

**TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY**

**Resolution # 5**

**ACCEPTS ANNUAL REPORT AND ANNUAL FINANCIAL REPORT FOR 2011**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Public Authorities Accountability Act of 2005 as amended (the "PAAA") includes Town of Riverhead Community Development Agency (the "CDA") in its definition of a local authority; and

**WHEREAS**, the PAAA requires the preparation and submission of an Annual Report and an Annual Financial Report to the State Comptroller.

**THEREFORE BE IT RESOLVED** that the board of directors of the Community Development Agency hereby accepts the 2011 Annual Report and 2011 Annual Financial Report (attached) of the Town of Riverhead Community Development Agency.

**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

## CDA ANNUAL REPORT for FY 2011

As required by the Bylaws of the Town of Riverhead Community Development Agency (CDA), the following information is provided for consideration and review by the Members of the CDA.

**MEMBERSHIP**- The Members of the Corporation shall be the members of the Riverhead Town Board, comprised of the following persons during FY 2011:

Sean Walter, John Dunleavy, James Wooten, George Gabrielsen and Jodi Giglio. In addition, the 2011 CDA was served by: Executive Director Chris Kempner, Chief Finance Officer Bill Rothaar, Contracting Officer for real property Robert Kozakiewicz, and Contracting Officer for personal property Bill Rothaar. Neither members nor staff receives any compensation for their duties and responsibilities to the CDA.

The CDA established a Governance and Audit Committee as required by the Public Authorities Act of 2005 as amended (the "PAAA"). Sean Walter and John Dunleavy were appointed to the Governance Committee. Sean Walter, Deputy Supervisor Jill Lewis and George Gabrielsen were appointed to the Audit Committee. All other CDA policies and procedures required by the PAAA relating to investment, salary/compensation, whistleblowing, acquisition and disposition of real property and personal property, procurement, defense and indemnification for Directors, ethics, travel, remain in place as adopted by CDA Resolution #6 adopted May 1, 2007.

### **BACKGROUND**

The five member Riverhead Town Board is the governing legislative body and consists of a supervisor and four council members, all of whom are elected at large. The Town Board acts separately in its capacity as the CDA Board, which is empowered under New York State General Municipal Law to foster economic development. The CDA consists of the Chairman (the Town Supervisor) and the four Town board members. In the capacity as the economic development agency of the Town of Riverhead, the CDA administers and secures financing for numerous downtown revitalization projects and public improvement projects.

The CDA, established in 1982, has been proactive in fostering economic revitalization in the downtown business district and was a major impetus in the establishment of a 3.2 acre waterfront aquarium. In addition, the CDA took title to the former Naval Weapons Industrial Reserve Plant at Calverton in 1998 as the result of special federal legislation, and as such is charged with the task of overseeing economic development at the 2,900 acre site. Using powers granted under New York State Urban Renewal Law, pursuant to Section 505 of Article 15, the Community Development Agency has played a critical role in economic development at Calverton Enterprise Park, as well as downtown. Since 1998, the Calverton Enterprise Park real property, improved with buildings and infrastructure, has been leased and sold pursuant to the disposition of property procedures of Section 507 of the Urban Renewal Law.

The Community Development Agency has designated several Urban Renewal Areas for the purpose of encouraging neighborhood revitalization and economic development. The designated Urban Renewal Areas include: Calverton Enterprise Park, Millbrook Gables residential community, East Main Street Downtown Business District and Railroad Avenue Corridor. Within the designated boundaries of the urban renewal areas, available incentives are provided

where feasible to attract investment and assist owners and businesses in improving their properties.

Portions of the Calverton Enterprise Park and East Main Street Urban renewal Areas were designated Empire Zones, a program that was sunsetted by New York State on June 30, 2010. This designation was initiated and administered by the CDA for its economic development benefits. Low interest loans and grants have also been made available to increase investment in these targeted areas. For instance, within the East Main Street Urban Renewal Area, the CDA has successfully developed an aquarium as a major tourist attraction, sold the 1930s art deco Suffolk Theatre for reuse, has completed restoration of an 1881 historic opera house, invested \$500,000 in historic restoration of properties occupied by the East End Arts Council, as well as assisting in the development of a 100 room hotel expansion at Long Island (formerly Atlantis) Aquarium and Exhibition Center and three new mixed use housing/retail developments on Peconic Avenue, one that incorporated a currently deteriorated structure and the other that revitalized a vacant building located at the gateway to downtown that now is an active revitalized historic anchor building with retail, office and housing completed in 2010.

### **CDA MISSION STATEMENT**

The CDA's mission is to foster economic revitalization in the Town of Riverhead Urban Renewal Areas to implement projects that improve the environment, economy and quality of life of the Riverhead Town residents, businesses and visitors through creation of jobs, development of infrastructure, generation of additional tax revenue, and leveraging investment of capital in the Town of Riverhead.

Measurements by which the CDA and the achievement of its goals may be evaluated by the following:

- Investment dollars and leveraging (public and private funding);
- Infrastructure development;
- Tax base expansion;
- Jobs created; and
- Quality of life enhancements (preservation and open space, recreation, enhancement of environment, transportation and housing choices)

Below is a list of projects that have been advanced these goals during 2011.

### **DOWNTOWN ACTIVITY IN 2011**

The Community Development Agency actively pursues grant funding to incentivize private developments in Downtown Riverhead. In the past 4 years the CDA through the Town has secured several million dollars in funding towards private and public projects. A partnership with NYS DHCR Main Street program provides up to 75% towards façade and interior renovations for businesses in the Business Improvement District (BID) area. Downtown Riverhead has an active BID Association that provides extensive programming to attract visitors <http://riverheadbid.com/>. Additionally the Downtown area has a shared municipal parking district to provide parking, an historic district triggering historic rehabilitation tax credits, and an urban renewal area triggering New Market Tax Credit availability for projects over \$5 million.

Extensive information regarding the downtown infrastructure and special districts is available online in the East Main Street Urban Renewal Area Plan and accompanying GEIS located at <http://www.riverheadli.com/E.Main.Street.Renewal.Plan.pdf>

The CDA continued to advance the goals of the East Main Street Urban Renewal Plan (<http://riverheadli.com/Urban.Renewal.Plan.Update.October.10.01.08.pdf>), final Generic Environmental Impact Statement (located at <http://riverheadli.com/Final.Generic.Environmental.Impact.Stmt.10.01.08.pdf>), and Findings Statement for the GEIS (located at <http://riverheadli.com/Findings.Statement.10.01.08.pdf>) issued and adopted in October 2008.

