan in a common computer-aided design (CAD) file format, among them DGN, DXF, and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long island FIPS 3104 (feet) coordinate system.
16. That Metro Terminals of Long Island, LLC will be responsible for relocating the Town of Riverhead Water District Fence to their western property boundary and for installing fencing to reattach to the remaining Town of Riverhead Water District fencing, as shown on the site plan;

- 17. That no Certificates of Occupancy (temporary or permanent) for phase II shall issue until the matter of the LIPA easement shown under one of the proposed phase II 500,000 gallon vegetable oil tanks is resolved to the satisfaction of the Town Attorney;
- 18. That in furtherance of section 108-131 E (1) (c), no Certificate of Occupancy shall issue until the applicant submits a signed and sealed "As-Built" survey in accordance to section 108-129 E;

NOW THEREFORE BE IT

RESOLVED, that the Town Clerk be is hereby authorized to forward a certified copy of this resolution to Paul Pullo, Metro Terminals of Long Island, LLC, 500 Kingland Ave., Brooklyn, NY 11222; Edward Miller, Operations Manager, Metro Terminals of Long Island, LLC; 801 Scott Ave., Calverton, NY 11933; Michael Mapes, P. E., 163 Peninsula Path, Riverhead, NY 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 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 # 882

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF
PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN
AMENDMENT OF CHAPTER 101 ENTITLED "VEHICLES & TRAFFIC" OF THE
RIVERHEAD TOWN CODE
(\$101-3. Stop and yield intersections; railroad crossings; parking fields.)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, that the Town Clerk is hereby authorized to publish and post the attached public notice to consider a proposed local law to amend Chapter 101 entitled "Vehicles & Traffic" of the Riverhead Town Code, once in the December 15th, 2011 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in 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
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 27th day of December, 2011 at 2:05 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

Chapter 101
**VEHICLES AND TRAFFIC
ARTICLE III
Traffic Regulations**

§ 101-3. Stop and yield intersections; railroad crossings; parking fields.

A. Stop intersections. The following intersections are designated as stop intersections, and stop signs shall be erected at such intersections as follows:

Intersection	Stop Sign On	Entrance From
<u>Sound Avenue</u>	<u>Sandpiper Drive</u>	<u>North</u>
<u>Plover Court</u>	<u>Sandpiper Drive</u>	<u>West</u>
<u>Sandpiper Drive</u>	<u>Kingfish Court</u>	<u>West</u>
<u>Sandpiper Drive</u>	<u>Pheasant Court</u>	<u>East</u>
<u>Sandpiper Drive</u>	<u>Wigeon Court</u>	<u>West</u>
<u>Sandpiper Drive</u>	<u>Mystic Court</u>	<u>East</u>
<u>Sandpiper Drive</u>	<u>Pintail Court</u>	<u>West</u>
<u>Sandpiper Drive</u>	<u>Mallard Court</u>	<u>East</u>

- Underline represents addition(s)

Dated: Riverhead, New York
December 6, 2011

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 883

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN AMENDMENT OF CHAPTER 101 ENTITLED, "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE (§101-10. Parking prohibited. and §101-13. Parking time limited.)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, that the Town Clerk is hereby authorized to publish and post the attached public notice to consider a proposed local law for the amendment of Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the December 15, 2011 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in 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
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 20th day of December, 2011 at 7:10 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

Chapter 101
VEHICLES AND TRAFFIC
ARTICLE V
Parking, Standing and Stopping

§ 101-10. Parking prohibited.

The parking of vehicles is hereby prohibited in the locations as follows:

Name of Street	Side	Location
<u>2nd Street</u>	<u>South</u>	<u>From its intersection with the southeasterly side of Ostrander Avenue continuing in an easterly direction to the entrance of the Social Security building parking lot</u>
<u>Corwin Street</u>	<u>North</u>	<u>From its intersection with the northeasterly side of Union Avenue continuing in an easterly direction to its intersection with Newton Avenue</u>

§101-13. Parking time limited.

Parking is prohibited for longer than the time limit designated upon any of the following described streets, or portions thereof, and parking fields:

B. One hour. The parking of vehicles for a period longer than one hour between the hours of 9:00 a.m. and 5:00 p.m., except Sundays and holidays, is prohibited in the following locations:

Street	Side	Location
<u>Ostrander Avenue</u>	<u>East</u>	<u>From its intersection with the northeasterly side of East Main Street continuing in a northerly direction to its</u>

intersection with 2nd Street

- Underline represents addition(s)

Dated: Riverhead, New York
December 6, 2011

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

DIANE M. WILHELM, Town Clerk

12.06.2011
110884

ADOPTED

TOWN OF RIVERHEAD

Resolution # 884

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 OF THE TOWN CODE OF THE TOWN OF RIVERHEAD ENTITLED, "ZONING"
(Site Plan Review – Application procedure; fees.)

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a proposed local law to repeal and replace Article XXVI. Site Plan Review of Chapter 108 entitled "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 18th day of October, 2011 at 7:05 o'clock p.m. at Riverhead 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 to repeal and replace Article XXVI. Site Plan Review of Chapter 108 entitled "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 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 to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on December 6, 2011. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 108
ZONING
ARTICLE XXVI. Site Plan Review**

§ 108-131. Application procedure; fees.

~~A. Preliminary review. All applications for site plan approval shall commence with the pre-application submission of preliminary plan(s) for review by the Planning Department to determine Zoning Code compliance, general engineering suitability and aesthetic compatibility. Said review shall be a process between the Planning Department staff and the project designer(s), with no time limitation or fee imposed. Plans shall include such drawings as shall clearly represent those structural, topographical and design features that the Town would require to evaluate the proposed construction, addition, reconstruction or alteration. The anticipated result of the preliminary review shall be a site plan, which shall be acceptable for formal application and review.~~

~~B. Formal application:~~

~~(1) Subsequent to preliminary review, an application for site plan approval shall be made on the form for the same provided by the Planning Department. Twelve copies, plus additional copies as may be required by other levels of government with jurisdiction over the site, of the application, a current survey prepared by a licensed surveyor, the site plan (if separate from the survey) and any other submission or exhibit required by this article shall be submitted, together with the appropriate fee, to the Planning Department. The applicant shall submit a digital copy of the site plan in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. In the event that the site plan is amended, the applicant shall submit a digital copy of each amendment to the site plan.~~

~~(2) The Planning Department shall reject any application if it is not so complete or in conformance, and shall notify the applicant as to the reason for such rejection.~~

~~(3) For each application for site plan approval submitted to the Planning Department under the provisions of this chapter, the review fee shall be \$500, plus~~

~~\$0.10 per square foot of site improvements and/or altered area. The fee to review an application to amend a previously approved site plan shall be \$500. In no instance shall a site plan review exceed \$30,000. Review fees shall be paid in full at the time of application. An application for site plan review will not be deemed complete until all fees are paid.~~

~~(4) Revisions to a site plan or to elevations which significantly change the character or appearance of the project or which occur after the issuance of a certificate of occupancy shall require resubmission of an amended site plan and shall be charged accordingly.~~

~~(5) The site plan shall be drawn to the following minimum scales:~~

~~(a) Overall development plan sites of less than two acres: one inch equals 20 feet.~~

~~(b) Overall development plan, sites of two acres or more: one inch equals 40 feet.~~

~~(c) Detailed portions of a site plan, sites of any size: one inch equals 10 feet.~~

~~(6) Electronic records retention fees. An electronic records retention fee must also be paid in accordance with the fee schedule which shall be determined from time to time by resolution of the Town Board of the Town of Riverhead.~~

~~C. Further processing.~~

~~(1) If the application is satisfactory, the Planning Department shall retain one copy of the submission and shall forward the remainder, within seven days, to the Town Clerk. The Town Clerk shall clock all elements of a site plan application, shall retain one copy for her file and shall thereupon distribute the remaining copies for review and comment as follows:~~

~~(a) One copy to the office of the Supervisor.~~

~~(b) One copy to the Building Department.~~

~~(c) One copy to the Town Attorney.~~

~~(d) One copy to the Town Board Coordinator.~~

~~(e) One copy each to the Highway Superintendent, Sewer District Superintendent and/or Water District Superintendent, as appropriate.~~

~~(f) One copy to the Fire Inspector(s).~~

~~(g) One copy to the Architectural Review Board.~~

~~(h) One copy to the respective fire district.~~

~~(i) One copy to the Handicapped Advisory Committee.~~

~~(2) The Planning Department will, upon review and receipt of comments from those named herein, initiate any amendments or revisions to the site plan, or its component parts, through discussion with the applicant or his or her representative, in accordance with the Town Code of the Town of Riverhead and the aesthetic standards desired by the Architectural Review Board. The Planning Department will then recommend approval, approval with modifications, or disapproval in a timely fashion such that within 62 days of receipt of said completed application by the Town Clerk or, if a public hearing is held, within 62 days of the public hearing, the Town Board shall approve, approve with modifications, or disapprove said site plan and shall state its reason(s) for modifications or disapproval. The time within which the Town Board must render its decision may be extended by mutual consent of the applicant and the Board.~~

~~D. The Building Department shall not issue a building permit for any site improvements which have not secured the required Town Board site plan approval. In the event that the Town Board requires modifications and the applicant agrees to same, the Building Department may thereupon issue a permit conforming to such modified plan without further submission to the Town Board.~~

~~E. Inspections.~~

~~(1) Subsequent to site plan approval and the issuance of a building permit, it is the obligation of the applicant to call for site plan in sections u n the installations or construction of each of the following:~~

~~(a) Drainage improvements prior to backfill.~~

~~(b) Grading and site improvements prior to the first lift of paving.~~

~~(c) Post-construction prior to the issuance of a certificate.~~

~~(2) An inspection fee of \$250 per inspection must be paid prior to each inspection.~~

A. Presubmission Conference

Prior to the submission of a site plan application, the applicant and/or his agent may meet with the Planning Department to determine Zoning Code compliance, general engineering suitability and aesthetic compatibility. Said review shall be a process between the Planning Department staff and the project designer(s), with no time limitation or fee imposed. Plans shall include such drawings as shall

clearly represent those structural, topographical and design features that the Town would require to evaluate the proposed construction, addition, reconstruction or alteration. The anticipated result of the preliminary review shall be a preliminary site plan which shall be acceptable for formal application and review. The Presubmission Conference shall be open to the public.

B. Preliminary Site Plan Application

(1) Subsequent to the Presubmission Conference, an application for preliminary site plan approval shall be made on the form for the same provided by the Planning Department. Fourteen (14) copies, plus additional copies as may be required by other levels of government with jurisdiction over the site, of the application, a current survey prepared by a licensed surveyor, the site plan (if separate from the survey) and any other submission or exhibit required by this article shall be submitted, together with the appropriate fee, to the Planning Department.

(2) A preliminary site plan shall conform to the requirements set forth in subsection (C) (5) of this section and section 108-132 of this Code.

(3) Within ten (10) days of receipt of the preliminary site plan application the Planning Department shall determine whether or not the application is complete. The Planning Department shall reject any preliminary site plan application if it is not so complete or in conformance, and shall notify the applicant in writing as to the reason for such rejection. Upon a determination that a preliminary site plan application is complete the Planning Department shall notify the applicant in writing of such determination and refer the proposal to the agencies listed in section 108-131 (D) (1) of this Code as it deems appropriate.

(4) Planning Department Review

Upon determining that a preliminary site plan application is complete, the Planning Department staff shall review the application and issue a written report. Based on its review, the Planning Department shall make a determination as whether the preliminary site plan is acceptable for review by the appropriate reviewing board as set forth in this Code. A site plan shall be acceptable for board review when the proposed site plan contains all the information necessary for the reviewing board to undertake a review and all the information depicted in the site plan is accurate. If the Planning Department determines that the preliminary site plan is not acceptable for board review it shall request that the applicant modify the preliminary site plan in accordance with the written report. If the Planning Department determines that the preliminary site plan is acceptable for board review it shall place the preliminary site plan on the reviewing board's public hearing agenda for presentation by the applicant to the reviewing board.

(5) Public Hearing

a. Upon a determination that a preliminary site plan is acceptable for board review the reviewing board shall hold a public hearing to consider the application.

b. The Planning Department shall cause notice of such hearing to be made by publication at least 10 days prior to such hearing in the official newspaper of the Town.

c. The applicant shall erect or cause to be erected a sign which shall be displayed on the parcel upon which the site plan application is made facing each public street to which the property abuts, giving notice that an application has been made to the Town of Riverhead Town Board or the Town of Riverhead Planning Board as appropriate, for preliminary site plan approval along with the time and place of the hearing. The sign shall not be located more than 10 feet from the street line and shall not be less than two feet nor more than six feet above the natural grade at the street line. The sign shall be furnished by the Planning Department and shall be the only sign to be used. The sign shall be displayed not less than 10 days immediately preceding the public hearing or any adjournment date. The applicant shall file an affidavit with the Planning Department that he/she has complied with the provisions of this section prior to the opening of the public hearing.

d. In addition, the applicant shall mail notice of the public hearing date, at least 10 days prior thereto, to every property owner, as shown on the current Town of Riverhead assessment rolls, of parcels within 200 feet of the borders of the property which is the subject of the public hearing. Such notice shall be by either certified or registered mail, return receipt requested. Proof of such notice shall consist of a copy of the assessment roles, the return receipts, and an affidavit attesting to compliance with this mailing notification. Such proof shall be submitted to the Planning Department prior to the public hearing. No additional mailing shall be required for an adjournment.

e. At the public hearing the applicant shall present the preliminary site plan to the reviewing board. The reviewing board shall review the preliminary site plan application, the Planning Department written report, comments from any other agencies, and receive comments from the public. The reviewing board shall receive written comments for ten (10) days following the close of the public hearing. Written comments shall be sent by U.S. Mail, delivery service or hand delivered to the Town Clerk.

f. In the event a preliminary site plan application is denied the applicant may revise and resubmit the preliminary site plan, withdraw the application or prepare a submittal and prepare in accordance with the denied preliminary site plan and apply for final site plan review and approval.

(6) Decision on Preliminary Site Plan Application.

a. Based upon its review of the preliminary site plan application and such recommendations as it may receive from the Planning Department and other agencies and departments, and comments from the public, the reviewing board shall accept, accept with modifications or deny the preliminary site plan application.

b. The preliminary site plan approval shall be valid for one year from the date of approval.

c. Upon written request by the applicant, the preliminary site plan approval may be extended for one additional year after due consideration by the reviewing board.

C. Final Site Plan Review and Approval

(1) Upon approval of a preliminary site plan by the reviewing board, or in the event the applicant elects to proceed with a denied preliminary site plan, the applicant shall prepare and submit a final site plan to the Planning Department.

(2) An application for final site plan approval shall be made on the form for the same provided by the Planning Department. Fourteen (14) copies, plus additional copies as may be required by other levels of government with jurisdiction over the site, of the application and any other submission or exhibit required by this article shall be submitted, together with the appropriate fee, to the Planning Department.

(3) Within thirty (30) days of receipt of a final site plan the Planning Department shall reject any application if it is not so complete or in conformance, and shall notify the applicant as to the reason for such rejection.

(4) Revisions to an approved final site plan or to elevations which significantly change the character or appearance of the project or which occur after the issuance of a certificate of occupancy shall require resubmission of an amended site plan and shall be charged accordingly.

(5) The site plan shall be drawn to the following minimum scales:

(a) Overall development plan sites of less than two acres: one inch equals 20 feet.

(b) Overall development plan, sites of two acres or more: one inch equals 40 feet.

(c) Detailed portions of a site plan, sites of any size: one inch equals 10 feet.

D. Further Processing.

(1) If the application is complete, the Planning Department shall retain one copy of

the submission and shall forward the remainder, within seven days, to the Town Clerk. The Town Clerk shall clock all elements of the final site plan application, shall retain one copy for the Town Clerk files and shall thereupon distribute the remaining copies for review and comment as follows:

- (a) One copy to the office of the Supervisor.
- (b) One copy to the Building Department.
- (c) One copy to the Town Attorney, as appropriate.
- (d) One copy to the Town's consulting engineer as appropriate.
- (e) One copy each to the Highway Superintendent, Sewer District Superintendent and/or Water District Superintendent, as appropriate.
- (f) Two copies to the Fire Marshall. The Fire Marshall shall forward one copy to the Fire District.
- (g) One copy to the Architectural Review Board, as appropriate.
- (h) One copy to the landmark preservation Committee as appropriate.
- (i) One copy to the Handicapped Advisory Committee, as appropriate.
- (j) One copy to the Town Engineer as appropriate.
- (k) Three copies to the New York State Department of Transportation, as appropriate.
- (l) Three copies to the Suffolk County Department of Public Works as appropriate.
- (m) One copy to the Central Pine Barrens Commission, as appropriate.
- (n) One copy to the Suffolk County Planning Commission, as appropriate.
- (o) An appropriate number of copies to any other appropriate governmental agency or Town Department.

(2) The Planning Department will, upon review and receipt of comments from those named herein, initiate any amendments or revisions to the final site plan, or its component parts, through discussion with the applicant or his or her representative, in accordance with the Town Code of the Town of Riverhead and the aesthetic standards desired by the Architectural Review Board. The Planning Department will then recommend approval, approval with modifications, or disapproval in a timely fashion such that within 62 days of receipt of said completed application by the Town Clerk the appropriate reviewing board shall approve, approve with modifications, or disapprove said final site plan and shall state its reason(s) for modifications or disapproval. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the reviewing board.