In 2011, the CDA and the Town of Riverhead Community Development Department assisted several significant downtown revitalization projects including:

- Long Island (Atlantis) Aquarium, Exhibit Center, Hyatt Hotel expansion to develop 100 room hotel, catering hall and rotating gallery exhibit space through private funding, \$2,400,000 New York State Empire State Development RESTORE NY III Funding and Town of Riverhead Industrial Development Agency incentives;
- 1 East Main Street (revitalization of vacant historic anchor property to provide retail, housing and office space through private investment, New York State Department of Housing and Community Renewal Main Street grant funds, Town of Riverhead Industrial Development Agency incentives);
- 10 Peconic Avenue – over \$1 million dollar renovation to formerly vacant building on Peconic Avenue to create community event space & 10 live/work unit artist units above;
- Revitalization of the 3-acre Grangebel Park with \$1.5 Million NYS DOT grant - a key greenspace located at the entrance to Downtown Riverhead overlooking Peconic River & connecting Riverhead to Southampton to provide community space with event stage;
- \$750,000 Habitat Restoration (fish passage) NYS DEC Peconic Estuary (PEP) Program;
- Summerwind Square (revitalization of three vacant and underutilized parcels to create a 52 unit mixed use workforce housing complex with ground floor retail supported by Suffolk County Workforce Housing Funding of approx \$2 Million and Town of Riverhead Industrial Development Agency incentives);
- Suffolk Theatre Revitalization (former CDA property transferred to private developer to be renovated from vacant building to active theater through private funding and New York State Department of Housing and Community Renewal Main Street grant funds);
- Infrastructure improvements including site redevelopment of the East End Arts Council greenspace and walkway that is a visual and physical connection of Main Street to the Peconic Riverfront, installation of floating docks to attract rowers, and the Peconic Avenue crosswalk connecting the Peconic Riverfront to Grangebel Park (funded by HUD CDBG funds and Suffolk County Downtown Revitalization funds);
- Various other façade and building improvements in the downtown area funded by New York State Department of Housing and Community Renewal Main Street grant funds;
- The Riverhead Project – retrofit of 1962 Bank to upscale, white-tablecloth restaurant;
- Codys BBQ & Grill – family friendly sports restaurant with Country music theme (12 HD TVs);
- Spring 2012 businesses to open: Curves, Ralphs Ice Cream, Twin Forks Bike Rentals;
- Approximately 770 municipally owned parking spaces walkable to downtown;

- Coordination with newly formed East End Tourism Alliance between North & South Forks.

#### **RAILROAD AVENUE CORRIDOR ACTIVITY IN 2011**

In 2007, the CDA board held a hearing on the designation of Vintage Group, LLC, as a Qualified & Eligible (Q & E) Sponsor for the purchase and development of the parking lot owned by the Town of Riverhead located on Court Street together with the acquisition and development of some or all of the privately-owned properties located on the adjacent block bordered by Railroad Street, Griffing Avenue, Court Street and Cedar Avenue, for redevelopment consistent with the Town of Riverhead Urban Renewal Plan/Railroad Street Corridor adopted April 4, 1997. In 2009, Q & E status was extended after an additional public hearing and extensions of time for an Agreement of Sale to be fully executed were extended through June 15, 2010. On June 15, 2010, the CDA Board authorized amending CDA Resolutions #9, #17 and #27 of 2008 and Resolutions #13 and #19 of 2009 to provide that designation of Vintage Square Properties LLC as a Qualified and Eligible Sponsor would expire and be of no force and effect unless an Agreement of Sale consistent with CDA resolution #9 of 2008 be fully executed on or before December 15, 2010 subject to a new Qualified and Eligible Sponsor hearing if substantive changes made to the draft Agreement of Sale on file with the Town Clerk.

#### **CALVERTON ENTERPRISE PARK ACTIVITY IN 2011**

In 2011, the CDA executed an agreement with VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) to update the Comprehensive Reuse Plan for the 2,900 acre Calverton site formerly known as the Naval Weapons Industrial Reserve Plant at Calverton including but not limited to development of a revised land use plan and associated zoning, updated market assessment, preparation of subdivision plan, and assistance in the administration of the SEQRA process.

Additionally, the CDA accepted and adopted findings and recommendations of a market study prepared by RKG Associates and authorize VHB to proceed with environmental review of Development Plan "A" and alternate development plan as presented on December 8, 2011. The proposed revised land use plan and updated market assessment are available at <http://www.townofriverheadny.gov/pView.aspx?id=13078&catid=118>.

In 2008, the CDA board authorized and issued an RFP for rail design engineers for the Calverton Rail Access and Development Project and selected HDR, Inc., an employee-owned architectural, engineering and consulting firm with rail development expertise as the consultant for the project. In December 2008, the CDA authorized HDR to proceed with initial preliminary planning for the Calverton Rail Access Rehabilitation Project. In March 2009, the CDA board authorized HDR to proceed with the NYSERDA funded design portion of the project (NYSERDA grant of \$75,000) and in December 2009, the CDA board authorized HDR, Inc. to continue planning for the project with additional Town and CDA funds augmented with \$650,000 funding secured in October 2009 from New York State Empire State Development. In December 2009, the CDA board authorized the Calverton Rail Access Project to receive American Reinvestment and Recovery Act funding from the New York State Department of Transportation for the construction of the Calverton Rail Access Rehabilitation Project in an amount up to \$4.8 million.

In April 2010, the project received a Gold GREENLites Transportation Sustainability Award from New York State Department of Transportation. The project broke ground in May 2010 and made significant progress toward completion by the time weather shut down construction in December 2010. Additionally, the CDA board authorized optimized reconstruction of the Rail Project by progressing a Change Order to the construction contract for optimized design and authorizing the CDA Chair to enter into amended professional services agreements with Dunn Engineering Associates, P.C. and/or directly with a rail design firm subject to review and approval by the Town Attorney. It is anticipated construction will be completed and the rail ready for operation by close of 2012.

#### **ADDITIONAL CDA ACTIVITIES**

In 2011 the CDA authorized publication of notice and solicitation of proposals for developer of workforce housing unit that Suffolk County made available to the Town of Riverhead CDA for rehabilitation as workforce housing. The CDA rejected the bids from developers of the workforce housing unit based on the bids received being in excess of the available funds to develop the property and instead, indicated a preference to develop the property at no cost to the Town of Riverhead through a partnership with Habitat for Humanity.

Additionally, the CDA submitted funding applications to the New York State Long Island Economic Development Regional Council to support a freight village project at Calverton Enterprise Park and a Maglev-2000 Demonstration and Certification Project.

#### **AGREEMENTS ENTERED INTO BY THE CDA IN 2011**

Agreements entered into by the CDA in 2011 include:

- 1) Agreement with VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) to update the Comprehensive Reuse Plan for the 2,900 acre Calverton site formerly known as the Naval Weapons Industrial Reserve Plant at Calverton, including but not limited to development of a revised land use plan and associated zoning, updated market assessment, preparation of subdivision plan, and assistance in the administration of the SEQRA process;
- 2) Change Order #6 to the construction contract to provide for construction of approximately 1800' long runaround track and elimination of the obsolete runaround track to the north of the Calverton Recreation Center utilizing remaining available grant funds of approximately \$400,000 in ARRA NYSDOT funds towards construction/construction inspection and approximately \$450,000 in NYS Empire State Development grant funds towards construction;
- 3) Change Order #7 for reconstruction of Calverton Rail Spur;
- 4) License Agreement with the County of Suffolk and the Suffolk County Police Department to use a portion of Calverton Enterprise Park (westerly runway) for motorcycle training purposes;
- 5) Amendment to Professional Services Agreement with Dunn Engineering Associates, P.C., to proceed with Calverton Rail Construction Administration for Change Order No. 6;
- 6) License Agreement with Sun Never Sets Productions, LLC for use of portions of Calverton Enterprise Park at Calverton Western Runway/Taxiway, Grumman Boulevard/River Road for one day production of "Top Gear" television series;
- 7) License Agreement with Department of Navy to enter upon a portion of the Navy's property at EPCAL to complete the rail spur construction;

- 8) Agreement with LIPA and National Grid to utilize property at EPCAL to store vehicles and equipment necessary to enable fifty five crews to swiftly respond to outages and assess major damage to transmission and distribution lines, substations and other infrastructure caused by Hurricane Irene;
- 9) Execution of the general release to REPCAL LLC pursuant to the Fifth Amendment to the terminated Agreement of Sale dated October 2, 2007, that provided for the sum of \$250,000 to be released to the Town of Riverhead;
- 10) License agreement with Metro Terminals over and through lots 32 and 28 of the Metro site to permit the operation and maintenance of the rail spur as the same is provided in the Easement and Declaration of Railroad Easement recorded in Liber D00012498 at page 663 with the Clerk of Suffolk County;
- 11) License Agreement with ADM Productions, Inc. for use of portions of Calverton Enterprise Park at Calverton Western Runway/Taxiway for production of "Good Year" video;
- 12) License Agreement with 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 Calverton Enterprise Park to conduct tests on wind farm related equipment for a fee of \$1,000 per month thereafter until the agreement is terminated.

Existing agreements the CDA continued during 2011 entered into in previous years:

- 13) Acceptance of up to \$4,800,000 in New York State Department of Transportation American Reinvestment and Recovery Act grant funding that included authorizing the Chairman of the CDA/Supervisor of the Town of Riverhead to execute all necessary agreements and certifications on behalf of the CDA/municipality and appropriated capital funds to cover first instance and all non-eligible costs of participation in the reimbursement grant program;
- 14) Award of the Calverton Rail Access Rehabilitation Contract to Railroad Construction Co., Inc. in the amount of \$3,496,684 with Change Order #1 in the amount of \$310,584.50 subject to the terms of a funding agreement with New York State Department of Transportation
- 15) Award of the Calverton Rail Access Rehabilitation Construction Administration Contract to Dunn Engineering Associates, P.C., in the amount of \$439,587 subject to New York State Department of Transportation approval;
- 16) Authorized the CDA Chair/Town Supervisor to Execute a License Agreement and amendment with Laufer Wind Group to enter and use a portion of the Calverton Enterprise Park to test wireless detection system components for a fee of \$2,000 for the first month and \$1,000 per month thereafter until the agreement is terminated;
- 17) Expressed Support for the Establishment of a YMCA at EPCAL on Property Adjoining the Town's Park at Calverton Enterprise Park;

#### **DESCRIPTION OF MATERIAL PENDING LITIGATION**

The Town of Riverhead Community Development is not a defendant in any pending lawsuits and as such, there is no pending litigation known that will have a material adverse effect on the financial condition of the Town.

## GRANT FUNDING

CDA Parks Projects. The CDA applied for and received notification of a \$100,000 grant from the New York State Office of Parks, Recreation and Historic Preservation in 2006 for funding under the Recreational Trails Program towards the development of an 8.9 mile multisport athletic trail. The project was bid, awarded and substantially constructed in 2010 and a significant amount of the grant funds were received for reimbursement by year-end 2010. The project augments a town park project initiated by the CDA in 2001 involving \$600,000 in grant funds from the New York State Office of Parks Recreation and Historic Preservation for public recreational improvements. Phase I was designed and engineered in 2006 and under construction in 2007/8. The majority of funds were expended in 2007 and a majority of the grant funds were received for reimbursement by year-end 2008. Close out and final audit of the Phase I grant funds were completed in 2011. Additional work on Phase II of the ballfield development continued in 2011 with entrance improvements to the ballfields.

Calverton Rail Access Rehabilitation Project. The CDA applied for and received notification of a \$75,000 grant from the New York State Energy Research and Development Authority (NYSERDA) in 2008 for funding under the Sustainable Transportation Systems Program towards design and logistics associated with rehabilitation of 2.65 miles of an existing rail spur that links Long Island Rail Road mile post 69.1 to the Calverton Enterprise Park. The infrastructure project is expected to remove vehicles from the roads, mitigate traffic congestion and allow area businesses to compete more effectively through reduced shipping costs and lower the prices of goods. In 2009, the CDA accepted the grant award from NYSERDA and entered into a professional services agreement with HDR, Inc. to proceed with design of the Calverton Rail Access Rehabilitation Project funded by NYSERDA. In December 2009 the CDA board authorized HDR, Inc. to continue planning for the project with additional Town and CDA funds augmented with \$650,000 funding secured in October 2009 from New York State Empire State Development. In 2010 the CDA board authorized the Calverton Rail Access Project to receive American Reinvestment and Recovery Act funding from the New York State Department of Transportation for the construction of the Calverton Rail Access Rehabilitation Project in an amount up to \$4.8 million. In April 2010 the project received a Gold GREENLites Sustainability Award from New York State Department of Transportation. The project broke ground in May 2010 and made significant progress toward completion by the time weather shut down construction in December 2010. Construction restarted in 2011 and is substantially completed. It is anticipated construction will be fully completed and the rail ready for operation by mid- 2012.

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2011**

<b>Balance Sheet</b>	<b>FOR THE FISCAL YEAR ENDED 2010</b>	<b>EDP CODE</b>	<b>FOR THE FISCAL YEAR ENDED 2011</b>
<b>Assets</b>			
Cash	\$ 3,502,723	A 200	\$ 171,806
Cash - Time Certificates	<u>\$ -</u>	A 201	<u>\$ -</u>
<b>TOTAL Cash</b>	<u><u>\$ 3,502,723</u></u>		<u><u>\$ 171,806</u></u>
Accounts Receivable	\$ -	A 380	\$ 665,725
Accrued Interest Receivable	\$ -	A 381	\$ -
Allowance for Uncollected Receivable	<u>\$ -</u>		<u>\$ -</u>
<b>TOTAL Other Receivables</b>	<u><u>\$ -</u></u>		<u><u>\$ 665,725</u></u>
Due from Other Governments	<u>\$ 2,635,660</u>	A 440	<u>\$ 768,753</u>
<b>TOTAL Due from Other Governments</b>	<u><u>\$ 2,635,660</u></u>		<u><u>\$ 768,753</u></u>
<b>TOTAL Assets</b>	<u><u>\$ 6,138,383</u></u>		<u><u>\$ 1,606,284</u></u>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2011**