E. The Building Department shall not issue a building permit for any site improvements which have not secured the required applicable Board site plan approval. In the event that the applicable Board requires modifications and the applicant agrees to same, the Building Department may thereupon issue a permit conforming to such modified plan without further submission to the applicable Board.

F. Inspections.

(1) Subsequent to site plan approval and the issuance of a building permit. It is the obligation of the applicant to call for site plan inspections upon the installations or construction of each of the following:

- (a) Drainage improvements prior to backfill.
- (b) Grading and site improvements prior to the first lift of paving.
- (c) Post-construction prior to the issuance of a certificate.

(2) An inspection fee of \$250 per inspection must be paid prior to each inspection and/or reinspection.

G. Fees

(1) The applicant shall submit seventy-five percent 75% of the review fee set forth in subsection B of this paragraph with the preliminary site plan application. The remainder of the review fee shall be submitted with the application for final site plan approval. An application for preliminary site plan approval and/or final site plan approval shall not be deemed complete until all fees are paid.

(2) For each site plan application submitted to the Planning Department under the provisions of this chapter, the review fee shall be \$500, plus \$0.10 per square foot of site improvements and/or altered area. The fee to review an application to amend a previously approved site plan shall be \$500. In no instance shall a site plan review exceed \$30,000. For either a preliminary site plan application or final site plan application to be deemed complete the appropriate fee must be paid. No review of a preliminary site plan or final site plan shall be undertaken until the appropriate fee is paid.

(3) Revisions to a site plan or to elevations which significantly change the character or appearance of the project or which occur after the issuance of a certificate of occupancy shall require resubmission of an amended site plan and shall be charged accordingly.

H. Effective Date

(1) The requirements of subsections A and B of this section shall only be applicable to applications received after the effective date of those subsections.

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

Dated: Riverhead, New York
December 6, 2011

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

TOWN OF RIVERHEAD

Resolution # 885

ACCEPTS 100% SITE PLAN SECURITY OF JONATHAN TROYAN

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Jonathan Troyan posted cash security (Suffolk County National Bank Check #1100268 dated October 17, 2011) in the sum of Five Thousand Dollars (\$5,000.00) representing the 100% site plan security in connection with Riverhead Planning Board Resolution #2011-0045, dated September 1, 2011, for construction of a 4,320 sq. ft. warehouse and related improvements, upon real property located at 216 Raynor Avenue, Riverhead, New York, further described as Suffolk County Tax Map #0600-124-2-8, pursuant to Section 108-133 (l) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said security and deems it to be sufficient in its form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the cash security in the sum of Five Thousand Dollars (\$5,000.00) payable to the order of the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a copy of this resolution to Peter S. Danowski, Jr., Esq., 616 Roanoke Avenue, Riverhead, NY, 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 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 # 886

**ADOPTS A LOCAL LAW AMENDING CHAPTER 52 ENTITLED
“BUILDING CONSTRUCTION” OF THE RIVERHEAD TOWN CODE
§52-10 Building permit fees (Solar)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

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 52 entitled “Building Construction” of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 15th day of November, 2011 at 7:05 o’clock p.m. at Riverhead 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 52 entitled “Building Construction” of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review, 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 certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 52 entitled "Building Construction", of the Riverhead Town Code at its regular meeting held on December 6, 2011. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 52
BUILDING CONSTRUCTION**

§52-10. Building permit fees.

F. Residential or commercial energy conservation devices.

(1) Residential or commercial energy conservation devices constructed or installed in or upon a structure which qualify for any federal, state or local tax exemption, tax credit or tax rebate, including, but not limited to, solar panels: a flat fee of \$150, except for the residential fee for solar installations that meet the "Fast Track" requirements set forth below shall be \$50:

(a) An applicant shall meet the criteria and submit the information and documentation listed below to be eligible for the "Fast Track" reduced fee and expedited review (14 days):

[1] The proposed solar installation shall be on a residential building or legal accessory structure.

[2] The proposed solar installation shall be on a roof with a single layer of roof covering.

[3] The proposed solar installation shall be flush-mounted parallel to the roof surface and no more than 6" above the surface.

[4] The proposed solar installation shall have an 18" clearing at the roof ridge and an 18" clearing path to the ridge.

[5] The proposed solar installation shall create a roof load of no more than 5 pounds per square foot for photovoltaic (PV) and 6 pounds per square foot for residential solar hot water (RSHW).

[6] The applicant must retain services for installation by a pre-screened contractor (See Fast Track Application Terms and Conditions).

[7] The proposed device, i.e. PV panels, must have certified by a nationally-recognized testing laboratory as meeting the requirements of the Underwriters Laboratory (UL) Standard 1703 and inverters must be on a list of NYS Public Service Commission type-tested inverters which are tested by UL or other nationally-recognized laboratories to conform with UL 1741: (See *Solar Energy System Fast Track Permit Application Requirements Checklist*).

[8] The proposed application must utilize RSHW equipment that has been certified by the Solar Rating and Certification Corporation under its OG-100 standard for solar collectors: (See *Solar Energy System Fast Track Permit Application Requirements Checklist*).

[9] To the extent the application requires or includes use of other equipment such as modules, combiner boxes and a mounting system all equipment and systems must be approved for public use as described in the "*Solar Energy System Fast Track Permit Application Requirements Checklist*" and be in full compliance with all current National Electrical Code (NEC) requirements.

[10] Applicants subject to review by Landmarks Preservation or Architectural Review Board are not eligible for the "Fast Track" program.

(b) Applicant must submit the uniform "Solar Energy System Fast Track Permit Application" for standard installations.

(c) Application must be complete and include a Professional Engineer or Registered Architect certified drawing of panel location and layout.

[1] A Professional Engineer (PE) or Registered Architect (RA) - certified drawing (hand-drawn or better) of the solar panel location and layout on the roof as well as an equipment location diagram and a one line electrical diagram are required.

[2] A PE or RA is required to certify the load bearing and wind load sufficiency of the proposed solar installation.

(d) Applicant shall submit three (3) sets of plans which include:

[1] Cover Sheet must include the following: (a) Project address, map, section, block and lot # of the property; (b) Owner's name, address, phone number, (c) Name, address and phone number of the person preparing the plans;

[2] Sheet index indicating each sheet title and number;

[3] Legend for symbols, abbreviations and notations used in the drawings;

[4] Configuration diagrams prepared by a Professional Engineer or Registered Architect which are sketched (hand-drawn or better) as follows:

i. Roof Diagram - depicting modules or collectors and racking configuration on designated surface(s) to scale and dimensioned. The diagram should include any 18" clearance/access required as noted in the Fast Track Permit Requirements Checklist criteria

ii. Equipment Location Diagram - indicating the location(s) of the (1) modules or collectors; (2) main electrical service; (3) inverter(s); (4) the location of all equipment disconnects on the outside of the structure (i.e. A/C disconnect); (5) any interior equipment locations

iii One line standard electrical diagram

[5] A new property survey is not required, but if the solar energy system is proposed for an accessory structure on the residential property, the property owner will have to provide an existing survey and demonstrate that the accessory structure is legal.

(e) After approval of an application for solar panel construction and/or installation, applicant shall be required to affix a warning label on all utility meters and at any Alternating Current (AC) disconnect switch indicating that there is an operating solar electric co-generation system on site.

(f) The Town must create and keep a registry by address of all residential and commercial energy devices, including solar installations.

- Underline represents addition(s)

Dated: Riverhead, New York
December 6, 2011

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

12.06.2011
110887

ADOPTED

TOWN OF RIVERHEAD

Resolution # 887

**APPROVES EXTENSION AND REDUCES THE PERFORMANCE SECURITY
POSTED BY PORTVIEW HOMES, INC. IN CONNECTION WITH THE SUBDIVISION
ENTITLED "COUNTRY TRAILS"
(Road and Drainage Improvements)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Riverhead Town Board, by Resolution #314 adopted on April 4, 2006, did accept Bank of Smithtown Irrevocable Letter of Credit #100337 in the amount of \$500,000.00 representing road and drainage improvements to be completed within the subdivision entitled "Country Trails"; and

WHEREAS, the Riverhead Town Board, by Resolution #601, dated July 1, 2008, did approve a two-year extension for the above referenced performance security to March 15, 2010; and

WHEREAS, it has been requested by Portview Homes, Inc. that a further extension be granted for the performance security bond representing the road and drainage improvements to be completed within the subdivision; and

WHEREAS, pursuant to Riverhead Planning Board Resolution #2010-0064, dated November 4, 2010, it is recommended that the performance security be extended for an additional two-year period to March 15, 2012; and

WHEREAS, pursuant to Engineering Memorandum dated November 22, 2011 from Vincent A. Gaudiello, P.E., it has been determined that a substantial portion of the improvements have been completed and it is recommended that the security posted be reduced to the amount of \$166,666.67; and

WHEREAS, Water Key Money in the amount of \$65,000.00 and Park and Recreation Fees in the amount of \$42,000.00 have been paid in connection with this subdivision.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the extension of time for the performance security posted representing the road and drainage improvements to be completed within the

subdivision as provided by Riverhead Town Code Chapter 108-97 A. (4); and be it further

RESOLVED, that the Town Board hereby accepts the \$2,000.00 fee associated with such extension approval; and be it further

RESOLVED, that this extension shall extend the performance security posted representing the road and drainage improvements to be completed within the subdivision to March 15, 2012; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the reduction of the security posted for improvements to be completed within the subdivision known as "Country Trails" to an amount of \$166,666.67; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Portview Homes, Inc., 77 Davis Avenue, Port Jefferson Station, New York, 11776 and People's United Bank, Attn: Louise Hall, 100 Motor Parkway, 6th Floor, Suite 160, Hauppauge, New York, 11788; 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

12.06.2011
110888

ADOPTED

TOWN OF RIVERHEAD

Resolution # 888

**APPROVES EXTENSION OF PERFORMANCE SECURITY POSTED BY
STONELEIGH WOODS AT RIVERHEAD, LLC IN CONNECTION WITH THE
CONDOMINIUM PROJECT ENTITLED
“STONELEIGH WOODS OF RIVERHEAD, LLC”
(Road and Drainage Improvements)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Riverhead Town Board, by Resolution #640 adopted on July 5, 2006, did accept Platte River Insurance Company Bond #41060477 in the amount of \$467,625.00 representing road and drainage improvements to be completed within the condominium project entitled “Stoneleigh Woods at Riverhead, LLC”; and

WHEREAS, it has been requested by Stoneleigh Woods at Riverhead, LLC that extension(s) be granted for the performance security representing the road and drainage improvements to be completed within the condominium project; and

WHEREAS, the Riverhead Planning Board, by Resolution #2011-0060, dated October 20, 2011, did approve two 2-year extensions for the above referenced performance security representing the periods of a) May 6, 2008 through May 6, 2010 and b) May 6, 2010 through May 6, 2012; and

WHEREAS, Water Key Money in the amount of \$152,500.00 and Park and Recreation Fees in the amount of \$180,000.00 have been paid in connection with this condominium project.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the above referenced extensions of time for the performance security posted representing the road and drainage improvements to be completed within the condominium project as provided by Riverhead Town Code Chapter 108-97 A. (4); and be it further

RESOLVED, that the Town Board hereby accepts the \$4,000.00 fee associated with such extension approval (\$2,000.00 administrative fee per each 2-year extension); and be it further

RESOLVED, that this extension shall extend the performance security posted representing the road and drainage improvements to be completed within the condominium project to May 6, 2012; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Charles R, Cuddy, Esq., P.O. Box 1547, 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 # 889

**AUTHORIZES RECREATIONAL DEER HUNTING WITH SHOTGUN ON
TOWN PROPERTY AT ENTERPRISE PARK AT CALVERTON FROM
JANUARY 9, 2012 TO JANUARY 31, 2012**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, residents and real property owners of the Town of Riverhead have requested permission to engage in recreational deer hunting with shotgun on Town property at Enterprise Park at Calverton (hereinafter referred to as "EPCAL") from January 9, 2012 to January 31, 2012, weekdays only; and

WHEREAS, the Town Board of the Town of Riverhead wishes to provide recreational deer hunting with shotgun opportunities for Town of Riverhead residents and Town of Riverhead real property owners; and

WHEREAS, deer hunting in New York State is a regulated activity by New York State and is subject to the laws, rules and regulations of New York State as enforced in whole or in part by the New York State Department of Environmental Conservation; and

WHEREAS, residents and real property owners of the Town of Riverhead who wish to engage in hunting activity in New York State are bound by applicable laws, rules and regulations of New York State.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead authorizes the EPCAL Hunting Committee to conduct a lottery to establish a list of those hunters who are residents or real property owners of the Town of Riverhead who shall be permitted to hunt with shotgun for deer in EPCAL; and be it further

RESOLVED, that all designated hunters must possess a valid New York State deer hunting license, big game tag, landowner's endorsement and Town permit/license as well as all other attendant required documentation and shall abide by the laws, rules and regulations of New York State regarding deer hunting as well as the directives of the EPCAL Hunting Committee and/or Town officials, failure of which to abide by shall subject the hunter to immediate revocation of the non-transferable hunting privilege; and be it further

RESOLVED, that designated hunters shall only hunt in areas designated on the attached map as per the directives of the EPCAL Hunting Committee and/or Town officials; 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
Landowner's Endorsement

Pursuant to an Order of the New York State Department of Environmental Conservation adopted according to Section 11-0903 of the NYS Environmental Conservation Law, the under-signed, being the owner or lessee of ten (10) acres of land or more located on Grumman Boulevard, and known as the Enterprise Park at Calverton (EPCAL), in the Hamlet of Calverton in the Town of Riverhead, Suffolk County, does hereby grant permission to:

who resides at _____,
to deer hunt, shot gun only, during the Deer Season in Suffolk County, January 9th through January 31st, 2012, at the aforementioned property. This property is designated in the Suffolk County Tax Map as: Section 135 Block 1 Lot 7.33 (et al.), and is in the legal firearms deer hunting area.

Landowner or Lessee: Town of Riverhead Signature: _____
Sean M. Walter, Town Supervisor



Town of Riverhead
Landowner's Endorsement

Pursuant to an Order of the New York Department of Environmental Conservation adopted according to Section 11-0903 of the NYS Environmental Conservation Law, the under-signed, being the owner or lessee of ten (10) acres of land or more located on Grumman Boulevard, and known as the Enterprise Park at Calverton (EPCAL), in the Hamlet of Calverton in the Town of Riverhead, Suffolk County does hereby grant permission to:

who resides at _____,
to deer hunt, shot gun only, during the Deer Season in Suffolk County, January 9th through January 31st, 2012, at the aforementioned property. This property is designated in the Suffolk County Tax Map as: Section 135 Block 1 Lot 7.33 (et al.), and is in the legal firearms deer hunting area.

Landowner or Lessee: Town of Riverhead Signature: _____
Sean M. Walter, Town Supervisor

REVOCABLE TOWN PERMIT

REVOCABLE LICENSE AGREEMENT

This Town Permit and Revocable License Agreement ("hereinafter License"), made as of the _____ day of _____, 2011, by and between the Town of Riverhead, ("Licensor") with offices at 200 Howell Avenue, Riverhead, New York 11901, and _____ ("Licensee"), residing at _____, New York _____.

WITNESSETH

WHEREAS, Town of Riverhead residents (defined as a person who has lived in the Town of Riverhead for more than thirty (30) days immediately prior to date of application in a fixed, permanent and principal residence) and Town of Riverhead real property owners are eligible to apply for this revocable Permit and License;

WHEREAS, _____, represents that he/she is a Town of Riverhead resident and/or a Town of Riverhead real property owner who wishes to utilize Town of Riverhead property at Enterprise Park At Calverton ("EPCAL"), located at Grumman Boulevard, Calverton, and more fully delineated on the attached map for the express and sole purpose of shot gun hunting for deer only; and

WHEREAS, the Town of Riverhead wishes to grant the Licensee a revocable, non-transferable permit and license to utilize the EPCAL property more fully delineated on the

attached map, for shot gun hunting for deer only;

NOW, THEREFORE, in consideration of the mutual agreements herein contained, Licenser and Licensee, for themselves and their successors, hereby agree as follows:

1. **Licensing.** Upon the terms and conditions hereinafter set forth, Licenser hereby licenses to Licensee the revocable, non-transferable right to use the Licensed Premises depicted on the map of EPCAL annexed hereto and made a part hereof solely for shot gun hunting for deer only.

2. **Term of the Permit/License.** The term of this Permit and License (the "term") shall commence on January 09, 2012, and shall end on January 31, 2012; weekdays only; hunting hours: sunrise to sunset, subject to registration requirements delineated by the EPCAL Hunting Committee and Town Clerk's Office, including but not limited to a three-day hunting privilege.

3. **Licensee Representations.** Licensee represents that Licensee possesses a valid and current New York State Deer Hunting License and big game tag which shall be confirmed by the Town Clerk's Office prior to hunting. Licensee further represents that Licensee is fully aware of and shall abide by all New York State laws, rules and regulations regarding deer hunting. Licensee further represents and agrees to abide by the directives of the EPCAL Hunting Committee, Town of Riverhead officials and employees, law enforcement personnel and all governmental agencies having jurisdiction of shot gun hunting activity. Licensee further acknowledges that a failure to abide by the terms and conditions contained herein shall be grounds for immediate revocation of this hunting license and permit. Licensee further acknowledges that any misrepresentation shall be

grounds for immediate revocation of this hunting license and permit.