<b>Balance Sheet</b>	<b>FOR THE FISCAL YEAR ENDED 2010</b>	<b>EDP CODE</b>	<b>FOR THE FISCAL YEAR ENDED 2011</b>
<b>Liabilities &amp; Fund Equity</b>			
Accounts Payable	\$ 1,194,776		\$ 184,209
Due to Other Funds	\$ 4,513,915	A 489	\$ 1,032,363
Due to Other Governments	\$ -	A 631	\$ -
Deferred Rental Revenue	\$ -	A 691	\$ -
<b>TOTAL Due to</b>	<u>\$ 4,513,915</u>		<u>\$ 1,032,363</u>
<b>TOTAL LIABILITIES</b>	<u>\$ 5,708,691</u>		<u>\$ 1,216,572</u>
Reserve for Encumbrances	<u>\$ 708,077</u>	A 821	<u>\$ 626,598</u>
<b>TOTAL Reserve for Encumbrances</b>	<u>\$ 708,077</u>		<u>\$ 626,598</u>
Fund Balance - Unreserved	<u>\$ (278,385)</u>	A 911	<u>\$ (236,886)</u>
<b>TOTAL Fund Balance - Unreserved</b>	<u>\$ (278,385)</u>		<u>\$ (236,886)</u>
<b>TOTAL Fund Equity</b>	<u>\$ 429,692</u>		<u>\$ 389,712</u>
<b>TOTAL Liabilities and Fund Equity</b>	<u>\$ 6,138,383</u>		<u>\$ 1,606,284</u>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2011**

<b>Results of Operation</b>	<b>FOR THE FISCAL YEAR ENDED 2010</b>	<b>EDP CODE</b>	<b>FOR THE FISCAL YEAR ENDED 2011</b>
<b>Detail Revenues and Other Sources</b>			
Agency Fees	\$ -	A 2170	\$ -
<b>TOTAL Departmental Income</b>	<u>\$ -</u>		<u>\$ -</u>
Interest and Earnings	\$ 23,486	A 2401	\$ 12,875
Lease Payments	\$ 32,592	A 2410	\$ 44,392
Sale of Real Property	\$ 125,000	A 2660	\$ 250,000
Sale of Equipment	\$ -	A 2665	\$ -
<b>TOTAL Use of Money and Property</b>	<u>\$ 181,078</u>		<u>\$ 307,267</u>
Refund of Prior Years Expenses	\$ -		\$ 100
<b>TOTAL Miscellaneous Income</b>	<u>\$ -</u>		<u>\$ 100</u>
State Aid	\$ 134,009	A3789	\$ -
Federal Aid	\$ 3,585,658	A4597	\$ 989,160
<b>TOTAL Federal/State Aid</b>	<u>\$ 3,719,667</u>		<u>\$ 989,160</u>
<b>TOTAL REVENUES</b>	<u>\$ 3,900,745</u>		<u>\$ 1,296,527</u>
Interfund Transfers - Other Gov't	\$ -	A4789	\$ -
<b>TOTAL Other Sources</b>	<u>\$ -</u>		<u>\$ -</u>
<b>TOTAL Revenues &amp; Other Sources</b>	<u>\$ 3,900,745</u>		<u>\$ 1,296,527</u>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2011**

Results of Operation	FOR THE FISCAL YEAR ENDED 2010	EDP CODE	FOR THE FISCAL YEAR ENDED 2011
<b>Detail Expenditures and Other Sources</b>			
Planning & Management Development - Equipment	\$ 3,123,500	A8684.2	\$ 831,754
Planning & Management Development - Contr Expen. Prof. S	\$ 558,117		\$ 470,561
Planning & Management Development - Contr Expen.	<u>\$ 51,468</u>	A8684.4	<u>\$ 15,521</u>
<b>TOTAL Planning and Management Development</b>	<b><u>\$ 3,733,085</u></b>	A8684.0	<b><u>\$ 1,317,836</u></b>
CDA Administration, Contr Expen.	<u>\$ -</u>	A8686.4	<u>\$ -</u>
<b>TOTAL CDA Administrator</b>	<b><u>\$ -</u></b>	A8686.0	<b><u>\$ -</u></b>
<b>TOTAL Home and Community Service</b>	<b><u>\$ 3,733,085</u></b>		<b><u>\$ 1,317,836</u></b>
<b>TOTAL Expenditures</b>	<b><u>\$ 3,733,085</u></b>		<b><u>\$ 1,317,836</u></b>
<b>Other Uses</b>			
Transfer to Other Governments	<u>\$ -</u>		<u>\$ 16,194</u>
<b>TOTAL Other Uses</b>	<b><u>\$ -</u></b>		<b><u>\$ 16,194</u></b>
<b>TOTAL Detail Expenditures and Other Uses</b>	<b><u>\$ 3,733,085</u></b>		<b><u>\$ 1,334,030</u></b>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2011**

Results of Operation	FOR THE FISCAL YEAR ENDED 2010	EDP CODE	FOR THE FISCAL YEAR ENDED 2011
<b>ANALYSIS OF CHANGES IN FUND EQUITY</b>			
FUND EQUITY-BEGINNING OF YEAR*	\$ 4,762,032	A8021	\$ 429,692
EQUITY ADJUSTMENTS	\$ (4,500,000)		\$ (2,477)
ADJUSTED EQUITY -BEGINNING OF YEAR	\$ 262,032		\$ 427,215
ADD-REVENUES AND OTHER SOURCES	\$ 3,900,745		\$ 1,296,527
DEDUCT-EXPENDITURES AND OTHER USES	<u>\$ 3,733,085</u>		<u>\$ 1,334,030</u>
FUND EQUITY-END OF YEAR*	<u>\$ 429,692</u>	A8029	<u>\$ 389,712</u>

\* TOTAL INCLUDES RESERVED AND UNRESERVED FUND BALANCE IN GOVERNMENTAL FUNDS, OR RETAINED EARNINGS OR FUND EQUITY FOR PROPRIETARY FUNDS. ADJUSTMENTS TO BEGINNING FUND EQUITY RESULTING FROM A CORRECTION OF A PRIOR YEAR'S ACCOUNTING ERROR SHOULD BE REPORTED AS A PRIOR PERIOD ADJUSTMENT.

PLEASE EXPLAIN ALL PRIOR PERIOD ADJUSTMENTS BELOW.

Interest income received in 2011 accrued back to 2010 \$787. Less expenses paid in 2011 for services in 2010  
Consisting of Planning Management and Development expenses of \$3,265

---



---

DOUBLE ENTRY UNITS \*\* FUND EQUITY-END OF YEAR MUST AGREE WITH TOTAL FUND EQUITY AS SHOWN ON THE BALANCE SHEET.

SINGLE ENTRY FIRE DISTRICTS \*\* FUND EQUITY-BEGINNING OF YEAR PLUS TOTAL REVENUES MUST AGREE WITH FUND EQUITY-END OF YEAR PLUS TOTAL EXPENDITURES.

TOWN OF RIVERHEAD

Resolution # 274

2009 BICYCLE PEDESTRIAN TRANSPORTATION PATH CAPITAL PROJECT

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

	<u>FROM</u>	<u>TO</u>
406.054100.541206.44007 Transportation Path Construction	75,000	
406.054100.543502.44007 Professional Services - Engineer		75,000

**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

04.17.12  
120275

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 275**

**CALVERTON SEWER DISTRICT**

**BUDGET ADJUSTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS** a transfer of funds is necessary to cover engineering costs associated with Calverton Sewer District;

**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>
124.081300.546203	Electricity – Calverton Sewer	7,000	
124.081300.543504	Professional Services - Engineering		7,000

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

04.17.12  
120276

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 276**

**WATER DISTRICT ROUTE 105 TRANSMISSION**

**BUDGET ADJUSTMENT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, A Public hearing held on April 3, 2012 and a subsequent bid awarded.