4. **Condition of the Licensed Premises.** Licensee is familiar with the Licensed Premises, has examined same, and, except as explicitly hereinafter provided, Licensee agrees to accept the licensed premises in its "as is" condition without reliance upon any representations or warranties of or made by Licensor.

5. **Indemnification.** Licensee agrees to indemnify and hold the Town of Riverhead and their respective officers, employees, agents, representatives and officials harmless from any and all loss, including death or physical injury to persons, or liability associated with Licensee's use of the property and related activities described herein, including liability for damages to property which may arise from, or be attributable or incident to the use by Licensee excepting liability solely caused by the gross negligence of the Town or its employees, agents or representatives. Without limiting the generality of the foregoing, Licensee agrees with respect to any suit or claim by the Town, whether under this indemnification provision or otherwise, Licensee, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorneys fees incurred by the Town of Riverhead securing compliance with the provision of this indemnification agreement.

Licensee shall also indemnify and hold the Licensor harmless from and against any and all claims, actions, liabilities, losses (including, without limitation, consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorney fees and expenses, including appeals), arising from or in connection with the use of the licensed premises. The indemnification and hold

harmless provisions of this Permit and License shall survive termination of same and/or the end of the term.

6. **Assignment.** Notwithstanding anything to the contrary contained in the License and Permit, Licensee shall not assign this License and Permit, the use of the Licensed Premises, in whole or in part, or permit Licensee's interest to be vested in any other party other than Licensee by operation of law or otherwise without the express written consent of the Licensor.

7. **Notices.** Any notices to be given under this Permit and License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to Licensor, it shall be addressed to the attention of the Riverhead Town Supervisor and the Office of the Riverhead Town Attorney at 200 Howell Avenue, Riverhead, New York. If such notice is directed to the Licensee, it shall be forwarded to the Licensee's address first above written.

8. **Miscellaneous.** Merger: All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this agreement, which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof. This license may not be changed or terminated orally, or in any manner, other than in writing signed by the party against whom enforcement is sought.

IN WITNESS WHEREOF, Licensor and Licensee do hereby execute this License as of the date and year first above written.

TOWN OF RIVERHEAD

By: Sean M. Walter
Riverhead Town Supervisor

By:

Print name

Address

Home Phone

Cell Phone

12.06.2011
110890

ADOPTED

TOWN OF RIVERHEAD

Resolution # 890

EXTENDS SITE PLAN APPROVAL FOR HEADRIVER LLC

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, by Resolution # 557 adopted on June 5, 2007, the Riverhead Town Board approved the amended site plan of Headriver LLC to construct a Walmart retail store and a separate retail building together with related site upon real property located at Old Country Road, Riverhead, NY, such property more particularly described as Suffolk County Tax Map # 0600-119-1-1.2; and

WHEREAS, litigation challenging the validity of Resolution #557 ensued; and

WHEREAS, the Town Attorney rendered a legal opinion dated November 4, 2010 regarding the impact of said litigation upon the effect of Resolution #557; and

WHEREAS, by Resolution # 932 adopted on December 21, 2010, the Riverhead Town Board adopted said opinion dated November 4, 2010 and authorized the Supervisor to affix his signature to said amended site plan of Headriver LLC; and

WHEREAS, as set forth in the opinion dated November 4, 2010 of the Riverhead Town Attorney, site plan approval shall remain in effect until January 10, 2012; and

WHEREAS, the Town Board is in receipt of correspondence from Linda U. Margolin, Esq. on behalf of Headriver LLC dated November 28, 2011 seeking to extend the time period for an additional twelve (12) month period pursuant to Town Code section 108-129(F); and

WHEREAS, the Town Board has carefully considered the merits of the request for an extension of the subject site plan approval from January 10, 2012 to January 10, 2013.

NOW THEREFORE BE IT RESOLVED, that in the matter of the application for extension of the site plan approval of Headriver LLC, the Riverhead Town Board hereby declares itself to be the Lead Agency pursuant to 6NYCRR Part 617, and further determines the action to be Type II pursuant to 6NYCRR Part 617; and be it further

RESOLVED, that that since no material changes in either zoning regulations or site plan depiction have been made, the Riverhead Town Board hereby approves the

request for an extension of the site plan of Headriver LLC, for a twelve (12) month period ending January 10, 2013; and be it further

RESOLVED, that a copy of this resolution be forwarded to Linda U. Margolin, Esq., Bracken Margolin Besunder LLP, 1050 Nichols Road, Suite 200, Islandia, New York 11749; 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

12.06.2011
110891

TABLED

TOWN OF RIVERHEAD

Resolution # 891

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 52 ENTITLED
"BUILDING CONSTRUCTION" OF THE RIVERHEAD TOWN CODE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 52 entitled, "Building Construction" of the Riverhead Town Code once in the December 15, 2011 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared TABLED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 20th day of December, 2011 at 7:20 o'clock p.m. to amend Chapter 52, entitled "Building Construction" of the Riverhead Town Code.

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

CHAPTER 52

Building Construction

§ 52-6. Application for building permit.

A. No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvements, demolition, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a building permit, separate and distinct from that required by the Zoning Ordinance, from the Building Inspector for each such building or structure, except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature and which do not exceed ~~\$3,000~~ 10,000 in total value. An application for a building permit is not required where there is no change in the perimeter of an existing structure which is being repaired, improved or remodeled at a value not exceeding ~~\$3,000~~ 10,000 nor for such kinds, types and methods of repairs, improvements and alterations as the Town Board shall specify, from time to time, in regulations adopted by said Board, by resolution, applicable to this chapter. The Building Inspector may waive the requirement for a building permit only in reference to those nonstructural ordinary repairs which exceed the sum of ~~\$3,000~~ 10,000. The exemption from the requirement to obtain a building permit as set forth above shall not apply where a building or structure is a landmark or is located within a historic district as provided under Chapter 73, nor shall the exemption from the requirement to obtain a building permit for work be deemed an authorization for work to be performed in violation of the Uniform Code, the Energy Code or the Code of the Town of Riverhead.

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

Dated: Riverhead, New York
December 6, 2011

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

DIANE M. WILHELM, Town Clerk

12.06.2011
110892

ADOPTED

TOWN OF RIVERHEAD

Resolution # 892

AUTHORIZES SETTLEMENT WITH COUNTY OF SUFFOLK

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town of Riverhead commenced an action against County of Suffolk in the Supreme Court, Suffolk County under Index No. 05-197354; and

WHEREAS, the Town of Riverhead and County of Suffolk have agreed to settlement of the action; and

WHEREAS, in light of the costs attendant to proceeding to a trial with the attendant uncertainties of litigation it is in the best interests of the Town to accept the settlement proposal.

NOW BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the settlement proposal in substantially the form of the Stipulation of Discontinuance and Settlement; and it is further

RESOLVED, that the Town Board hereby authorizes Phil Siegel, as outside counsel to and on behalf of the Town of Riverhead to execute a Stipulation of Discontinuance and Settlement, in substantially the same form annexed hereto; 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- ABSTAIN

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

DRAFT a/o 2011-11-09

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
TOWN OF RIVERHEAD,

Index No. 05-19734

Plaintiff,

-against-

Assigned Justice:
Hon. Denise F. Molia

COUNTY OF SUFFOLK,

Defendant.

**STIPULATION OF
DISCONTINUANCE AND
SETTLEMENT**

-----X

Whereas, no party is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action; and

Whereas, the Town of Riverhead ("the Town") commenced the above-captioned litigation against the County of Suffolk ("the County") challenging the County's construction of a fueling facility located within the Town of Riverhead on Riverside Drive west of Route 105 and across from the existing Suffolk County Department of Public Works' facility ("the Fueling Facility") as violative of State Law and Town Code; and

Whereas, the County has denied the allegations contained in the complaint; and

Whereas, the parties believe it is in the public interest to resolve this matter and desire to settle the above-captioned litigation and avoid further litigation concerning the matters and issues contained in the complaint; and

Whereas, no party acknowledges any liability with respect to this litigation or admits any allegations made by the other; and

Whereas, the parties wish to memorialize their understanding concerning resolution of this litigation;

NOW, THEREFORE, the parties hereby stipulate and agree as follows:

1. The County will require its fueling tankers to enter and leave the Fueling Facility from Route 105.

2. The County will issue a directive instructing all its employees who operate non-pickup truck vehicles over 10,000 pounds to utilize Route 105 when entering and leaving the Fueling Facility.

3. The County will issue a memorandum instructing all its employees who operate pickup trucks larger than F-250 models to use their best efforts to utilize Route 105 when entering and leaving the Fueling Facility.

4. For this agreement, the term "Construction Project" is defined as a project within the geographical boundaries of the Town of Riverhead that requires notification to the Suffolk County Council on Environmental Quality ("CEQ") pursuant to Suffolk County Code Sections 279-5 (D) and (E).

5. When the County intends to undertake a Construction Project located within the Town, it will continue to notify the Office of the Riverhead Town Attorney of the project in writing simultaneously with its notification to the CEQ. Such notice will be sent by facsimile to 631-727-6152 and first class mail to Office of the Riverhead Town Attorney, 200 Howell Avenue, Riverhead, NY 11901.

6. In consideration of the above, all claims made in the above captioned matter are hereby discontinued with prejudice, without costs or disbursements to any party as against the other.

7. This stipulation constitutes the entire agreement of the parties with respect to the subject matter and may be amended only by a written instrument duly executed by the parties.

8. Each party and its counsel have reviewed and negotiated this stipulation and its language shall be construed according to its fair meaning. Any rule of construction that resolves ambiguities against the drafting party would be inappropriate and shall not be employed in any interpretation of this stipulation.

9. The individuals executing this stipulation represent that they have the authority to bind their respective municipal clients.

10. This stipulation may be filed without further notice with the Clerk of the Court.

Dated: November 15, 2011
Riverhead, New York

Phil Siegel, Esq.
Smith, Finkelstein, Lundberg, Isler
& Yakaboski, LLP
Attorneys for plaintiff
TOWN OF RIVERHEAD
456 Griffing Avenue
Riverhead, New York 11901
631-727-4100

John R. Petrowski, Esq.
Office of the Suffolk
County Attorney
Attorneys for the defendant
COUNTY OF SUFFOLK
100 Veterans Memorial Highway
Hauppauge, New York 11788
631-853-4660

SO ORDERED:

J.S.C.

TOWN OF RIVERHEAD

Resolution # 893

**APPROVES INSTALLATION OF PERMANENT PRIMARY ELECTRIC SERVICE BY
LIPA – PLANT 17, RIVERHEAD WATER DISTRICT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, it is necessary to install permanent primary electrical service to Plant 17 of the Riverhead Water District; and

WHEREAS, LIPA has prepared plans and specifications which have been reviewed by H2M, consulting engineers to the Riverhead Water District, and recommend approval.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board, as governing body of the Riverhead Water District, hereby approves the installation of the permanent primary electric service for Plant 17 by LIPA at the cost of \$47,987.30 and that the Town Supervisor be and hereby is authorized to pay such sum from the existing construction budget for Plant 17 of the Riverhead Water District known as Town Project No. 30103.

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 # 894

AUTHORIZES PREPARATION OF ENGINEERING REPORT TO UPDATE MASTER PLAN REPORT FOR RIVERHEAD WATER DISTRICT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Riverhead Water District prepared and accepted a Master Plan Report in 2006 which has provided for the development of the facilities of the District to meet anticipated demand; and

WHEREAS, potential changes in Federal and State water quality regulations, possible water conservation programs, anticipated water demand, and the District's supply capacity require periodic evaluation for proper planning.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board, as governing body of the Riverhead Water District, authorizes H2M, consulting engineers to the Riverhead Water District, to prepare an engineering report and water rate study to update the District's 2006 Master Plan Report as set forth in the attached letter dated November 29, 2011.

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

THE VOTE

Giglio <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



architects + engineers

575 Broad Hollow Road 631.756.8000
Melville, NY 11747 631.694.4122

September 12, 2011
(Revised November 29, 2011)

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

**Re: Riverhead Water District
 Proposal for Engineering Services - Updated Master Plan Report and Water Rate Study
 H2M Project No.: RDWD 11-50**

Dear Supt. Pendzick:

Back in early 2006 our office completed the Master Plan Report for the Riverhead Water District. Even though this report was completed over five (5) years ago, it still is an effective planning document. The plan had recommended the implementation of 18 projects for a total cost of approximately \$17 million (in 2006 dollars). Over the past five (5) years, less than half of the projects have been implemented.

Over the past two (2) years the District has added five (5) new supply wells at three (3) plant sites. However, due to the increasing water demands and the increase in the overall size of the District, the District is still in need of additional capacity and significant capital improvements.

At this time, there is no need to complete a new Master Plan. However, it is necessary to update parts of the plan, including a re-evaluation of project priorities, updating of construction costs and an evaluation of increasing water demands versus the District's supply capacity. It will also be important to evaluate the demand based on peak hour water demands rather than peak day demands that have historically been used.

In addition to the supply versus demand evaluation, several new issues must be addressed including the effectiveness of potential interconnections with SCWA as a means of off-setting the need for additional supply wells, an evaluation of the District's transmission/distribution system to determine its ability to move water from the supply wells to the remote portions of the Town, an evaluation of proposed future changes in Federal USEPA water quality regulations that may adversely impact existing Riverhead wells (specifically arsenic, manganese and perchlorate) and evaluation of means for the District to finance the required capital improvement projects.

The report will evaluate possible water conservation programs that could be implemented to reduce the need for additional supply wells needed only during peak demand periods at a significant cost.

In addition to the Master Plan Update, we propose to prepare a Water Rate Study that will evaluate the annual operating expenses of the District to determine the actual cost of supplying and delivering water to the residents of the District on a per 1,000 gallons basis. We will also evaluate the revenue sources of the District and examine what rate increases are necessary to balance the operating budget and allow for a small surplus for capital improvements.

Supt. Gary Pendzick
Riverhead Water District
September 12, 2011
(Revised November 29, 2011)
Page 2 of 2

As part of this report, we will also conduct a detailed evaluation of the actual water use of the residents of the District. We will evaluate if an increasing water rate structure (increased cost for excessive water use) could have a water conservation effect and if these additional revenues can be established to finance the cost of constructing additional supply capacity.

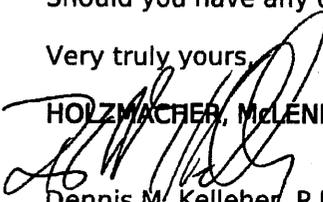
The Water Rate Study will propose a water rate increase and provide impacts on the various classifications of water service connections (based on water service size). This will also include an estimate of the annual cost of water impact on the typical residential unit, the "heavy water use" residential units, the multi-family/master meter residential service and large commercial water users.

Based on the above, we recommend that an engineering report be prepared to update the 2006 Master Plan to provide the District with a plan for implementing projects within the next several years. As part of this project, we propose to present the draft findings at a Town Board Work Session and a presentation of the final recommendations at a Town Board Meeting.

We propose to prepare this update based on the approved hourly rates as part of our existing engineering agreement with a maximum fee of \$15,000. We will complete the report within six (6) weeks after your authorization to proceed and after receiving a purchase order.

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

cc: Supervisor Sean Walter
Town Board
Richard Ehlers, Esq.

12.06.2011
110895

ADOPTED

TOWN OF RIVERHEAD

Resolution #895

**AWARDS BID FOR WATER SERVICE MATERIALS
FOR USE IN THE RIVERHEAD WATER DISTRICT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for water service materials; and

WHEREAS, bids were received, opened and read aloud on the 12th day of October, 2011, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, the date, time and place given in the notice to bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for water service materials be and is hereby awarded per the attached bid summary; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Blackman Plumbing Supply, Inc., 2700 Route 112, Medford, New York, 11763; Friendly Bytes Software, Inc., 300 Rabro Drive Suite 148, Hauppauge, New York, 11787; Joseph G. Pollard Co., Inc., 200 Atlantis Avenue, New Hyde Park, New York, 11040; T. Mina Supply, Inc., 168 Long Island Avenue, Holtsville, New York, 11742; USABluebook, PO Box 9006, Gurnee, IL, 60031-9006.

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

WATER SERVICE MATERIALS BID SUMMARY

ITEM #	DESCRIPTION	BLACKMAN	JOSEPH G. POLLARD	T MINA	USA BLUEBOOK
1	Ford ¾" F1000-3 Corporation stop, AWWA/CC taper thread inlet by pack joint outlet for copper or plastic tubing (CTS), or equal			\$ 19.80	
2	Ford 1" F1000-4 Corporation stop, AWWA/CC taper thread inlet by pack joint outlet for copper or plastic tubing (CTS), or equal.			\$ 29.95	
3	Ford 1½" FB1000-6 ballcorp taper thread inlet by pack joint outlet for copper or plastic tubing (CTS)			\$ 77.08	
4	Ford 2" FN1000-7 ballcorp awwa/cc taper thread inlet by pack joint outlet for copper or plastic tubing (CTS), or equal.			\$ 127.49	
5	Ford 2" FB1100-7 ballcorp-male iron pipe thread inlet by pack joint outlet for copper or plastic tubing (CTS)			\$ 127.49	
6	Ford ¾" F600-3 AWWA/CC taper thread inlet by flared copper outlet, or equal.			\$ 20.26	
7	Ford 1" F600-4 AWWA/CC taper thread inlet by flared copper outlet, or equal.			\$ 28.14	
8	Ford ¾" L02-33 quarter bend female copper thread by flare copper (less nuts), or equal.			\$ 11.73	
9	Ford ¾" L02-33S quarter bend female copper thread swivel nut by flare copper, or equal.			\$ 15.65	
10	Ford 1" L02-44 quarter bend female copper thread by flare copper (less nuts), or equal.			\$ 20.54	
11	Ford 1" L02-44S quarter bend female copper tread swivel nut by flare copper, or equal.			\$ 22.09	
12	Ford ¾" L04-33S quarter bend female copper thread swivel nut by pack joint for copper or plastic tubing (CTS), or equal.			\$ 19.56	
13	Ford 1" L04-44S quarter bend female copper thread swivel nut by pack joint for copper or plastic tubing (CTS), or equal.			\$ 24.25	
14	Ford 6" F202-(669, 690,760)-(CC3, CC4, CC6, CC7)-(IP3, IP4, IP6, IP7) double strap iron service saddle, or equal.*			\$ 32.06	
15	Ford 8" F202-(871, 905, 979)-(CC3, CC4, CC6, CC7)-(IP3, IP4, IP6, IP7) double strap iron service saddle, or equal.*			\$ 35.96	
16	Ford 10" F202-(1075, 1110, 1212)-(CC3, CC4, CC6, CC7)-(IP3, IP4, IP6, IP7) double strap iron service saddle, or equal.*			\$ 45.23	
17	Ford 12" F202-(1275, 1320,1438)-(CC3, CC4, CC6, CC7)-(IP3, IP4, IP6, IP7) double strap iron service saddle, or equal.*			\$ 56.46	
18	Ford 6" FC202-(669,690,760)-(CC3, CC4, CC6, CC7)-(IP3, IP4, IP6, IP7) double stainless steel band or epoxy coated service saddle, or equal.*			\$ 58.34	
19	Ford 8" FC202-(871, 905, 979)-(CC3, CC4, CC6, CC7)-(IP3, IP4, IP6, IP7) double stainless steel band or epoxy coated service saddle, or equal.*			\$ 69.89	
20	Ford 10" FC202-(1075, 1110, 1212)-(CC3, CC4, CC6, CC7)-(IP3, IP4, IP6, IP7) double stainless steel band or epoxy coated service saddle, or equal.*			\$ 82.44	
21	Ford 12" FC202-(1275, 1320,1438)-(CC3, CC4, CC6, CC7)-(IP3, IP4, IP6, IP7) double stainless steel band or epoxy coated service saddle, or equal.*			\$ 142.03	

WATER SERVICE MATERIALS BID SUMMARY

ITEM #	DESCRIPTION	BLACKMAN	JOSEPH G. POLLARD	T MINA	USA BLUEBOOK
22	24" bottom ID x 21" ID top x 48"-long thermoplastic meter pit, notched (3"x 4") 180 degrees. In addition, pit wall thickness should be no more than .7" and no less than .3"		\$ 129.27		
23	36" bottom ID x 36" ID top x 48"-long thermoplastic meter pit, notched (3" x 4") 180°. In addition, pit wall thickness should be no more than .7" and no less than .3".		\$ 330.62		
24	Ford A4-T ductile iron meter pit cover, or equal.	\$ 53.65			
25	Ford MC-36-5 large meter pit cover, or equal.		\$ 364.38		
26	Ford FIB 48" X 48" x 3/32" thick meter pit insulating blanket			\$ 13.53	
27	Ford ER25AW 2½" elevator ring for a and wabash covers, or equal.			\$ 28.98	
28	Ford ER4AW 4" elevator ring for a and wabash covers, or equal.			\$ 45.80	
29	Ford MC-24-TT large monitor cover	\$ 284.24			
30	Heavy duty frames & covers (see attached spec sheet)	\$ 156.50			
31	Ford Y501 iron yoke bar for 5/8" meter size, or equal.			\$ 8.66	
32	Ford Y503 iron yoke bar for 3/4" meter size, or equal.			\$ 10.33	
33	Ford Y504 iron yoke bar for 1" meter size, or equal.			\$ 16.34	
34	Ford EC-1 5/8" standard expansion connection, or equal.			\$ 11.11	
35	Ford EC-23 ¾" standard expansion connection, or equal.			\$ 12.60	
36	Ford EC-4 1" standard expansion conection, or equal.			\$ 21.15	
37	Ford AV92-313W angle yoke key valve ¾" size x ¾" flare copper x 5/8" meter, or equal.			\$ 20.56	
38	Ford AV92-323W angle yoke key valve ¾" size x ¾" flare copper x ¾" meter, or equal.			\$ 20.56	
39	Ford AV92-444W angle yoke key valve 1" size x 1" flare copper x 1" meter, or equal.			\$ 31.65	
40	Ford AV94-313W angle yoke key valve ¾" size x ¾" pack joint (CTS) x 5/8" meter, or equal.			\$ 21.16	
41	Ford AV94-323W angle yoke key valve ¾" size x ¾" pack joint (CTS) x ¾" meter, or equal.			\$ 21.16	
42	Ford AV94-444W angle yoke key valve 1" size x 1" pack joint (CTS) x 1" meter, or equal.			\$ 33.44	
43	Ford HA91-313D angle check valve for yokes 3/4" size x 5/8" meter x 3/4" FIP, or equal.			\$ 26.38	
44	Ford HA91-444D angle check valve for yokes 1" size x 1" meter x 1" FIP, or equal.			\$ 30.24	
45	Ford HA92-313d angle check valve for yokes ¾" size x 5/8" meter x ¾" flare copper, or equal			\$ 30.81	
46	Ford HA92-323d angle check valve for yokes ¾" size x ¾" meter x 5/8" flare copper, or equal.			\$ 30.81	
47	Ford B22-333 ball valve curb stop ¾" size x ¾" x ¾" flare copper both ends, or equal.			\$ 42.16	
48	Ford B22-444 ball valve curb stop 1" size x 1" x 1" flare copper both ends (no reducer port), or equal.			\$ 58.24	
49	Ford B44-333 ball valve curb stop 3/4"x3/4"x3/4" pack joint for CTS, ro equal			\$ 42.40	

WATER SERVICE MATERIALS BID SUMMARY

ITEM #	DESCRIPTION	BLACKMAN	JOSEPH G. POLLARD	T MINA	USA BLUEBOOK
50	Ford B44-444 ball valve curb stop 1"x1"x1" pack joint for CTS, ro equal			\$ 62.55	
51	Ford B44-666 ball valve curb stop 1½" size x 1½" x 1½" pack joint for copper or plastic (CTS), or equal.			\$ 136.84	
52	Ford B44-777 ball valve curb stop 2" size x 2" x 2" pack joint for copper or plastic (CTS), or equal.			\$ 192.39	
53	Ford A14 meter adapter to change 5/8" meter to 1" meter spud size and length, or equal.			\$ 12.83	
54	Ford C44-33 pack joint coupling ¾" x ¾", or equal.			\$ 11.48	
55	Ford C44-34 pack joint coupling ¾" x 1", or equal.			\$ 13.33	
56	Ford C44-44 pack joint coupling 1" x 1", or equal.			\$ 13.13	
57	Ford C44-66 pack joint coupling 1½" x 1½", or equal.			\$ 40.14	
58	Ford C44-77 pack joint coupling 2" x 2", or equal.			\$ 54.19	
59	Ford C45-33 pack joint coupling ¾" CTS x ¾" IP, or equal.			\$ 12.70	
60	Ford C45-34 pack joint coupling ¾" CTS x 1" IP, or equal.			\$ 17.53	
61	Ford C45-43 pack joint coupling 1" CTS x ¾" IP, or equal			\$ 14.28	
62	Ford C45-44 pack joint coupling 1" CTS x 1" IP, or equal.			\$ 17.04	
63	Ford C45-45 pack joint coupling 1" CTS x 1½" IP, or equal.			\$ 21.31	
64	Ford C38-23-2.5 straight meter coupling, 5/8" x 3/4" and 3/4" meters x 3/4" MIPT, or equal			\$ 6.13	
65	Ford C38-11-2.375 straight meter coupling, 5/8" meter x 1/2" MIPT, or equal			\$ 5.39	
66	Ford C38-44-2.625 straight meter coupling 1" meter x 1" MIPT, or equal			\$ 9.43	
67	Ford T444-666 1 ½" x 1 ½" x 1 ½" service tee pack joint			\$ 60.56	
68	Ford T444-777 2" x 2" x 2" service tee pack joint			\$ 147.79	
69	Ford C28-44 flared copper coupling 1" to 1" MIP thread, or equal.			\$ 11.96	
70	Ford C02-43 1" female copper thread to ¾" flare copper, or equal.			\$ 12.55	
71	Ford C02-34 two-piece increasers ¾" female copper thread x 1" flare copper, or equal.			\$ 12.68	
72	Mueller H-15403 ¾" straight 3-part union Mueller 110 conductive compression connection for CTS O.D. both ends, or equal.		\$ 10.95		
73	Mueller H-15403 1" straight 3-part union Mueller 110 conductive compression connection for CTS O.D. both ends, or equal.		\$ 11.95		
74	Mueller H-15403 1½" straight 3-part union Mueller 110 conductive compression connection for CTS O.D. both ends, or equal.		\$ 38.25		
75	Mueller H-15403 2" straight 3-part union Mueller 110 conductive compression connection for CTS O.D. both ends, or equal.		\$ 51.65		
76	Mueller N-35428 ¾" MIP inlet x Mueller 110 compression connection CTS ¾" outlet, or equal.		\$ 34.70		
77	Mueller N-35428 1" MIP inlet x Mueller 110 compression connection CTS 1" outlet, or equal.		\$ 37.41		

WATER SERVICE MATERIALS BID SUMMARY

ITEM #	DESCRIPTION	BLACKMAN	JOSEPH G. POLLARD	T MINA	USA BLUEBOOK
78	Mueller N-35071 ¾" insulated straight service connection ¾" female copper flare x ¾" CTS outlet, or equal.		\$ 38.51		
79	Mueller N-35071 1" insulated straight service connection 1" female copper flare x 1" CTS outlet, or equal		\$ 45.49		
80	Mueller P-15381 1 ½" X 1 ½" X 1" service tee pack joining connection for CTS O.D., or equal.		\$ 59.66		
81	Mueller P-15381 2" X 2" X 1" service tee pack joint connection for CTS O.D., or equal.		\$ 145.12		
82	Mueller P-15343 1" X 1 ½" two branch-body pack joint connection for CTS O.D. tubing, or equal.		\$ 50.02		
83	Mueller H-15343 1" X 2" two branch-body 110 conductive compression connection for CTS O.D. tubing, or equal		\$ 58.13		
84	Mueller H-15346 1" X 2" three branch fitting, or equal.		\$ 81.81		
85	Ford 6" FS1-(635, 696, 724, 745, 785) x 12.5 stainless steel repair clamp.***			\$ 82.24	
86	Ford 8" FS1-(835, 894, 939, 967) x 12.5 stainless steel repair clamp.***			\$ 91.46	
87	Ford 10" FS1-(1010, 1104, 1144, 1174, 1215) x 12.5 stainless steel repair clamp.***			\$ 123.38	
88	Ford 12" FS1-(1240, 1302, 1350, 1380, 1410, 1440) x 12.5 stainless steel repair clamp.***			\$ 142.89	
89	Ford 6" FS1-(635, 696, 724, 745, 785) x 15 stainless steel repair clamp***			\$ 100.78	
90	Ford 8" FS1-(835, 894, 939, 967) x 15 stainless steel repair clamp ***			\$ 107.55	
91	Ford 10" FS1-(1010, 1104, 1144, 1174, 1215) x 15 stainless steel repair clamp***			\$ 146.03	
92	Ford 12" FS1-(1240, 1302, 1350, 1380, 1410, 1440) x 15 stainless steel repair clamp***			\$ 161.54	
93	APAC 6" 40LAS-12-(0635, 0696, 0725, 0750, 0785) all stainless steel single panel repair clamp.****				
94	APAC 8" 401AS-12-(0835, 0894,0939,0967,0980) all stainless steel single panel rapair clamp. ****				
95	APAC 10" 401AS-12-(1010, 1050, 1104, 1144, 1180, 1215) all stainless steel single panel repair clamp.****				
96	APAC 12" 401AS-12-(1250, 1302, 1350, 1380, 1410, 1440) all stainless steel single panel repair clamp.****				
97	Ford 6" FC1 ductile iron coupling with gasket and end rings.			\$ 58.10	
98	Ford 8" FC1 ductile iron coupling with gasket and end rings.			\$ 77.55	
99	Ford 10" FC1 ductile iron coupling with gasket and end rings.			\$ 122.31	
100	Ford 12" FC1 ductile iron coupling with gasket and end rings.			\$ 141.14	
101	Mueller 6" MFC0659 maxifit pipe coupling.		\$ 127.40		
102	Mueller 8" MFC0890 maxifit pipe coupling.		\$ 149.60		

WATER SERVICE MATERIALS BID SUMMARY

ITEM #	DESCRIPTION	BLACKMAN	JOSEPH G. POLLARD	T MINA	USA BLUEBOOK
103	Mueller 10" MFC1071 maxifit pipe coupling.		\$ 235.94		
104	Mueller 12" MFC1240 maxifit pipe coupling.		\$ 277.36		
105	Mueller 12" MFC1271 maxifit pipe coupling.		\$ 227.36		
106	Mueller 12" MFC1307 maxifit pipe coupling.		\$ 227.36		
107	Ford 4" UFR-1300-(S, C)-4 uni-flange block buster series 1300 pipe restraint, or equal*****			\$ 21.08	
108	Ford 6" UFR-1300-(S, C)-6 uni-flange block buster series 1300 pipe restraint, or equal*****			\$ 27.71	
109	Ford 8" UFR-1300-(S, C)-8 uni-flange block buster series 1300 pipe restraint, or equal*****			\$ 38.21	
110	equal*****			\$ 71.04	
111	equal*****			\$ 76.16	
112	Ford 6" UFR1400-DA-6 series 1400 wedge action retainer gland, or equal.			\$ 33.61	
113	Ford 8" UFR1400-DA-8 series 1400 wedge action retainer gland, or equal.			\$ 47.93	
114	Ford 10" UFR1400-DA-10 series 1400 wedge action retainer gland, or equal.			\$ 66.91	
115	Ford 12" UFR1400-DA-12 series 1400 wedge action retainer gland, or equal.			\$ 91.81	
116	Ford 6" UFR1400-DA-6-XL series 1400 wedge action retainer gland, or equal.			\$ 48.27	
117	Ford 8" UFR1400-DA-8-XL series 1400 wedge action retainer gland, or equal.			\$ 61.49	
118	Ford 10" UFR1400-DA-10-XL series 1400 wedge action retainer gland, or equal.			\$ 84.07	
119	Ford 12" UFR1400-DA-12-XL Series 1400 wedge action retainer gland, or equal			\$ 105.79	
120	Ford 4" ufa200-(S, C)-4 uni-flange adapter flange series 200, or equal.*****			\$ 27.49	
121	Ford 6" UFA200-(S, C)-6 uni-flange adapter flange series 200, or equal.*****			\$ 35.20	
122	Ford 8" UFA200-(S, C)-8 uni-flange adapter flange series 200, or equal.*****			\$ 48.92	
123	Ford 10" UFA200-(S, C)-10 uni-flange adapter flange series 200, or equal.*****	\$ 57.44			
124	Ford 12" UFA200-(S, C)-12 uni-flange adapter flange series 200, or equal.*****	\$ 64.80			
125	APAC 4" 202-(450 & 510) cast flanged coupling adapter series 202.	\$ 156.86			
126	APAC 6" 202-(691 & 735) cast flanged coupling adapter series 202.		\$ 179.92		
127	APAC 8" 202-(911 & 940) cast flanged coupling adapter series 202.		\$ 247.29		
128	APAC 10" 202-(1110 & 1210) cast flanged coupling adapter series 202.		\$ 447.77		
129	APAC 12" 202-(1320 & 1435) cast flanged coupling adapter series 202.		\$ 495.35		
130	Smith Blair 4" 274 bell joint repair clamp, or equal		\$ 122.09		
131	Smith Blair 6" 274 bell joint repair clamp, or equal		\$ 134.46		
132	Smith Blair 8" 274 bell joint repair clamp, or equal		\$ 185.79		
133	Smith Blair 10" 274 bell joint repair clamp, or equal		\$ 233.45		
134	Smith Blair 12" 274 bell joint repair clamp, or equal		\$ 252.50		
135	ROMAC 4" grap-(DI & IP) gripping pipe restrainer.***** kit	\$ 18.82			
136	ROMAC 6" grap-(DI & IP) gripping pipe restrainer.***** kit	\$ 21.88			