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

	<u>FROM</u>	<u>TO</u>
113.000000.499999 Water Repair & Maint. Reserve	306,700	
112.083200.541100 Water District Repairs	22,300	
412.083200.523010.30107 Route 105 Transmission Construction		329,000

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

TOWN OF RIVERHEAD

Resolution # 277

**APPOINTS A PART-TIME HOMEMAKER TO THE SENIORS PROGRAM**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, a vacancy exists for a part-time Homemaker in the EISEP (Expanded In-home Services for the Elderly Program) which is funded by the New York State Office for the Aging and operated locally by the Riverhead Town Seniors Programs; and

**WHEREAS**, this position was duly posted for, job posting #2; and

**WHEREAS**, pursuant to a completed background investigation and a prior interview, the recommendation of the Department Head and the Personnel Officer has been received.

**NOW, THEREFORE, BE IT RESOLVED**, that effective April 23, 2012 Eileen Thieme is hereby appointed to the position of Part-Time Homemaker at the hourly rate of \$12.84.

**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 # 278**

**AWARDS BID FOR HARDWARE ITEMS**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town Clerk was authorized to publish and post a notice for sealed bids for HARDWARE ITEMS for the Town of Riverhead and;

**WHEREAS**, 1 bid was received and opened at 11:00 am on APRIL 9, 2012, at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

**NOW THEREFORE BE IT RESOLVED**, that the bid for HARDWARE ITEMS be and hereby is, awarded to GRIFFING HARDWARE CO., INC. for 15% off the current Ace Hardware Catalog.

**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 # 279**

**AWARDS BID FOR LUBRICANT ITEMS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town Clerk was authorized to publish and post a notice for sealed bids for LUBRICANT ITEMS for the Town of Riverhead and;

**WHEREAS**, 2 bids was received and opened at 11:10 am on APRIL 9, 2012, at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

**NOW THEREFORE BE IT RESOLVED**, that the bid for LUBRICANT ITEMS be and hereby is, awarded to GRADE A PETROLEUM CORPORATION for prices on the attached sheets.

**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

04.17.12  
120280

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 280**

**EXTENDS BID CONTRACT FOR DIESEL FUEL WITH QUOGUE SINCLAIR , INC.**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Purchasing Department requested that the contract with QUOGUE SINCLAIR, Inc., originally awarded by Resolution #331 adopted on May 3, 2011, be extended for 90 days-August 3, 2012.

**WHEREAS**, the above named vendor has agreed to extend the contract until August 3, 2012 for the original bid amount, +.08 cents margin over posting; and

**WHEREAS**, the Town Board, together with the Superintendent of the Municipal Garage, has reviewed said request and the terms and conditions of the original contract; and

**NOW THEREFORE BE IT RESOLVED**, that the bid contract for Diesel Fuel be and is hereby extended to August 3, 2012; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be directed to forward a certified copy of this resolution to QUOGUE SINCLAIR , Inc.; 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	<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 # 281**

**SETS THE FEES FOR USAGE OF RECREATION AND OTHER TOWN FACILITIES**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**RESOLVED**, that the Town Board does authorize the Recreation Department to set the following fees for the 2012 calendar year.

**PARK / BEACH RESERVATIONS (Residents/Taxpayers Only)**

- Group Picnic/ Beach Party/ Field Use (One Session) \$5.00 Application fee
- Group Picnic/Beach Party/Field Use (Multiple Sessions) \$25.00 Application Fee
- Group Picnic/Beach Party/Field Use (5pm-Dusk) \$20.00 per hour \*\*\*
- Gazebo Rental (residents) \$50 per hour \*\*
- Gazebo Rental (non-residents) \$100 per hour\*\*
- Field Lights & Attendant \$50.00 per hour

\*\*Permits cannot be issued during beach operation.

\*\*\*Groups 50+ are required to submit a \$50 cleaning fee

**BALL FIELDS/MULTI-USE (Profit Making Organizations)**

- Tournament Reservations/Daily Field Rental \$195.00 per day/ Field
- Lights \$50.00 per hour.
- Field Rental (Season) \$1,000 per field per season \*\*\* \$750
- Field Rental w/lights \$2,000 per field per season \*\*\*  
\*\*\* (Max 18 dates)

**BALL FIELDS/MULTI-USE (Non-Profit Organizations)**

- Daily Field Rental \$55.00 per day/ Field  
8am-8pm
- Lights \$50.00 per hour

- Field Rental (Season) \$250 per field per season \*\*\*
- Field Rental w/lights \$650 per field per season \*\*\*  
\*\*\* (Max 18 dates)

**TOWN BUILDINGS (Residents/Taxpayers Only)**

- Weekday during regular business hours (one session) \$5 Application Fee
- Weekday during regular business hours (multiple sessions) \$25 Application Fee
- Meetings (Excluding Riverhead Civic Groups, Fire Departments  
And other Riverhead groups recognized by the Town Board) \$20 per meeting (2.5 hour) \$25  
per hour after 2.5 hours.
- Fees for after hours\* and Weekend Use \$50.00 per hour (5-hour blocks) \$55  
Per hour after 5-hours  
(1/2 hour set-up and 1/4 hour breakdown included)  
\$5.00 Application Fee  
\$100.00 Deposit

\* After hours consist from 4p.m. through 11p.m Monday through Friday and from 8a.m. to 11p.m. Saturday and Sunday\*\* Deposit will be refunded if the building guidelines are followed and there is no damage to the building.

**EAST CREEK DOCK**

- Resident/ Taxpayer \$60.00 per foot
- Electricity \$250.00 per line
- Initial Processing Fee \$100.00
- Renewal Thereafter fee \$50.00

**RIVERFRONT DOCKING**

- Daily (Overnight) \$25.00 fee
- Weekly \$150.00 fee

**HOCKEY RINK**

- Rink use \$5.00 Application fee
- Rental: \$15.00/per hour  
\*\*During non-business hours. Subject to availability  
and coverage.