WATER SERVICE MATERIALS BID SUMMARY

ITEM #	DESCRIPTION	BLACKMAN	JOSEPH G. POLLARD	T MINA	USA BLUEBOOK
137	ROMAC 8" grap-(DI & IP) gripping pipe restrainer.***** kit	\$ 31.19			
138	ROMAC 10" grap-(DI & IP) gripping pipe restrainer.***** kit	\$ 44.69			
139	ROMAC 12" grap-(DI & IP) gripping pipe restrainer.***** kit	\$ 61.05			
140	6" MJ retainer kit for DI.				\$ 23.62
141	8" MJ retainer kit for DI.				\$ 23.50
142	10" MJ retainer kit for DI.				\$ 31.00
143	12" MJ retainer kit for DI.				\$ 29.50
144	6" MJ cast iron sleeve, less accessories.	\$ 55.20			
145	8" MJ cast iron sleeve, less accessories.		\$ 76.70		
146	10" MJ cast iron sleeve, less accessories.	\$ 108.60			
147	12" MJ cast iron sleeve, less accessories.	\$ 146.40			
148	6" x 6" x 6" hydrant tee, less accessories.	\$ 102.60			
149	8" x 8" x 6" hydrant tee, less accessories.	\$ 129.00			
150	10" x 10" x 6" hydrant tee, less accessories.		\$ 156.52		
151	12" x 12" x 6" hydrant tee, less accessories.	\$ 186.00			
152	6" mechanical joint with 90° bend, less accessories.	\$ 61.20			
153	6" mechanical joint with 45° bend, less accessories	\$ 49.80			
154	6" mechanical joint with 22° bend, less accessories	\$ 45.60			
155	6" push-on DI pipe C152, specify length	\$388.00/18'			
156	8" push-on DI pipe cl52, specify length			\$26.01/18' or 20'	
157	10" push-on DI pipe cl52, specify length			\$37.40/18' or 20'	
158	12" push-on DI pipe cl52, specify length			\$42.84/18' of 20'	
159	Mueller 6" A-2360 MJ resilient wedge gate valve.		\$ 464.23		
160	Mueller 8" A-2360 MJ resilient wedge gate valve.		\$ 739.36		
161	Mueller 10" A-2360 MJ resilient wedge gate valve.		\$ 1,152.84		
162	Mueller 12" A-2360 MJ resilient wedge gate valve.		\$ 1,458.72		
163	Mueller 6" HC-2360-44-d-150 MJ cut-in valve.		\$ 837.78		
164	Mueller 8" HC-2360-44-d-150 MJ cut-in valve.		\$ 1,295.43		
165	Mueller 10" HC-2360-44-d-150 MJ cut-in valve.		\$ 1,358.35		
166	Mueller 12" HC-2360-44-d-150 MJ cut-in valve.		\$ 1,718.81		
167	Mueller Super Centurion 250 4 1/2" MVO fire hydrant with acuagrip foot & 5' bury.		\$ 1,862.89		
168	Mueller Super Centurion 6" hydrant extension kit.		\$ 252.34		
169	Mueller Super Centurion 1' hydrant extension kit.		\$ 293.72		
170	Mueller hydrant repair stems, 4 1/2' MVO (all models)	\$ 125.21			
171	Clow Medalion 4 1/2" MVO fire hydrant with 6" MJ foot & 5' bury.			\$ 1,703.91	
172	Clow Medalion 6" hydrant extension kit.			\$ 277.99	
173	Clow Medalion 1' hudrant extension kit.			\$ 326.81	

WATER SERVICE MATERIALS BID SUMMARY

ITEM #	DESCRIPTION	BLACKMAN	JOSEPH G. POLLARD	T MINA	USA BLUEBOOK
174	Kennedy 4 ½" MVO fire hydrant with 6" MJ foot & 5' bury.			\$ 2,140.11	
175	Kennedy 4 1/2" MVO hydrant repair kit			\$ 127.59	
176	Kennedy 6" hydrant extension kit.			\$ 260.34	
177	Kennedy 1' hydrant extension kit.			\$ 306.06	
178	Eddy 4 ½" MVO fire hydrand with 6" MJ foot & 5' bury.			\$ 2,140.11	
179	Mueller Super Centurion 250 fire hydrant breakaway repair kit.				\$ 112.50
180	Mueller improved fire hydrant breakaway repair kit with brass safety stem coupling.	\$ 125.21			
181	Clow H-2640 fire hydrant breakaway repair kit.				
182	Clow medalion fire hydrant breakaway repair kit.				\$ 113.00
183	6" pipe clamp and washers.		\$ 18.50		
184	8" pipe clamp and washers.		\$ 21.38		
185	10" pipe clamp and washers.		\$ 22.75		
186	12" pipe clamp and washers.		\$ 25.63		
187	Bucket of nuts and eye bolts for hydrant rod (specify quantity in bucket __50__).		\$ 105.00		
188	Bucket of ductile iron duc-lugs (specify quantity in bucket __50__).		\$ 90.63		
189	3/4" tie bolts			\$ 1.88	
190	¾" x 6' threaded hydrant rod.	\$ 7.50			
191	¾" threaded rod coupling nut.		\$ 1.13		
192	1" x 100' type "K" copper.	\$ 418.99			
193	¾" x 100' type "K" copper.	\$ 573.91			
194	¾" x 300' PVC tubing, water grade rated at 160-200 psi.			\$ 88.00	
195	1" x 300' PVC tubing, water grade rated at 160-200 psi.	\$ 112.80			
196	1 1/2" x 300' PVC tubing, water grade rated at 160-200 psi.	\$ 239.60			
197	2" x 300' PVC tubing, water grade rated at 160-200 psi.		\$ 166.87		
198	25 lbs. lead wool (Indicate if price is per pound or per 25 pounds; i.e., \$10.00/lb or \$10.00/25 lb).		\$135.00/25 lbs		
199	4" Mueller Line Seal III butterfly valve, flange x flange, with hand wheel.		\$ 463.25		
200	6" Mueller Line Seal III butterfly valve, flange x flange, with hand wheel		\$ 498.43		
201	8" Mueller Line Seal III butterfly valve, flange x flange, with hand wheel		\$ 363.23		
202	10" Mueller Line Seal III butterfly valve, flange x flange, with hand wheel		\$ 949.21		
203	12" Mueller Line Seal III butterfly valve, flange x flange, with hand wheel		\$ 1,008.59		
204	4" full-face flange gasket and bolt kit-1/8" thickness.	\$ 8.00			
205	6" full-face flange gasket and bolt kit-1/8" thickness.	\$ 11.60			
206	8" full-face flange gasket and bolt kit-1/8" thickness.				\$ 14.10
207	10" full-face flange gasket and bolt kit-1/8" thickness.				\$ 25.30
208	12" full-face flange gasket and bolt kit-1/8" thickness.				\$ 29.00
209	Reflective fiberglass hydrant flag, plate-mount flat, 64" x .375", red & white color.		\$ 12.65		

WATER SERVICE MATERIALS BID SUMMARY

ITEM #	DESCRIPTION	BLACKMAN	JOSEPH G. POLLARD	T MINA	USA BLUEBOOK
210	Reflective mini flag, 4" X 5" for .375 shaft, red & white color.				\$ 6.80
211	¾" CC drill & tap for "Mueller B101" tapping machine.		\$ 154.86		
212	1" CC drill & tap for "Mueller B101" tapping machine.		\$ 205.74		
213	1 ¾" carbide tip hole saw cutter.	\$ 28.50			
214	¼" carbide tip pilot cutter.	\$ 12.45			
215	Silver reflective paint (price per quart).		\$ 108.75		
216	Orange hydrant paint (Rust-Oleum enamel brush/roll-on only -price per gallon).		\$ 34.01		
217	Markout paint (AWWA blue) 20 oz. cans, or equal				\$ 2.54
218	MA013922 food-grade anti-seize, 1 lb., or equal		\$ 8.82		
219	SIGMA 1" cast iron valve box riser.	\$ 7.55			
220	SIGMA 2" cast iron valve box riser	\$ 10.10			
221	SIGMA 3" cast iron valve box riser.	\$ 15.75			
222	SIGMA 4" cast iron valve box riser.			\$ 20.00	
223	SIGMA valve box complete with covers & 16" top section (all cast iron), domestic	\$ 80.06			
224	16" ductile iron valve box top flange top section with cover, domestic	\$ 33.18			
225	Domestic valve box covers	\$ 10.50			
226	SIGMA valve box bottom section (cast iron), domestic	\$ 31.50			
227	SIGMA 16" case iron line valve box top section.			\$ 26.92	
228	SIGMA 26" cast iron line valve box top section.	\$ 29.40			
229	Buffalo-type 2 ½" cast iron curb box.	\$ 36.40			
230	Buffalo-type 3" cast iron curb box.				
231	Mueller H-10373 2 ½" repair lids for new style Buffalo-type curb box.		\$ 9.08		
232	Mueller H-10373 3" repair lids for new style Buffalo-type curb box.		\$ 12.07		
233	Mueller H-10374 2 ½" repair lids for new style Buffalo-type curb box.		\$ 8.27		
234	Mueller H-10374 3" repair lids for new style Buffalo-type curb box.		\$ 12.07		
235	Mueller H-10310 curb box complete for 1 ½" x 2" service, or equal	\$ 52.50			
236	CH15535 3/4" copper disk		\$ 1.30		
237	CH15535 1" copper disk		\$ 1.30		
238	Diamond blade for cured concrete, 14" x .125 x 1"		\$ 141.00		
239	Diamond blade for green concrete, 14" x .125 x 1"		\$ 173.75		

TOWN OF RIVERHEAD

Resolution # 896

**AUTHORIZES TOWN SUPERVISOR TO EXECUTE CONTRACT AMENDMENT WITH
US DEPARTMENT OF THE NAVY RE: EXT. 89 – PECONIC RIVER SPORTSMAN’S
CLUB – RIVERHEAD WATER DISTRICT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, by previous resolutions, the Town Supervisor was authorized to execute contract and contract amendment with the US Department of the Navy which provided funding for the cost of construction of the water mains and appurtenances for Ext. No. 89, Peconic River Sportsman’s Club, of the Riverhead Water District; and

WHEREAS, the contract with the US Navy has again been amended to revise the scope of work for the new water service connection at the Peconic River Sportsman’s Club as indicated in the attached modification of contract at no additional cost.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute the attached contract amendment with the US Department of the Navy revising the scope of work for the new water service connection at the Peconic River Sportsman’s Club at no additional cost, and

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			I. CONTRACT ID CODE	PAGE OF PAGES	
			J	1	2
2. AMENDMENT/MODIFICATION NO. P00002	3. EFFECTIVE DATE 25-Oct-2011	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO.(If applicable)	
6. ISSUED BY COMMANDING OFFICER NAVFAC MID-ATLANTIC 9742 MARYLAND AVENUE NORFOLK VA 23511-3095	CODE N40085	7. ADMINISTERED BY (If other than item 6) See Item 6		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code) RIVERHEAD, TOWN OF 200 HOWELL AVE RIVERHEAD NY 11901-2515			9A. AMENDMENT OF SOLICITATION NO.		
			9B. DATED (SEE ITEM 11)		
			X 10A. MOD. OF CONTRACT/ORDER NO. N40085-10-C-2885		
			X 10B. DATED (SEE ITEM 13) 13-Sep-2010		
CODE 302E2	FACILITY CODE				
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS					
<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input type="checkbox"/> is not extended.					
Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.					
12. ACCOUNTING AND APPROPRIATION DATA (If required)					
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.					
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.					
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).					
X C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: FAR clause 52.243-1 Changes - Fixed-Price Alt I					
D. OTHER (Specify type of modification and authority)					
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>1</u> copies to the issuing office.					
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) Modification Control Number: <u>jhaycox12348</u> The purpose of this modification is to revise the scope of work for the new water service connection at the Peconic River Sportsman Club in New York as indicated on the following page. There is no additional cost to the basic contract associated with this modification.					
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.					
15A. NAME AND TITLE OF SIGNER (Type or print)			16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Leigh A. Walker, Director, Utility Service Contracts TEL: 757-341-0080 EMAIL: leighann.walker@navy.mil		
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)		15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION C - DESCRIPTIONS AND SPECIFICATIONS

Scope of Work Revisions:

1. A new above-grade, bermed concrete vault shall be installed to guard the RPZ device against freezing. This change will be in lieu of a heated enclosure in order to avoid the need to run an electric line to the road from the main building. A water hammer arrestor and pressure-reducing valve shall also be installed within the vault. The Contractor shall provide all labor, material, equipment and supervision necessary to incorporate this change.
2. A new automatic flushing hydrant shall be installed on the end of the new water main. The Contractor shall provide all labor, material, equipment and supervision necessary to incorporate this change.

(End of Summary of Changes)

TOWN OF RIVERHEAD

Resolution # 897

**EXTENDS BID FOR ELECTRIC MOTOR REPAIR/REPLACEMENT
INCLUDING EMERGENCY REPAIR FOR THE RIVERHEAD WATER DISTRICT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, K&G Power Systems was awarded the bid for electric motor repair/replacement by Resolution #100933 adopted December 21, 2010; and

WHEREAS, said bid document allows for the contract to be extended; and

WHEREAS, the Riverhead Water District has requested that the bid be extended pursuant to the terms of the award document; and

WHEREAS, the above-named vendor agreed to extend the contract until December 21, 2012, at the original bid amount of \$98,616.00; and

WHEREAS, the Town Board has reviewed said request.

NOW, THEREFORE, BE IT

RESOLVED, that the bid contract for electric motor repair/replacement be and is hereby extended to December 21, 2012; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to K&G Power Systems, 150 Laser Court, Hauppauge, New York, 11788; and be it further

RESOLVED, that all Town Hall departments may review and obtain a copy of this resolution from the Town of Riverhead website and, if needed, a certified copy of same may be obtained from the Town Clerk's Office.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted



RWD Riverhead Water District

Gary J. Pendzick, Superintendent
1035 Pulaski Street, Riverhead, New York 11901
Phone: 631-727-3205 FAX: 631-369-4608

Bid Extension Notice

To: John Gandolfo
From: Riverhead Water District
Date: November 15, 2011
Subject: Extension of Bid Services

This letter is to inform you that our current bid contract with you for electric motor emergency repair/replacement expires on December 21, 2011.

The Town of Riverhead would like to extend this contract for a period of one (1) year to December 21, 2012, at the current bid price of \$98,616.00. This will be the first extension under the contract.

If this extension meets with your approval, please complete the bottom portion of this letter and return it to us immediately.



Authorized Signature

JOHN GANDOLFO

Print Name

K&G POWER SYSTEMS

Company Name

11/15/11

Date

12.06.2011
110898

TOWN OF RIVERHEAD

Resolution # 898

AUTHORIZES THE RETENTION OF THE LAW FIRM OF STEVEN E. LOSQUADRO

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

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 Steven E. Losquadro to defend or appear in action commenced in the Supreme Court, Suffolk County entitled Town of Riverhead v Baiting Hollow Farms, LLC, et. al.

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 Steven E. Losquadro to defend or appear in that action entitled Town of Riverhead v Baiting Hollow Farms, LLC, et. al., 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 a Retainer Agreement determined to be sufficient by the Town Attorney and Consent to Change Attorney; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Law Firm of Steven E. Losquadro, 649 Route 25A, Suite 4, Rocky Point, New York 11778-8983; 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 # 899

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE RIVERHEAD FIRE DISTRICT REGARDING UNLEADED FUEL SERVICES

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Riverhead Fire District and the Town of Riverhead have had discussions concerning the use of the Town of Riverhead's unleaded fuel facility by Riverhead Fire District vehicles and equipment; and

WHEREAS, it is in the interest of the taxpayers of the Town of Riverhead and the Riverhead Fire District to share resources in this undertaking for the benefit of the Riverhead Town taxpayer; and

WHEREAS, it is legally permissible to make these resources available for mutual use when it is in the public interest; and

WHEREAS, the Riverhead Fire District and the Town of Riverhead wish to enter into a Municipal Cooperation Agreement for the use of unleaded fuel services by Riverhead Fire District specifically delineated in the Agreement.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute a Municipal Cooperation Agreement with the Riverhead Fire District, in substantially the same form as annexed hereto, regarding the use of the Town of Riverhead's unleaded fuel facility by Riverhead Fire District vehicles specifically delineated in the Agreement; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Jonathan Brown, Esq., counsel to Riverhead Fire District ; 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

MUNICIPAL COOPERATION AGREEMENT

MUNICIPAL COOPERATION AGREEMENT entered into as of the 5th day of January, 2012, by and between the RIVERHEAD FIRE DISTRICT, with offices for the transaction of business located at _____, Riverhead, New York and the TOWN OF RIVERHEAD, with offices for the transaction of business located at 200 Howell Avenue, Riverhead, New York.

WHEREAS, the Riverhead Fire District (hereinafter referred to as “District”) and the Town of Riverhead (hereinafter referred to as “Town”) have conducted discussions concerning the use of the Town of Riverhead’s unleaded fuel pump by Riverhead Fire District vehicles and for purposes of fueling various gas-powered equipment owned or leased by said District;

WHEREAS, it is in the interest of the taxpayers of the Town of Riverhead and the Riverhead Fire District to share resources in this undertaking;

WHEREAS, it is possible to make these resources available for mutual use when it is in the public interest;

WHEREAS, the Riverhead Fire District wishes to enter into this Agreement with the Town of Riverhead for the use of the unleaded fuel pump at the Town Garage by Riverhead Fire District for the purpose of providing unleaded fuel to operate vehicles and gas-powered equipment owned or leased by the District;

WHEREAS, the parties recognize what their respective rights and obligations will be under the contract;

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the parties agree as follows:

1. The term of this Agreement shall be for the period January 5, 2012, until January 5, 2013. However, District and Town each may unilaterally terminate this Agreement at any time and for any reason upon 30 days written notice. Town may also terminate this Agreement immediately without notice in the event a safety and/or security issue arises.

2. The Town and the District each represent that it is authorized, pursuant to both Article 9 Section 1 of the State Constitution and Article 5-G of the General Municipal Law to enter into intergovernmental agreements.