**SKATEPARK**

- Group/Party Rental 8:30- 12:00 p.m. \$55.0 per hour (min 2 hrs)  
(Subject to availability and coverage) (20 Participant max)

**SESSION FEE**

Free: Residents  
 \$7.00 Non-Residents  
 \$5.00 Card Replacement Fee

**ANNUAL FEES**

Free: Residents  
 \$100.00: Non-Residents

**VEHICLE USAGE**

Bus rental fee \$30.00 per hour  
 (Riverhead sponsored groups only)

**BEACH STICKERS**

4X4 Permits	\$60.00**Resident Parking Inclusive		
Boat Ramps Permit	\$15.00		
Daily Permit	\$35.00	Non-Resident Permit	\$200.00
Resident Permit	\$15.00	Senior Resident	\$5.00
Resident Bus Fee	\$ 85.00		

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 282**

**APPOINTS A CALL-IN GUARD – Level II TO THE RECREATION DEPARTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

**NOW THEREFORE BE IT RESOLVED**, that effective March 20<sup>th</sup>, 2012, this Town Board hereby appoints Christopher Clinton to the position of Call-In Guard, Level 2, to be paid the rate of \$11.65 per hour and

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

**THE VOTE**

Giglio	<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 # 283**

**ESTABLISHES DATE AND TIME OF 3rd ANNUAL "GREAT RIVERHEAD  
CARDBOARD BOAT RACE"**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Riverhead Town Board and the Riverhead Business Improvement District believe in promoting community events in Downtown Riverhead; and

**WHEREAS**, the Riverhead Business Improvement District has undertaken the task of organizing a riverfront event known as the 3rd annual "Great Riverhead Cardboard Boat Race"; and

**WHEREAS**, the Peconic Riverfront is an excellent location for a cardboard boat race; and

**WHEREAS**, the Riverhead Town Board encourages volunteerism; and

**WHEREAS**, the interested parties can contact the Riverhead Business Improvement District or Councilman George Gabrielsen; and

**WHEREAS**, the first annual "Great Riverhead Cardboard Boat Race" will be free of charge and open to all.

**NOW THEREFORE BE IT RESOLVED**, that the 3rd annual "Great Riverhead Cardboard Boat Race" will be held on the Peconic Riverfront in downtown Riverhead at 12:00 p.m. June 24<sup>th</sup> 2012.

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Riverhead Business Improvement District, the Engineering Department, the Town Board, the Chief of Police, the Town Clerk, the Highway Superintendent, and the Chief of the Riverhead Fire Department.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 284**

**APPROVES EXTENSION OF PERFORMANCE BOND OF RIVERHEAD SOUND ASSOCIATES, LLC A/K/A "AQUEBOGUE GOLF RESORTS" (ROAD AND DRAINAGE IMPROVEMENTS)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, pursuant to Resolution #30 dated January 6, 2004, the Riverhead Town Board accepted a performance bond from Riverhead Sound LLC in the amount of \$1,910,000.00 (International Fidelity Insurance Co. #0371109) representing road and drainage improvements to be completed in the subdivision entitled, "Aquebogue Golf Resorts"; and

**WHEREAS**, pursuant to Resolution #113 dated February 6, 2008, the Riverhead Town Board authorized a reduction of the above referenced performance bond to the amount of \$636,666.67; and

**WHEREAS**, by letter dated February 10, 2012 from Peter S. Danowski, Jr., Esq., attorney for Riverhead Sound Associates, LLC, it has been requested that an extension be granted for the performance bond representing the road and drainage improvements to be completed within the subdivision; and

**WHEREAS**, pursuant to Riverhead Planning Board Resolution #2012- 0020, dated March 1, 2012, it has been recommended that the above referenced performance bond be granted an extension to expire on May 17, 2013; and

**WHEREAS**, Water Key Money in the amount of \$135,000.00, Park and Recreation Fees in the amount of \$243,000.00 and Engineers fees in the amount of \$82,600.00 have been paid.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the extension of time for the performance bond representing the road and drainage improvements to be completed within the subdivision for an additional two-year period pursuant to 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 bond representing the road and drainage improvements to be completed within the subdivision to May 17, 2013; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Peter S. Danowski, Jr., Esq., 616 Roanoke Avenue, Riverhead, New York, 11901 and International Fidelity Insurance Company, One Newark Center, 20<sup>th</sup> Floor, Newark, New Jersey, 07102; 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 # 285**

**AUTHORIZATION TO EXTEND CONTRACT WITH WATERCRAFT IRRIGATION INC.  
FOR IRRIGATION AND MAINTENANCE SERVICES FOR  
THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town of Riverhead awarded a bid for irrigation and maintenance services at designated Town facilities and locations to Watercraft Irrigation Inc. on or about March 24, 2011, pursuant to Town Board Resolution No. 216-2011; and

**WHEREAS**, Robert Imhoff, President of Watercraft Irrigation Inc., and the Town of Riverhead, based upon the recommendation of the Town Engineering Department, wish to extend the contract with Watercraft Irrigation Inc. for the upcoming growing season; and

**WHEREAS**, the previously authorized Agreement included an option to renew the Agreement at six-month intervals to a maximum of one additional year.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Riverhead and Robert Imhoff, President of Watercraft Irrigation Inc., hereby mutually agree to extend the subject Agreement, as approved by the Riverhead Town Board on March 24, 2011 pursuant to Town Board Resolution No. 216-2011, such extension commencing on April 1, 2012 and ending on December 31, 2012 upon the same terms and conditions previously and mutually agreed to by the parties; and be it further

**RESOLVED**, that the Town of Riverhead and Robert Imhoff, President of Watercraft Irrigation Inc., mutually agree that the Town of Riverhead shall pay Watercraft Irrigation Inc. the amount of Eight Thousand Five Hundred Dollars (\$8,500.00) for irrigation and maintenance services at designated Town facilities and locations delineated in the subject Agreement. In the event that the Agreement is terminated prior to the expiration of the term commencing April 1, 2012, the Town shall be entitled to a pro-rated refund calculated from the termination date; and be it further

**RESOLVED**, that the Supervisor is hereby authorized to execute a Contract Rider in substantially the same form as annexed hereto and subject to review and recommendation by the Office of the Town Attorney; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a 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

CONTRACT RIDER

1. WHEREAS, the Town of Riverhead awarded a bid for irrigation and maintenance services at designated Town facilities and locations to Watercraft Irrigation Inc., on or about March 24, 2011, pursuant to Town Board resolution no. 216-2011; and
2. WHEREAS, Robert Imhoff, President, Watercraft Irrigation Inc., and the Town of Riverhead, based upon the recommendation of the Town Engineering Department, wish to extend the subject Agreement for the upcoming growing season; and
3. WHEREAS, the previously authorized Agreement included an option to renew the Agreement at six-month intervals to a maximum of one additional year.
4. NOW THEREFORE, the Town of Riverhead and Robert Imhoff, President, Watercraft Irrigation Inc., hereby mutually agree to extend the subject Agreement, as approved by the Riverhead Town Board, on March 24, 2011, pursuant to TB resolution no. 216-2011, such extension commencing on April 1, 2012, and ending on December 31, 2012, upon the same terms and conditions previously and mutually agreed to by the parties.
5. NOW THEREFORE, the Town of Riverhead and Robert Imhoff, President, Watercraft Irrigation Inc., mutually agree that the Town of Riverhead shall pay Watercraft Irrigation Inc., in the amount of Eight Thousand Five Hundred Dollars (\$8,500.00) for irrigation and maintenance services at designated Town facilities and locations delineated in the subject Agreement. In the event that the Agreement is terminated prior to the expiration of the term commencing April 1, 2012, the Town shall be entitled to a pro-rated refund calculated from the termination date.

This Extended Agreement shall become effective as of the date last below written.