3. The Town and the District, believing it to be in the best interest of their taxpayers, do hereby authorize intermunicipal cooperation and assistance with and between each other for the use of the unleaded fuel pump at the Town Garage (the “fuel pump”).

4. The Town gives permission to the District for the District to undertake usage of the unleaded fuel pump located at the Town of Riverhead Municipal Garage located on Rte 58, Town of Riverhead, in an amount not to exceed a total of 1400 gallons of unleaded fuel per week

regarding the vehicles operation of vehicles delineated in Schedule "B", as attached, as well as gas-powered equipment owned or leased by the District. District and Town agree that the inventory of designated vehicles may be amended from time to time subject to approval by the Town. The Town agrees to issue and the District agrees to lease two (2) keys (an operator key and a gas can key), which shall incur a one-time lease fee of \$20.00 during the term of the Agreement. Said keys shall be immediately returned to the Town in the event this Agreement is terminated. Hours of permitted usage and cost per gallon of gasoline shall be listed in Schedule "A" attached to this Agreement.

5. The District agrees to perform all reasonable duties and tasks as may be required for the use of the fuel pump including, but not limited to, those tasks listed in Schedule "A" attached to this Agreement at its sole cost and expense.

6. The Town and District agree to cooperate with one another in furtherance of the use of the Fuel Pumps. The District further represents and affirms that the fuel provided for in this Agreement shall only be used for official fire district purposes, a violation of which shall constitute a material breach of this Agreement which may result in the immediate termination of the Agreement.

7. Regardless of whether required by law or ordinance, the Town and the District, their agents, officers and employees agree to conduct their activities in connection with the use of the fuel pump so as not to endanger or harm any person or property. The Town and the District, as their respective roles may require, agree to ensure that all approvals, licenses and certificates which are necessary or appropriate are obtained.

8. Regardless of whether required by law or ordinance, the Town and the District, their agents, officers and employees agree to conduct their activities in connection with the use of the fuel pump so as not to endanger or harm any person or property. The Town and the District, as their respective roles may require, agree to ensure that all approvals, licenses and certificates which are necessary or appropriate are obtained. District further agrees to provide a registration certificate, valid inspection, vehicle identification number, and proof of satisfactory vehicle liability insurance for each of the designated vehicles prior to or at the time of execution of this Agreement. District shall also provide same above-referenced documentation for each vehicle it wishes to add to Schedule "A" prior to Town fuel usage.

9. The District agrees to purchase and maintain a liability insurance policy listing the Town as an additional insured in the amount of Two Million Dollars (\$2,000,000.00) per occurrence and Four Million Dollars (\$4,000,000.00) in the aggregate; district shall provide a copy of the original declaration page of the subject insurance policy as well as a copy of the insurance certificate which states the Town is an additional insured at or before execution of this Agreement for a term that coincides with the term of this Agreement, as well as for any additional terms which may be negotiated between Town and District in the future. This insurance policy shall also provide protection to District and the Town from claims under workers' or workmen's compensation, claims for damages because of bodily injury, occupational sickness or disease, or death or injury to or destruction of tangible property, including the loss of use resulting therefrom and caused in whole or in part by any negligent act

or omission of the District, anyone directly or indirectly employed by the District or anyone for whose acts the District shall be liable.

10. Indemnification: To the fullest extent permitted by law, the District shall indemnify and hold harmless the Town from and against all claims, damages and losses including but not limited to bodily injury, sickness, disease or death or injury to or destruction of tangible property including loss therefrom and expenses, including but not limited to attorneys' fees, arising out of or resulting from the acts or omissions of the District which shall survive the term or terms of this Agreement. The Town and the District shall maintain and retain all records created or maintained in connection with this Agreement for a period of six (6) years after the termination of this Agreement. Each party agrees to make those documents available for audit and inspection by any government official or agency with the authority and/or jurisdiction over the terms of the Agreement as set forth herein.

11. The parties shall retain the right to review the terms of this Agreement on an annual basis and renew its term at one-year intervals or less upon mutual written agreement of the parties.

12. Any alteration, change, addition, deletion, or modification of any of the provisions of this Agreement or any right either party has under this Agreement shall be made by mutual assent of the parties in writing and signed by both parties.

13. This Agreement shall be governed by the laws of the State of New York. If any portion of this Agreement is found by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall remain in full force and effect.

14. The terms of this Agreement shall not be assigned without the mutual written authorization from the parties.

15. Nothing contained in this Agreement shall be construed to create an employment or principal-agent relationship, or partnership or joint venture, between the Town of Riverhead and the Riverhead Fire District and any officer, employee, servant, agent or independent contractor of the Riverhead Fire District.

16. This Agreement constitutes the full and complete agreement between the Town of Riverhead and the Riverhead Fire District and supersedes all prior written and oral agreements, commitments or understandings with respect thereto.

17. The undersigned representative of the Town of Riverhead hereby represents and warrants that the undersigned is an officer, director or agent of the Town of Riverhead with full legal rights, power and authority to enter into this Agreement on behalf of the Town of Riverhead and bind the Town of Riverhead with respect to the obligations enforceable against the Town of Riverhead in accordance with the terms contained herein.

18. The undersigned representative of the Riverhead Fire District hereby represents and warrants that the undersigned is an officer, director or agent of the Riverhead Fire District with

full legal rights, power and authority to enter into this Agreement on behalf of the Riverhead Fire District and bind the Riverhead Fire District with respect to the obligations enforceable against the Riverhead Fire District in accordance with the terms contained herein.

IN WITNESS WHEREOF, the undersigned hereby acknowledge that they have read and fully understand the foregoing Agreement and further, that they agree to each of the terms and conditions contained herein.

RIVERHEAD FIRE DISTRICT

By: _____

Print Name: _____

Date: _____

TOWN OF RIVERHEAD

By: _____

Sean M. Walter, Town Supervisor

Date: _____

SCHEDULE "A"

Hours of operation: Twenty-Four hours per day, Seven days per week

CHARGES:

A. Cost of gasoline: As per New York State contract Group 05600 Award # 22258 Contract PC 65523-Gasoline and E-85 (unleaded gasoline 87 octane), Award Number: 21712-PF; Contract Expires: 9/19/13. District acknowledges receipt of same which is hereby incorporated herein as if recited in its entirety.

B. Fuel Supplier: Sprague Energy Corporation

C. Frequency of Charges: Monthly (District to pay invoice within 30 days of receipt). District agrees and affirms that the District's failure to provide payment within 30 days of the invoice may subject the District to immediate termination of the Agreement.

D. Equipment Leasing Charges: The following leasing charges are a one-time leasing charge per vehicle to be paid on or before Agreement execution and whose leasing term shall coincide and run with the term of the Agreement. District agrees, represents and affirms that upon the termination of the Agreement, District shall present all of the designated vehicles to the municipal garage or any other Town department if so directed, for the removal of the following devices, within seven (7) business days of the termination of the Agreement. District also agrees that for any designated vehicle rendered no longer operable nor requiring fuel service, said vehicle shall be returned to the Town for removal of the following devices within seven (7) business days of the event, even if the Agreement has not terminated. District further agrees, affirms and represents that District personnel, officials, officers, employees, representatives, and agents shall not remove, alter, replace or manipulate the following devices from the designated vehicles without the express written consent of the Town, which shall survive the termination of the Agreement. District also agrees, affirms and represents that District shall make the designated vehicles available for inspection, service and/or maintenance upon request of the Town within a reasonable time but no later than one full business day. In addition, the installation of the following devices shall constitute a lien upon each of the designated vehicles until such time that the devices are physically removed from the subject vehicles by Town personnel.

1. **Fuel Point Module:** \$106.00 per vehicle
2. **T-Ring:** \$ 19.00 per vehicle
3. **OBDII Mileage Adapter** \$127.00 per vehicle
4. **Operator Key:** \$10.00 (onetime leasing fee, District to return key upon contract termination).
5. **Gas Can Key:** \$10.00(one-time leasing fee, District to return key at contract end)

E. Town Administrative Charges: .31 (thirty-one cents) per gallon. District agrees to pay an administrative charge to the Town equal to .31 cents per gallon of fuel that is dispensed from the Town's fuel pump. District further agrees to pay the administrative charge as included in the fuel invoice. Town represents that the administrative charge shall not increase during the initial term of the Agreement.

F. Town Installation Charges: The Town's Municipal Garage Department represents that it shall require the following time periods to install the above-referenced devices.

For vehicles with mileage tracking capability, the installation cost for additional vehicles shall be \$130.00 per man hour x 2.5 hours. For vehicles without mileage tracking capability, the installation cost for additional vehicles shall be \$130.00 per man hour x 2 hours. Town and District agree that the District shall determine those vehicles which require mileage tracking equipment and those which shall not require same and Town shall impose the fees set forth above.

Town and District mutually agree to add or delete vehicles during the term of the Agreement upon mutual consent subject to the above delineated charges and conditions. Town and District agree that subsequently designated vehicles shall incur charges delineated above which shall remain unchanged during the term of this Agreement.

G. District agrees to pay any additional and reasonable unforeseeable costs related to fuel service subject to verification and proper documentation.

SCHEDULE B (LIST OF VEHICLES)

1. 6-2-30 2011 CHEVY TAHOE VIN # 1GNSK2E01BR345017
2. 6-2-31 2007 CHEVY SUBURBAN VIN # 3GNGK26K57G278743
3. 6-2-32 2005 CHEVY SUBURBAN VIN # 1GNFK16Z45J250785
4. 6-2-33 2008 FORD EXPEDITION VIN # 1FMFU16578LA84850
5. 6-2-90 2002 CHEVY TAHOE VIN # 1GNEK13412T280464
6. 6-2-91 2001 DODGE RAM PICK UP VIN # 1B7HF13731J521985
7. 6-2-93 2003 CHEVY TAHOE VIN # 1GNEK13Z23R176393

*The fueling of vehicles at the Town's Municipal Garage shall be solely for and related to official fire district purposes and any abuse or violation of this term shall constitute a material breach of this Agreement which may result in the immediate termination of the Agreement.

12.06.2011
110900

ADOPTED

TOWN OF RIVERHEAD

Resolution # 900

AUTHORIZES SETTLEMENT OF LEGAL ACTION
BY WILLIAM GARY ROBINSON

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, a legal action was commenced by William Gary Robinson against Peter Troyan in the United States District Court, Eastern District of New York under Case no.2.07-cv-04846-JS-ETB; and

WHEREAS, the parties entered into negotiations during trial; and

WHEREAS, a settlement demand was made by William Gary Robinson in full settlement of that legal action inclusive of all costs, attorney's fees, expenses and interest; and

WHEREAS, in light of the uncertainty of obtaining a favorable jury verdict it is in the best interests of the Town to accept the settlement proposal.

NOW BE IT RESOLVED, that the Town Board of the Town of Riverhead be and hereby accepts the settlement proposal made by and on behalf of William Gary Robinson regarding legal action commenced by William Gary Robinson against Peter Troyan in the United States District Court, Eastern District of New York under Case no.2.07-cv-04846-JS-ETB; and be it further

RESOLVED, that Scott D. Middleton, Esq. is hereby authorized to enter into a settlement agreement and General Release on behalf of the Town as well as any other documents necessary to effectuate the settlement of the litigation; and it is further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Scott D. Middleton, Esq., Campolo, Middleton and McCormick, LLP, 3340 Veterans Memorial Highway, Suite 400, Bohemia, New York 11716, the Accounting Department, and the Town Attorney.

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 # 901

**AUTHORIZES AMENDMENT #1 TO DUNN ENGINEERING ASSOCIATES, P.C., PSA
FOR RIVERHEAD ALTERNATIVE TRANSPORTATION PATH PROJECT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead wishes to implement a program of improvements that will enhance the bicycling and pedestrian experience and encourage the use of bicycles and walking as alternative means of transportation among various centers in Town; and

WHEREAS, the U.S. Department of Transportation through the New York State Department of Transportation Enhancements Program awarded the Town of Riverhead a grant in the amount of \$3,158,632.00 to complete these improvements; and

WHEREAS, the Community Development Department and Engineering Department requested and received a proposal for professional engineering services for design, bid document preparation and construction administration for the new facilities; and

WHEREAS, the Town Board by Resolution #864 dated September 15, 2009, authorized Dunn Engineering Associates, P.C., to provide professional engineering services for the Alternative Transportation Path project based on a 2009 proposal; and

WHEREAS, the Community Development Department and Engineering Department requested an additional proposal and received the proposal attached for environmental analysis, environmental permitting, Edwards Avenue route change and professional engineering services for additional design revisions and accompanying bid document preparation for the new facilities; and

NOW, THEREFORE, BE IT RESOLVED, that Dunn Engineering Associates, P.C. be and is hereby authorized to proceed with the scope of services outlined in their November 29, 2011, proposal, annexed hereto, in the amount not to exceed One Hundred One Thousand, Fifty-two Dollars & 00/100 (\$101,052.00); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Supervisor to sign Amendment #1 to the Dunn Professional Services Agreement for the above referenced project based on the attached Dunn proposal dated November 29, 2011, subject to final review and approval by the office of the Town Attorney; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize a Town of Riverhead Purchase Order amendment in the amount of \$101,052; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize the Town Clerk to forward a copy of this resolution to Dunn Engineering Associates, P.C., 66 Main Street, Westhampton Beach, NY 11978, and an electronic copy of

the adopted resolution to the Community Development Department, the Engineering Department, the Town Attorney and the Accounting 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 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



Dunn Engineering Associates, P.C.

Consulting Engineers

66 Main Street

Westhampton Beach, N.Y. 11978

631-288-2480

631-288-2544 Fax

November 29, 2011

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

Attn: Ms. Christina Kempner, Director

Re: Supplemental Proposal
Professional Engineering Services
Riverhead Alternative Transportation Path
PIN 0759.54.321

Dear Ms. Kempner:

In accordance with your request, Dunn Engineering Associates, P.C. (DEA) is pleased to submit this proposal for supplemental funding to provide continued professional engineering services for the above project. These services include a) additional environmental screenings and investigations required by NYSDOT for inclusion in the Design Approval Document being prepared for the project, b) preparation and submittal of permit applications as needed, as directed by the Town Supervisor at the Town Board work session on October 20, 2011, c) additional design costs due to changes in the project made at the Town's request, and d) additional efforts required due to extensive comments and revisions to the Design Approval Document (DAD) being prepared for the project. The following sections provide a description of the effort anticipated in connection with the above, and an estimated cost for each.

Part I, Environmental Analyses

The scope of the required additional environmental effort was developed during discussions between our subconsultant, Energy and Environmental Analysts, Inc. (EEA) and representatives of NYSDOT Region 10's environmental group, specifically Mr. John Greene. This level of analysis was unanticipated in DEA's agreement with the Town, which assumed preparation of a short format Design Report, in keeping with the assumption that the short format was acceptable for bicycle and pedestrian facilities, as per the NYSDOT Procedures for Locally Administered Federal Aid Projects (PLAFAP) and discussions with NYSDOT at the time.

The estimates are based on the following assumptions:

Task 4.7a - Plotting NWI and NYSDEC Wetland occurrences on GIS base maps

Ms. Christina Kempner
November 29, 2011
Page 2

Task 4.7 - Assumes 1.5 days for reconnaissance and 2, 9-hr. field days for delineation; assumes NYSDEC will delineate all freshwater wetlands while EEA delineates tidal wetlands, and EEA compiles all necessary information to prepare wetland delineation report; assumes delineation for all wetlands located within 100 feet of project limits; default to NYSDEC mapping for all wetlands beyond 100 feet

Tasks 4.8, 4.9, 4.11 - Assumes narratives describing findings to be included in Wetlands Delineation Report; EEA to include a matrix table

Task 4.9 - Assumes no federal designations, but does include state mapped designations for Wild, Scenic & Recreational River System

Task 4.11 - Assumes EEA will obtain FEMA flood maps and superimpose lines onto base mapping

Task 4.12 - Assumes EEA will prepare the NYSDOS Coastal Consistency Form and supplemental narratives, for DEA to include elsewhere in Design Report

Task 4.15 - Assumes 3 days field inventory plus 5 days of community mapping; includes agency file requests, T&E species critical habitat research narratives and tables; includes time for 1 round of draft report and final report revisions

Note that the cost estimates have been previously reduced to reflect the route change requested by the Town, and EEA was also successful in obtaining DEC cooperation in flagging a number of freshwater wetlands at no cost to the project budget, which resulted in an additional reduction in the cost of the additional work. If DEC is unable to provide the flagging of freshwater wetlands, additional cost will be incurred.

The estimated additional cost to provide and document the environmental analyses required by NYSDOT are as follows:

<u>Task Description</u>	<u>Estimated Cost</u>
4.7a - GIS for Wetlands	\$ 737.00
4.7 - Wetlands Delineation	\$18,728.00
4.8 - Surface Waters	\$ 1,754.00
4.9 - Wild Scenic and Recreational River Systems	\$ 553.00
4.11 - Floodplains	\$ 2,333.00
4.12 - Coastal Resources	\$ 2,581.00
4.15 - General Ecology and Wildlife Resources	\$ 26,431.00
Project Management, Report Writing, etc.	\$ 7,060.00
Total	\$ 60,177.00

Part II, Environmental Permitting

As per the Town Supervisor, this task is included to provide funding for DEA/EEA to prepare and submit permit application packages for any permits required as a result of the project's potential impact on wetlands. The intent of this Task is to prepare and submit all wetland permit applications and supporting documents. Below is a list of permits and approvals typically required for similar projects:

Marine Environmental Permitting – State and Federal Permits/Approvals

- NYSDEC: Tidal & Freshwater Wetlands Permit
- NYSDEC: Protection of Waters Program
- NYSDEC: Water Quality Certification Program
- NYSDEC: Wild & Scenic Recreational River Supplemental Application

If the project entails any modifications directly to federally mapped wetlands, then the following will also be required:

- USACE: Section 10 of the Rivers and Harbors Act
- USACE: Section 404 of the Clean Water Act
- NYS Department of State: Coastal Consistency

The typical NYSDEC application package includes:

- USACE/NYSDEC Joint Application for Permit;
- Location Map;
- Photo Log & Photo Key Map;
- Site Plan and Typical Section Drawings;
- Environmental Assessment Form – Short version (SEAF) or Full version (FEAF) Part 1, (including: E&T Species and Significant Habitats Agency Response Letters);
- Wild & Scenic Recreational River Narratives.

If the USACE permit is required, that package will include:

- USACE/NYSDEC Joint Application for Permit;
- Location Map;
- Photo Log & Photo Key Map;
- Site Plan and Typical Section Drawings;
- Environmental Questionnaire (EQ)

- Federal Coastal Assessment Form (FCAF) & Supporting Narrative;
- Adjacent Property Owners.

NYSDOS package will include:

- USACE/NYSDEC Joint Application for Permit;
- Location Map;
- Photo Log & Photo Key Map;
- Site Plan and Typical Section Drawings;
- Federal Coastal Assessment Form (FCAF) & Supporting Narrative;

DEA will prepare all required plans and section drawings, including in the USACE required format, and EEA will review to ensure that the drawings provide the necessary labeling and details for agency submittal. This cost proposal does not include supplemental information that may be requested by NYSDEC (such as a Visual Impact Assessment), nor does it include an Alternatives Analysis, should such analysis be requested by reviewing agencies, since only the preferred alternative and the null alternative are considered in the design document. All supplemental work will be subject to a separate fee proposal.

The fee to prepare the above-referenced permit application materials is estimated as follows:

<u>Task Description</u>	<u>Estimated Cost</u>
NYSDEC & NYSDOS applications	\$ 8,200.00
Long FCAF	\$ 2,600.00
<u>USACE submittal (if necessary)</u>	<u>\$ 1,600.00</u>
Total	\$12,400.00

Part III, Edwards Avenue Route Change

In addition to the environmental efforts, this proposal provides funding to reflect the elimination of the western portion of River Road from the project, and the addition of the section of Edwards Avenue between River Road and NYS Route 25, as directed. While the addition of the segment of Edwards Avenue between River Road and NYS Route 25 resulted in construction cost savings and reduced cost for the environmental work, the effort to provide survey and design, as well as to obtain, review and analyze accident records for the new roadway segment will require additional funds.

These additional costs are estimated as follows:

<u>Task Description</u>	<u>Estimated Cost</u>
Safety Analysis	\$ 900.00
Survey	\$ 3,800.00
<u>Design</u>	<u>\$ 5,500.00</u>
Total	\$10,200.00

Part IV, Design Approval Document Revisions

This task is included to provide funding for extensive revisions to the Design Report, the Design Approval Document (DAD) being prepared for the project. As previously discussed above and in numerous communications and project status reports provided with the project invoices, the current agreement is based on the assumption that a short format Design Report was required for the project, in keeping with guidance in the PLAFAP and discussions with NYSDOT at the time the agreement was prepared. The short format report was prepared and submitted in January 2010. NYSDOT subsequently required that a full Design Report be prepared. The full report was prepared and submitted in August 2010, and revised based on comments received from NYSDOT and resubmitted in February 2011. Based upon NYSDOT's review of that document, significant additional efforts were required, over and above those described in Parts I and II above. Insofar as funds in the project design budget have been utilized to provide the several revisions to the DAD already completed and submitted, it is necessary to replace that funding at this time so that the project can continue to final design and construction. Based upon our records, the amount needed to restore this funding is **\$17, 500.00**.

Thus, the following provides a summary of the additional costs for the project:

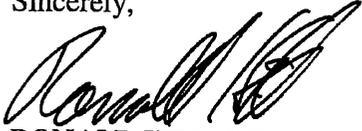
I. Environmental Analysis	\$60,177.00
II. Environmental Permitting	\$12,400.00
III. Edwards Avenue Route Change	\$10,200.00
IV. Design Approval Document Revisions	\$17,500.00
V. <u>Out of Pocket Expenses</u>	<u>\$ 775.00</u>
Total Cost	\$ 101,052.00

If the forgoing meets with your approval, at this time we request that our agreement with the Town be amended to reflect the cost to provide these additional efforts. Please advise immediately if any additional information is needed, or if there will be any delay in approving this amendment, so that we can advise our subconsultant accordingly.

Ms. Christina Kempner
November 29, 2011
Page 6

We look forward to continuing our work with the Town on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Hill". The signature is stylized and cursive.

RONALD HILL, P.E.
Principal

RH:VC:as
A1874rev
P29050

12.06.2011
110902

ADOPTED

TOWN OF RIVERHEAD

Resolution # 902

**AUTHORIZES BUDGET MODIFICATION TO THE
2010 & 2011 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Board authorized publication of Public Notice with a 30-day comment period of a proposed budget modification to the 2010 Community Development Block Grant ("CDBG") programs providing that \$50,000 in funds for Senior Center Improvements and \$26,372.65 in funds for Home Improvement be used instead for Street Lighting; and

WHEREAS, the Town Board authorized publication of Public Notice with a 30-day comment period of a proposed budget modification to the 2011 Community Development Block Grant ("CDBG") programs providing that \$53,743 in funds for Home Improvement be used instead for \$13,743.00 towards Street Lighting and \$40,000 towards Playground Improvements; and

WHEREAS, such Public Notice was published in the official paper and no public comments were submitted during the 30-day comment period; and

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby authorizes a budget modification to the 2010 & 2011 CDBG programs as outlined above.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Kisha J. Wright, Suffolk County Community Development Director, Suffolk County Community Development, PO Box 6100, Hauppauge NY 11788-0099 and an electronic copy of the adopted resolution to the Community Development Department and the Accounting Department.

BE IT FURTHER RESOLVED, that the Riverhead Town Board hereby authorizes the Accounting Department to set up budgets for the contract and issue purchase orders; and

THEREFORE, 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

12.06.2011
110903

ADOPTED

TOWN OF RIVERHEAD

Resolution # 903

**AUTHORIZES EXECUTION AND SUBMISSION OF GRANT APPLICATION TO
SUFFOLK COUNTY FOR FISCAL YEAR 2012 COMMUNITY DEVELOPMENT
BLOCK GRANT FUNDS**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead participates in the Suffolk County Consortium to receive Community Development Block Grant funds from the United States Department of Housing and Urban Development for benefit to low and moderate income persons and for the prevention of slum and blight; and

WHEREAS, the Town of Riverhead has complied with the citizen participation requirements of the CDBG program; and

WHEREAS, the Town of Riverhead possesses the legal authority to make a grant application through Suffolk County and to execute a community development and housing program.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby ratifies the execution and submission of a grant application to the Suffolk County Department of Community Development as grantee of Community Development Block Grant funds, as attached on Schedule A, for FY 2012 from the United States Department of Housing and Urban Development; and

BE IT FURTHER RESOLVED, that upon approval by the Grantor, the Town Board authorizes the Supervisor to execute the required agreement between Suffolk County and the Town of Riverhead and to undertake the program as approved including entering into sub-recipient agreements subject to review and approval by the Town Attorney; and

BE IT FURTHER RESOLVED, that the Riverhead Town Board hereby authorizes the Accounting Department to set up budgets for the contract and issue purchase orders; and

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Suffolk County Community Development Director Kisha J. Wright, Suffolk County Community Development, PO Box 6100, Hauppauge NY 11788-0099 and an electronic copy of the adopted resolution to the Community Development Department and the Accounting Department.

THEREFORE, 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

Attachment A

2012 CDBG Application

Bread and More Soup Kitchen	\$	5,000
Open Arms Soup Kitchen	\$	5,000
Riverhead Community Awareness Program	\$	5,000
Dominican Sisters	\$	5,000
Pedestrian & Bicycle Improvements	\$	84,000
<u>Administration</u>	<u>\$</u>	<u>13,000</u>
TOTAL	\$	117,000

12.06.11 TABLED
12.20.11 UNTABLED
12.20.11 WITHDRAWN

12.06.2011
110904

TOWN OF RIVERHEAD

Resolution # 904

**AWARDS BID FOR TOWN OF RIVERHEAD
FIRE AND SECURITY ALARM CONTRACT 2012**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the Town of Riverhead Fire and Security Alarm Contract 2012 for various Town facilities; and

WHEREAS, three (3) bids were received, opened and read aloud on the 14th day of November, 2011 at 11:10 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the Town of Riverhead Fire and Security Alarm Contract 2012 be and is hereby awarded to Intelli-Tec Security Systems, LLC for monitoring, open/close reports, radio backup, where indicated, clean and inspection in the amount of Thirteen Thousand Three Hundred Forty Five & 00/100 (\$13,345.00) in two equal payments on or about June 1, 2012 and December 1, 2012; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to return any and all bid bonds received in connection with the above; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Supervisor to execute an agreement for the Town of Riverhead Fire and Security Alarm Contract 2012; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Engineering Department to secure a Town of Riverhead Purchase Order from the Purchasing Department in the amount of \$13,345.00; 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 Intelli-Tec Security Systems, LLC, 2000 Shames Drive, Westbury, NY 11590, 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 **TABLED**

12.20.11

On a motion by Councilman Dunleavy, seconded by Councilman Wooten resolution #904 was **UNTABLED**

THE VOTE:

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

Immediately thereafter on a motion by Councilman Dunleavy, seconded by Councilman Wooten resolution #904 was **WITHDRAWN**

THE VOTE:

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

WITHDRAWN

TOWN OF RIVERHEAD

Resolution # 905

RATIFIES APPROVAL OF MILITARY LEAVE OF ABSENCE FOR A POLICE OFFICER IN PART

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Police Officer Timothy McAllister is a Reservist of the United States Air National Guard; and

WHEREAS, Police Officer McAllister has military orders calling him to active duty, effective November 18, 2011 to February 14, 2012; and,

WHEREAS, Police Officer McAllister has requested a military leave of absence from November 17 to November 20, November 25 to November 28, December 3 to December 6, December 11 to December 14, December 19 to December 22, December 27 to December 30, 2011, January 4 to January 7, January 12 to January 15, January 20 to January 23, January 28 to January 31, February 5 to February 8 and February 13 to February 14, 2012.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the Uniformed Services Employment and Reemployment Rights Act, Title 38, the Town Board hereby ratifies Police Officer Timothy McAllister's request for a military leave of absence from November 17 to December 6, 2011 and approves his request for a military leave of absence for the remainder of the aforementioned dates.

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 906

ESTABLISHES TIME OF REGULAR MEETINGS OF THE TOWN BOARD

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, that during the year 2012, all regular meetings of the Town Board will be held twice monthly in Town Hall; the first to be held on the first Tuesday of the month at 2:00 p.m. and the second to be held on the third Tuesday of the month at 7:00 p.m. Exceptions include January 4, 2012, September 5, 2012 and November 7, 2012 which will be held on Wednesdays at 2:00 p.m. and January 18, 2012, February 22, 2012, May 16, 2012 which will be held on Wednesdays at 7:00 p.m. and December 31, 2012 which will be held on a Monday at 2:00 p.m.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached notice in the December 15, 2011 issue of the News-Review Newspaper. The newspaper is hereby designated as official newspaper for this purpose, and to post same on the signboard in Town Hall; and it be further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

MEETING DATE	MEETING PLACE	MEETING TIME
January 4, 2012	Town Hall	2:00 p.m.
January 18, 2012	Town Hall	7:00 p.m.
February 7, 2012	Town Hall	2:00 p.m.
February 22, 2012	Town Hall	7:00 p.m.
March 6, 2012	Town Hall	2:00 p.m.
March 20, 2012	Town Hall	7:00 p.m.
April 3, 2012	Town Hall	2:00 p.m.
April 17, 2012	Town Hall	7:00 p.m.
May 1, 2012	Town Hall	2:00 p.m.
May 16, 2012	Town Hall	7:00 p.m.
June 5, 2012	Town Hall	2:00 p.m.
June 19, 2012	Town Hall	7:00 p.m.
July 3, 2012	Town Hall	2:00 p.m.
July 17, 2012	Town Hall	7:00 p.m.
August 7, 2012	Town Hall	2:00 p.m.
August 21, 2012	Town Hall	7:00 p.m.
September 5, 2012	Town Hall	2:00 p.m.
September 18, 2012	Town Hall	7:00 p.m.
October 2, 2012	Town Hall	2:00 p.m.
October 16, 2012	Town Hall	7:00 p.m.
November 7, 2012	Town Hall	2:00 p.m.
November 20, 2012	Town Hall	7:00 p.m.
December 4, 2012	Town Hall	2:00 p.m.
December 18, 2012	Town Hall	7:00 p.m.
December 31, 2012	Town Hall	2:00 p.m.

TOWN OF RIVERHEAD

Resolution # 907

GRANTS SPECIAL USE PERMIT OF R & K PRECISION AUTOWORKS, INC

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Riverhead Town Board is in receipt of a Special Use Permit Petition from R & K Precision Autoworks, Inc., to expand a non-conforming auto repair use upon real property located at 3241 Sound Avenue, Riverhead, New York; such real property more particularly described as Suffolk County Tax Lot No. 0600-42-1-19, and,

WHEREAS, a full environmental assessment form and supporting documentation was submitted as part of the petition, and

WHEREAS, the special use permit petition was referred to the Town of Riverhead Zoning Board of Appeals for certain relief from the strict application of the Town of Riverhead Zoning Ordinance, and

WHEREAS, by determination dated May 26, 2011, the Riverhead Zoning Board of Appeals granted the following relief:

- (i) Side yard width of fourteen (14) feet instead of the required 25 feet;
- (ii) Combined side yard width of forty four (44) feet instead of the required 50 feet;
- (iii) Rear yard depth of fourteen (14) feet instead of the required 50 feet;
- (iv) Lot coverage of 29.2 percent (%) instead of the permitted 15 percent (%);
- (v) Floor area ratio of 0.292 instead of the permitted floor area ratio of 0.20;
- (vi) Parking isle width of nineteen (19) feet in the side yard for parallel parking instead of the required 24 feet
- (vii) Parking isle width of twenty-three (23) feet in the rear yard for 90 degree perpendicular parking instead of the required 24 feet.

WHEREAS, the matter was referred to the Suffolk County Planning Commission; such Commission concluding the matter to be one of local determination, and

WHEREAS, a public hearing was held by the Town Board on August 2, 2011 pursuant Section 108-133.3 of the Riverhead Zoning Ordinance

WHEREAS, the Riverhead Town Board has carefully considered the merits of the relevant special use permit, the SEQR record created to date, the report of the Planning Department, the report of the Suffolk County Planning Commission, the determination of the Zoning Board of Appeals, (Appeal No. 11-22), the commentary made at the relevant public hearing, as well as all other pertinent planning, zoning and environmental information, now

THEREFORE BE IT,

RESOLVED, that in the matter of the special use permit petition of R & K Precision Autoworks, Inc., the Riverhead Town Board hereby declares itself to be the Lead Agency pursuant to 6NYCRR Part 617 and further determines the Action to be Unlisted without a significant adverse impact upon either the natural or social environment and that a Draft Environmental Impact Statement need not be prepared, and

BE IT FURTHER

RESOLVED, that in the matter of the special use permit petition of R & K Precision Autoworks, Inc., the Riverhead Town Board hereby makes the following findings:

- (i) That the property lies within the confines of the Business CR Zoning Use District by order of the Supreme Court of the State of New York (Index Number 05-5243);
- (ii) That the supplementary use regulations (Section 108-51A) provide for the expansion of non-conforming uses by special use permit of the Town Board;
- (iii) That the lot area is considered sufficient and adequate for the proposed expansion by virtue of the determination of Riverhead Zoning Board of Appeals;
- (iv) That the characteristics of the proposed use would not be unsuitably near a church, school, or recreation area;
- (v) That access facilities are adequate for the motor vehicle traffic to be generated by the intensity of the proposed use;
- (vi) That adequate buffer yards have been provided to protect neighboring properties;
- (vii) That adequate provisions will be made for the collection and recharge of both stormwater and sanitary flow;

- (viii) That adequate provisions for emergency vehicle access, off street parking and loading will be insured by the administration of the requisite and contemplated site plan review;
- (ix) That the site will not generate environmental pollution discernable from the surrounding community; and

BE IT FURTHER

RESOLVED, that based upon its findings, the Riverhead Town Board hereby grants the special use permit of R & K Precision Autoworks, Inc. to allow the construction of a 3,000 sq. ft. expansion of a non-conforming motor vehicle repair use upon real property located at Sound Avenue, Riverhead, New York; such real property more particularly described as Suffolk County Tax Lot Number 0600-42-1-19, subject to the following conditions:

- (i) That no auto body or fender repair shall occur upon the premises;
- (ii) That the special permit use shall commence within two (2) years from the date of this resolution; and

BE IT FURTHER

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

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter - ABSTAIN

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 908

AUTHORIZES SETTLEMENT OF LAWSUIT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Board has been named as a defendant in an action commenced in the US District Court, by Amy L. Csorny, et al regarding beach from property rights at Wading River; and

WHEREAS, a settlement agreement resolving all claims asserted in the litigation against the Town has been offered; and

WHEREAS, in light of the costs attendant to proceeding to a trial with the attendant uncertainties of litigation it is in the best interests of the Town to agree to the terms of the settlement agreement;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby agrees to the terms of the settlement agreement and authorizes the Supervisor to sign all documents necessary to effectuate the terms of the settlement agreement and implement its terms; and be it further

RESOLVED, that Town Clerk is hereby directed to forward a copy of this resolution to Frank A. Isler, Esq. at Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901 and Jonathan Sinnreich, Esq. at Sinnreich, Kosakoff & Messina, 267 Carleton Avenue – Suite 301, Central Islip, New York, 11722 and 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

On a motion by Councilman Gabrielsen, seconded by Councilwoman Giglio Resolution # 907 was offered to be TABLED.