Approved: \_\_\_\_\_  
Sean M. Walter, Town Supervisor

Approved: \_\_\_\_\_  
Robert Imhoff, Pres.,  
Watercraft Irrigation Inc.,

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN OF RIVERHEAD**

**Resolution # 286**

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH  
NATIONAL ASSOCIATION OF DRUG-FREE EMPLOYEES (NADE)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town of Riverhead requires the ability to obtain drug and alcohol test results for all Town employees whenever warranted; and

**WHEREAS**, the National Association of Drug-Free Employees (NADE) has the qualifications, experience and resources to provide such services to the Town.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby authorizes the Supervisor to execute an agreement with National Association of Drug-Free Employees (NADE) in substantially the same form as annexed hereto and subject to review and recommendation by the Office of the Town Attorney; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to National Association of Drug-Free Employees (NADE), ;  
Town Personnel Officer; and the Office of the Town Attorney; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

## CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the 23<sup>rd</sup> day of March, 2012, between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and National Association of Drug-Free Employees, a division of Pembroke Occupational Health, Inc., with a principal place of business at 2301 North Parham Road, Suite 5, Richmond, Virginia 23229 (hereinafter referred to as "Consultant").

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

### 1. SCOPE OF SERVICES

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

### 2. TERM OF AGREEMENT

The Agreement shall commence on January 1, 2012 and terminate on December 31, 2012.

### 3. PAYMENT

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

### 4. RIGHTS TO DOCUMENTS OR DATA

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

document and data file, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all data which is the property of Town. These obligations shall survive the termination of this Agreement.

#### 5. PUBLICITY

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

#### 6. ASSIGNMENT AND SUBCONTRACTING

Except for clinic collections and laboratory testing, both of which are subcontracted by Consultant, performance of any part of this Agreement may not be subcontracted nor assigned without, in each case, the prior written consent of at least three members of the Town Board or by resolution of the Town Board.

#### 7. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement for services that have actually been rendered.

#### 8. RECORDS

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

#### 9. CHANGES

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

any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

#### 10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, Esq., Deputy Town Attorney, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to J. Stefan Cametas, President, NADE, a division of Pembroke Occupational Health, Inc., 2301 North Parham Road, Suite 5, Richmond, Virginia 23229.

#### 11. COMPLIANCE WITH LAWS

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

#### 12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all third party claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including reasonable counsel fees, arising out of: (1) the negligent acts or omissions of Consultant or the willful misconduct of Consultant in the performance of this Agreement; or (2) the breach of this Agreement by Consultant. The Town shall give the Consultant prompt written notice of the commencement or the threatened commencement of any claim against the Town for which indemnification will or could be sought under this Agreement. The Consultant shall have the right, at its sole expense, to direct and control the defense and/or settlement of any such claim, but the Town shall have the right to monitor the case or claim through its own counsel and at its own expense, and to approve any settlement that does not include a full and unconditional release of the Town.

EXCEPT FOR LIABILITY INCURRED PURSUANT TO ITS INDEMNITY OBLIGATIONS, IN NO EVENT SHALL CONSULTANT BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, SPECIAL OR PUNITIVE DAMAGES OR EXPENSES (REGARDLESS OF HOW CHARACTERIZED AND EVEN IF CONSULTANT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES) UNDER OR IN CONNECTION WITH THIS AGREEMENT, REGARDLESS OF THE FORM OR ACTION (WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, STATUTORY LIABILITY OR OTHERWISE).

### 13. CONFLICT OF INTEREST

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

### 14. DISCLOSURE

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

### 15. DISPUTES

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

### 16. FORCE MAJEURE

The obligation of either party to perform under this Agreement shall be excused during each period of delay caused by matters beyond such party's reasonable control, including without limitation, government regulation or law, war or insurrection, civil commotion, destruction of production facilities or materials by earthquake, fire, flood, storm, or other natural disaster, labor disturbances, epidemic or failure of suppliers, public utilities or common carriers.

17. SEVERABILITY

The terms and conditions of this Agreement are severable. If any term or condition of this Agreement is deemed to be illegal or unenforceable under any rule of law, all other terms shall remain in force. Further, the term or condition that is held to be illegal or unenforceable shall remain in effect as far as possible in accordance with the intention of the parties.

18. EFFECT OF WAIVER

Failure by a party to enforce any provision of this Agreement shall not be deemed a waiver of that provision or of any other provision of this Agreement.

19. SURVIVAL

Provisions of this Agreement that, by their nature, survive the termination or expiration of this Agreement, shall so survive.

20. COUNTERPARTS

This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original, and both of which together shall constitute one and the same instrument.

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

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

\_\_\_\_\_  
By: J. Stefan Cametas, President  
NADE, a division of Pembroke  
Occupational Health, Inc.

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

## Schedule A

1. **Services.** Consultant will provide the Town with drug and alcohol testing and program administration services (the “Services”) as outlined below. Consultant will:
  - A. Select mutually agreeable clinics for the collection of specimens;
  - B. Establish an account with a SAMHSA-certified laboratory for the testing of specimens;
  - C. Ensure that specimens are transported from the clinic to the laboratory and that all non-negative specimens undergo GC/MS confirmation testing;
  - D. Arrange for results to be transmitted electronically to Consultant;
  - E. Provide the services of a certified Medical Review Officer, if requested. Such services will include:
    1. Interpreting drug test results that the laboratory has identified as non-negative;
    2. Determining if non-negative drug test results indicate prescription medicine use or have other alternative medical explanations;
    3. Reviewing applicable forms for possible errors; and
    4. Providing feedback to employers, collection sites, laboratories, and federal agencies, when necessary.
  - F. Provide electronic results reporting and data management through eDrugtest.com;
  - G. Maintain all negative results for 1 year and all non-negative results for 5 years; and
  - H. Provide any other services, as outlined in the attached Fee Schedule.
  
2. **Fees and Billing.** Fees for the Services are set forth in the attached Fee Schedule. Payment terms are net thirty (30) days. If the Town fails to pay any undisputed invoice from Consultant when it becomes due, Consultant (in addition to any and all other rights and remedies it may have against the Town) may decline service to the Town under this Agreement until such default has been cured.
  
3. **Costs and Attorneys’ Fees.** If Consultant prevails in an action against the Town for non-payment of fees, Consultant shall be entitled to recover from the Town its costs and reasonable attorneys’ fees, in addition to any other relief to which Consultant may be entitled.
  
4. **Compliance with Law.**
  - A. Consultant will comply with all Federal, state and local laws applicable to its performance under the Agreement, including but not limited to the Department of Transportation’s Procedures for Transportation Workplace Drug and Alcohol Testing Programs, the Department of Health and Human Services’ Mandatory Guidelines for Federal Workplace Drug Testing Programs, and Federal and state privacy laws.
  - B. The Town will comply with all Federal, state and local laws applicable to employers that utilize the Services, including but not limited to drug testing laws, privacy laws, and anti-discrimination laws.

**5. Privacy and Security.**

- A. Consultant will meet or exceed industry security standards while performing services under this Agreement.
- B. For any information that is distributed to the Town via the Internet, Consultant will distribute such information solely to authorized the Town personnel using a web server that supports and enables password-protected membership and then current encryption technology.
- C. Consultant will not release individual test results to any third party without first obtaining specific written authorization from the tested individual. However, nothing in this Agreement shall prohibit Consultant from releasing drug test results and supporting documentation: (i) to the Town; (ii) to any Federal, state or local agency with regulatory authority over the testing program; (iii) to comply with requests resulting from a legal action initiated by the tested individual; (iv) to comply with a lawfully issued subpoena or court order; or (v) when otherwise required by law.