THE VOTE:

YES – 2 Giglio, yes; Gabrielsen, yes

NO – 3 Wooten, no; Dunleavy, no; Walter, no

The resolution was NOT declared TABLED. Thereafter the resolution was motioned for adoption, see vote above.

TOWN OF RIVERHEAD

Resolution # 909

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #11-44 December 01, 2011 (TBM 12/06/11)				
FUND NAME			12/01/11 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		1,812,460.03	1,812,460.03
POLICE ATHLETIC LEAGUE	4		334.80	334.80
RECREATION PROGRAM FUND	6		5,014.52	5,014.52
NUTRITION SITE COUNCIL FUND	7		2,530.00	2,530.00
MULTI YEAR OPERATING GRANT FUN	99		616,379.14	616,379.14
HIGHWAY FUND	111		133,547.16	133,547.16
WATER DISTRICT	112		88,683.33	88,683.33
RIVERHEAD SEWER DISTRICT	114		52,401.91	52,401.91
REFUSE & GARBAGE COLLECTION DI	115		6,271.93	6,271.93
STREET LIGHTING DISTRICT	116		61,077.14	61,077.14
PUBLIC PARKING DISTRICT	117		5,650.00	5,650.00
BUSINESS IMPROVEMENT DISTRICT	118		20,050.21	20,050.21
AMBULANCE DISTRICT	120		1,174.35	1,174.35
EAST CREEK DOCKING FACILITY FU	122		1,107.45	1,107.45
CALVERTON SEWER DISTRICT	124		3,032.91	3,032.91
RIVERHEAD SCAVANGER WASTE DIST	128		25,885.66	25,885.66
RISK RETENTION FUND	175		4,801.86	4,801.86
CDBG CONSORTIUM ACOUNT	181		703.01	703.01
TOWN HALL CAPITAL PROJECTS	406		20,065.10	20,065.10
WATER DISTRICT CAPITAL PROJECT	412		159,048.95	159,048.95
RIVERHEAD SEWER CAPITAL PROJEC	414		37,194.91	37,194.91
TRUST & AGENCY	735		1,867,752.88	1,867,752.88
CALVERTON PARK - C.D.A.	914		10,302.00	10,302.00
TOTAL ALL FUNDS			4,935,469.25	4,935,469.25

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 # 909

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #11-43 November 17, 2011 (TBM 12/06/11)				
FUND NAME		11/16/11 DEPOSIT	11/17/11 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		2,155,130.51	2,155,130.51
RECREATION PROGRAM FUND	6		7,143.89	7,143.89
CHILD CARE CENTER BUILDING FUN	9		51.23	51.23
ECONOMIC DEVELOPMENT ZONE FUND	30		51.69	51.69
HIGHWAY FUND	111		379,529.54	379,529.54
WATER DISTRICT	112		169,773.11	169,773.11
RIVERHEAD SEWER DISTRICT	114		74,645.86	74,645.86
REFUSE & GARBAGE COLLECTION DI	115		379,058.38	379,058.38
STREET LIGHTING DISTRICT	116		10,896.27	10,896.27
PUBLIC PARKING DISTRICT	117		699.47	699.47
AMBULANCE DISTRICT	120		132,635.39	132,635.39
EAST CREEK DOCKING FACILITY FU	122		1,069.88	1,069.88
CALVERTON SEWER DISTRICT	124		44,696.55	44,696.55
RIVERHEAD SCAVANGER WASTE DIST	128		28,449.72	28,449.72
WORKERS' COMPENSATION FUND	173		4,500.00	4,500.00
RISK RETENTION FUND	175		586,964.75	586,964.75
CDBG CONSORTIUM ACOUNT	181		718.34	718.34
SEWER DISTRICTS DEBT SERVICE	382		198.23	198.23
GENERAL FUND DEBT SERVICE	384		4,385,095.29	4,385,095.29
TOWN HALL CAPITAL PROJECTS	406		497,952.02	497,952.02
EIGHT HUNDRED SERIES CAPITAL P	408		4,118.65	4,118.65
WATER DISTRICT CAPITAL PROJECT	412		33,478.00	33,478.00
CALVERTON SEWER CAPITAL PROJEC	424		1,123.91	1,123.91
TRUST & AGENCY	735	475,713.41	630,093.08	1,105,806.49
CALVERTON PARK - C.D.A.	914		14,519.55	14,519.55
TOTAL ALL FUNDS		475,713.41	9,542,593.31	10,018,306.72

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

12.06.2011
110910

ADOPTED

TOWN OF RIVERHEAD

Resolution # 910

ACCEPTS DONATION (FOUR YEAR PERIOD FREE OF ALL CHARGES AND COSTS) FROM SAV WATT FOR INSTALLATION, USE AND MAINTENANCE OF AN ECO POLE AT GRANGEBEL PARK AND AUTHORIZES SUPERVISOR TO EXECUTE AGREEMENT WITH SAV WATT RELATING TO USE, INSTALLATION AND MAINTENANCE OF THE ECO POLE AT GRANGEBEL PARK

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead has undertaken the beautification of downtown Riverhead and the Town of Riverhead as a whole; and

WHEREAS, approximately one year ago, the Town entered into an agreement with River & Roots for the use of property owned by the Town of Riverhead located at West Main Street, just south of Griffing Avenue, Riverhead, New York described at SCTM# 0600-128-3-72.1 and approximately 0.33 acre site (hereinafter referred to as "subject property") as a community garden; and

WHEREAS, Sav Watt has offered to install and maintain a eco pole, light fixture powered by collection of sun, at or near the site of the community garden for a period of four years at no charge and without costs to the Town for installation, use or maintenance of the eco pole; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Riverhead hereby accepts Sav Watt's offer to donate, subject to the terms of an agreement relating to installation, use, maintenance, a eco pole at or near the site of the River & Roots Community Garden; and be it further

RESOLVED, that the Supervisor is authorized to execute an Agreement with Sav Watt in substantially the same form as annexed hereto, with the exception of additional language to safeguard and hold the Town of Riverhead harmless relating to installation and damage to the eco pole be it due to vandalism or weather related events; and

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution Sav Watt USA, 110 Wicomico Street, Suite 700, Baltimore, MD 21230; River & Roots Community Garden; Buildings & Grounds Department; and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**On a motion by Councilman Gabrielsen, seconded by Councilman Dunleavy
Resolution #910 was TAKEN OFF THE FLOOR**

THE VOTE:

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



ECO POLE LEASE AGREEMENT

ECO POLE # 11016

This agreement, SavWatt Lease #11016, is entered into as of as of the __ day of _____ 2011 (hereinafter referred to as the effective date of the agreement) between SavWatt USA, Inc. (hereafter referred to as SavWatt), a Delaware Corporation, and the Town of Riverhead (Customer)

WHEREAS, (Customer) wishes to have an Eco Pole erected on property that (Customer) owns or leases, and SavWatt agrees to have an Eco Pole on the designated property;

NOW, THEREFORE, in consideration of the foregoing and the mutual premises hereinafter expressed, the parties do hereto mutually agree as follows:

SCOPE OF LEASE AGREEMENT

The Eco Pole will be placed at the property located in the Town of Riverhead, as agreed to on the site survey, and is exclusive to this location. SavWatts engineering staff, taking into account the ability to capture the sun and wind, will determine the exact location, so as to maximize the achievement of objectives of the Eco Pole. The operation of the pole may include components designed to collect data relating to the operation of the Eco Pole such as weather conditions, sunlight, wind, and other environmental factors. Prior to installation the parties will execute a site location agreement.

PERIOD OF PERFORMANCE

This agreement shall be effective as of the date set forth above, and shall remain in force on a month to month basis. Either party may cancel this agreement by giving 30 days written notice to the other party. The party canceling the agreement will be responsible for the cost of disassembly and transportation of the Eco Pole back to SavWatts facility.

FEES

There shall be no fee or cost to (Customer) for installation or lease of the Eco Pole.

OWNERSHIP

SavWatt shall maintain ownership of the Eco Pole while it is in the possession of (Customer), and may at any time regain possession for any reason.

INSTALLATION

SavWatt agrees to install the Eco Pole at its own expense, according to the parameters set above, and according to its best judgment. (Customer) agrees to insure and confirm that placement of the Eco Pole will not interfere with any utility lines, including but not limited to: Gas, Electricity, and Water. In the event that such lines have to be moved, (Customer) agrees to do so at its own expense

LAWFUL USE

(Customer) will be responsible for insuring that the use, placement and location of the pole are according to all applicable laws of the jurisdiction specified above. (Customer) shall also be responsible for securing all permits, and if necessary, inspections, and that all laws are adhered to in the installation of the pole. (Customer) also agrees that if the pole is to be placed on leased property, to obtain the approval of the leaseholder.

ALTERATION, CHANGE OF LOCATION

(Customer) may not under any circumstances alter, change the appearance of, or location of Eco Pole without the written consent of SavWatt. This includes, but is not limited to, placing or hanging any items on, or painting the pole.

INTELLECTUAL PROPERTY-DATA COLLECTED

SavWatt shall own all data collected by and from the Eco Pole. Any data released by (Customer) may only be in summary form. No specific data may be released without the written consent of SavWatt.

CONFIDENTIAL INFORMATION

The parties acknowledge and agree that in the course of the performance of services pursuant to this agreement, that each may be given access to, or come into possession of, confidential information of the other party may contain trade secrets, proprietary data or other confidential material of that party, including:

- Any and all information concerning either party's current, future or proposed products, including, but not limited to, formulas, designs, devices, computer codes, drawings, specifications, notebook entries, technical notes and graphs, computer printouts, technical memoranda and correspondence, product development agreements and related agreements.
- Information and materials relating to either party's purchasing, accounting and marketing, including but not limited to, marketing plans, sales data, business methods, unpublished promotional material, cost and pricing information and customer lists.
- Information of the type described above which either party obtained from another party and which that party treats as confidential, whether or not owned or developed by such party.

Each party will treat confidential information of the other with the same degree of care and safeguards that it takes with its own confidential information, but in no event less than a reasonable degree of care. Without other party's prior written consent, neither party will not:

- Disclose confidential information to any third party
- Make or permit to be made copies or other reproductions of confidential information

Or

- Make any commercial use of confidential information

Both parties will carefully restrict access to confidential information to those of its officers, directors and employees who are subject to nondisclosure restrictions at least as protective as those set forth in this agreement and who clearly need such access to participate in the analysis and negotiation of a business relationship or any contract or agreement with disclosing party. Parties shall not disclose to any person either the fact that discussions or negotiations are taking place concerning a possible transaction or the status of such discussions or negotiations without prior written consent.

TRADEMARK, TRADENAME AND COPYRIGHTS

Except as expressly provided herein, this agreement does not give (Customer) any ownership rights or interest in SavWatts trade name, or any of its trademarks or copyrights.

INDEMNIFICATION

Each party, at its own expense, shall indemnify, defend and hold the other, its partners, shareholders, directors, officers, employees, and agents harmless from and against any and all third party suits, actions, investigations and proceedings, and related costs and expenses (including reasonable attorneys fees) resulting solely and directly from the indemnifying party's negligence or willful misconduct. Neither party shall be required hereunder to defend, indemnify or hold harmless the other and/or its partners, shareholders, directors, officers, employees and agents, or any of them, from any liability resulting from the negligence of wrongful acts of the party seeking indemnification or of any third party. Each party agrees to give the other prompt written notice of any claim or other matter as to which it believes this indemnification provision is applicable. The indemnifying party shall have the right to defend against any such claim with counsel of its own choosing and to settle and/or compromise such claim as it deems appropriate. Each party further agrees to cooperate with the other in the defense of any such claim or Other matter.

MARKETING & PUBLICITY

SavWatt shall have the right to use the name of the facility, address, and location of where the Eco Pole has been erected in its marketing materials, press releases, reports to shareholders, and clients or prospective customers.

GENERAL PROVISIONS

- **Entire Agreement:** This agreement together with all documents incorporated by reference herein, constitutes the entire and sole agreement between the parties with respect to the subject matter hereof and supersedes any prior agreements, negotiations, understandings, or other matters, whether oral or written, with respect to the subject matter hereof. This agreement cannot be modified, changed or amended, except for in writing signed by a duly authorized representative of each of the parties.
- **Conflict:** In the event of any conflict, ambiguity or inconsistency between this agreement and any other document, which may be annexed hereto, the terms of this agreement, shall govern.
- **Assignment and Delegation:** Nether party shall assign or delegate this agreement or any rights, duties or obligations hereunder to any other person and/or entity without prior express written approval of the other party.
- **Notices:** Any notice required or permitted to be given under this agreement shall be in writing.

To: SavWatt USA
1100 Wicomico Street
Suite 700
Baltimore, MD 21230

Attn: Jerry Sutton

To: (Customer)

- Severability: If any provision of this agreement is declared invalid or unenforceable, such provision shall be deemed modified to the extent necessary and possible to render it valid and enforceable. In any event, the unenforceability or invalidity of any provision shall not affect any other provision of this agreement, and this agreement shall continue in force and effect, and be construed and enforced, as if such provision had not been included, or had been modified as above provided, as the case may be.

IN WITNESS WHEREOF, the parties, by their duly authorized representatives, have caused this agreement to be executed as of the date first written above

SavWatt USA, Inc.

(Customer)

Printed Name

Printed Name

Signature

Signature

Revised 6/11

11.15.2011
110830

11.15.11 TABLED
12.06.11 UNTABLED
12.06.11 ADOPTED

TOWN OF RIVERHEAD

Resolution # 830

2011 GENERAL TOWN

BUDGET ADJUSTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Year End budget adjustments are necessary for 2011.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the attached 2011 Budget adjustments:

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared TABLED

On a motion by Councilman Dunleavy, seconded by Councilman Gabrielsen Resolution #830 was offered to be **UNTABLED**

THE VOTE:

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

Immediately thereafter on a motion by Councilman Dunleavy seconded by Councilman Gabrielsen the resolution #830 was offered for **ADOPTION**

THE VOTE:

YES – 4 Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes
NO – 1 Giglio, no

FUND	COST CTR	OBJECT	ACCT TITLE	FROM	TO
001	099010	595384	GENERAL TOWN DEBT SERVICE	215,100.00	
001	031200	524101	POLICE - NEW VEHICLES	58,000.00	
001	031200	511500	POLICE NON-UNIFORM BASE	50,000.00	
001	031200	541500	POLICE - AUTOMOTIVE REPAIRS	27,350.00	
001	031200	515501	POLICE CELL ATTENDANTS	10,000.00	
001	067720	541530	POLICE REPAIRS & LABOR - AUTO	6,500.00	
001	071400	546000	RECREATION - UTILITIES	6,300.00	
001	014400	543500	ENGINEER - CONSULTANTS	6,000.00	
001	031200	541411	POLICE -VEHICLE SCALE EXPENSE	1,850.00	
001	036250	524000	CODE ENFORCE -EQUIPMENT	500.00	
001	075500	544120	WINTER CELEBRATIONS	500.00	
001	014200	543301	LITIGATION, APPRAISALS AND		75,000
001	014400	512500	TOWN ENGINEER OVERTIME		6,000
001	016230	546000	POLICE COMPLEX LIGHTS, HEAT, WATER		20,000
001	016240	546000	TH WEST LIGHTS, HEAT & WATER		20,000
001	016250	541150	B&G REPAIRS & MAINTENANCE		19,500
001	016250	541500	B & G MOTOR VEHICLE MAINTENANCE		15,000
001	016900	512500	MUNICIPAL GARAGE - OVERTIME		30,000
001	019100	548300	UNALLOCATED INSURANCE		11,700
001	031200	512500	POLICE NON-UNIFORM OT		50,000
001	031200	513500	POLICE LONGEVITY NON-UNIFORM		14,000
001	031200	514100	POLICE SICK TIME BUY BACK		2,700
001	031200	518605	SEASONAL EMPLOYEES		58,000
001	031200	546100	POLICE TELEPHONE (727-4500)		2,500
001	031200	546303	POLICE - GASOLINE		25,000
001	036250	541500	BLDG DEPT MOTOR VEHICLE MAINTENANCE		6,500
001	067720	512500	NUTRITION OVERTIME		6,500
001	070200	543405	RECREATION -TRAVEL		2,700
001	071800	518607	RECREATION BEACH ATTENDANT		3,600
001	075200	540000	HISTORICAL EXPENSES CONTR EXPENSES		3,400
001	080200	512500	PLANNING -OVERTIME NON-UNIFORM		10,000