**6. Confidential Company Information.**

- A. Unless otherwise agreed in writing between the parties, any Confidential Company Information that may be disclosed by one party (the "Disclosing Party") to the other party (the "Receiving Party") in the course of this Agreement shall not be disclosed by the Receiving Party to a third party without the express written consent of the Disclosing Party.
- B. "Confidential Company Information" shall mean the Disclosing Party's manner of operations, software, products, processes, applications, technologies, financial information, internal manuals, employee information or any compilation or combination of the foregoing that is disclosed to Receiving Party and that would be reasonably deemed, based on industry standards and prudent business judgment, to be confidential and/or proprietary to the Disclosing Party whether or not marked, stamped, or otherwise designated as "confidential".
- C. Confidential Company Information does not include any information that: (i) is or subsequently becomes publicly available without the Receiving Party's breach of any obligation owed to the Disclosing Party; (ii) prior to disclosure hereunder, was already known to the Receiving Party, provided such knowledge can be verified by independent evidence; (iii) became known to the Receiving Party from a source other than the Disclosing Party other than by the breach of an obligation of confidentiality owed to the Disclosing Party; or (iv) is independently developed by the Receiving Party without violating any of its obligations under this Agreement and without access to or use of the Disclosing Party's Confidential Information.
- D. Notwithstanding anything in this Agreement to the contrary, the Town may use its test results for any lawful purpose and may disclose the results to any third parties, provided that the disclosure is not otherwise prohibited by law.

## DRUG TESTING FEE SCHEDULE

Service	Fee
Drug Test	\$46.45 each. Any additional cost resulting from the use of a third party collection location (such as a clinic or doctors' offices) will be billed back to the Town.
Alcohol Test	\$33.57 each. Any additional cost resulting from the use of a third party collection location (such as a clinic or doctors' offices) will be billed back to the Town.
Program Management Fee	\$10.00 per month. This fee defrays the cost in the event of an audit by any federal agency. Consultant will provide audit support to assist the client in audit preparation free of charge instead of an hourly fee for expert support. Management fees include managing the random pool, MIS reports, kits, forms, manuals, QC samples, NADEGRAMS (covering regulatory information) and superior customer service.
After Hours Emergency Telephone Assistance	\$100.00 per year. This fee provides the Town with a toll free number for 24 hour assistance in locating collection facilities in an after-hours environment, either onsite or at a clinic location.
Emergency After Hours/On-Site Testing	\$250.00, plus the drug and alcohol screening fee (Consultant or contract collector).
Classroom courses for Supervisors DOT or Non-DOT	\$800.00 (plus expenses)
On-Line Internet training Supervisor DOT or Non-DOT	\$ 29.95 (per license)
Expert Testimony <ul style="list-style-type: none"> <li>• Medical</li> <li>• Collector</li> <li>• Laboratory</li> <li>• Audit Support</li> </ul>	<ul style="list-style-type: none"> <li>\$ 250.00 per hr.</li> <li>\$ 125.00 per hr.</li> <li>\$ 125.00 per hr.</li> <li>\$ 125.00 per hr. Audit Support will not be charged if the Town elects to pay a management fee.</li> </ul>

TOWN OF RIVERHEAD

Resolution # 287

AWARDS BID FOR SNACK VENDOR(S)

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

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice for sealed bids for Snack Vendors for the Town of Riverhead; and

**WHEREAS**, bids were received, opened and read aloud on the 15<sup>th</sup> day of March, 2012 at 11:05 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders; and

**WHEREAS**, the Town Board had reviewed all bids received; and

**NOW THEREFORE BE IT RESOLVED**, that the bid for the Snack Vendors for the Town of Riverhead is hereby awarded to the following vendor(s):

Hines Catering, LLC	Stotzky Park	\$1,000.00
---------------------	--------------	------------

and be it further

**RESOLVED**, that the Town Supervisor is hereby authorized to execute Snack Vendor Agreements with the above referenced successful bidder(s); and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to return all bid bonds submitted for the above bid; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Hines Catering, LLC, 1130 Middle Road, 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 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 # 288**

**432 EAST AVENUE, RIVERHEAD, NY**  
**CHAPTER 96**

**BUDGET ADOPTION**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

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

	FROM	TO
406.010010.411000.41080Real Property Taxes		\$8,250
406.086660.540000.41080Contractual Expenses	\$7,500	
406.086660.549001.41080Administration Fee		\$750

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

**THE VOTE**

Giglio	<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 # 289

**AUTHORIZES THE FIRE MARSHAL TO FACILITATE THE REMOVAL OF ALL RUBBISH, WEEDS, GRASS AND/OR RANK VEGETATION IN EXCESS OF TEN (10) INCHES UPON THE REAL PROPERTY KNOWN AS 432 EAST AVENUE, RIVERHEAD, NEW YORK, 11901, a/k/a SCTM # 0600-126.00-04-048.00 PURSUANT TO RIVERHEAD TOWN CODE CHAPTER 96**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

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

**WHEREAS**, due to a fire of unknown origin at the above-referenced vacant premises on February 11, 2012, Riverhead Town Fire Marshal, David J. Andruszkiewicz, ordered the demolition of the housing structure upon extinguishment of the fire based upon his observation and professional opinion that the housing structure, on-site, was in imminent danger of a possible collapse at the real property known as 432 East Avenue, Riverhead, New York 11901, SCTM # 0600-126.00-04-048.00, owned by Charles Mason and his wife; and

**WHEREAS**, pursuant to Town Code, section 96-5 (A), a Notice of Violation was served upon the reputed owner(s) of said premises at their last-known address on or about March 12, 2012, whereby said owner(s) were directed in said notice to remove all weeds, grass and/or rank vegetation in excess of ten (10) inches in height upon the subject premises on or before April 2, 2012 as observed by Fire Marshal David J. Andruszkiewicz; and

**WHEREAS**, pursuant to Town Code, section 96-5 (B), a Notice of Violation was served upon the reputed owner(s) of said premises at their last-known address on or about March 12, 2012, whereby said owner(s) were directed in said notice to remove all rubbish, which is the remnants of the demolished structure, upon the subject premises on or before April 2, 2012, as observed by Fire Marshal David J. Andruszkiewicz; and

**WHEREAS**, said owner(s) have failed, neglected, or refused to eliminate the afore-mentioned violations of Chapter 96; and

**WHEREAS**, the accumulation of rubbish, weeds, grass and/or rank vegetation in excess of ten (10) inches poses a fire hazard and a nuisance as defined in Chapter 96-4 of the Code of the Town of Riverhead; and

**WHEREAS**, pursuant to Riverhead Town Code section §96-8, the Riverhead Town Board is empowered to adopt a resolution authorizing the removal of all rubbish, weeds, grass and/or rank vegetation in excess of ten (10) inches and furthermore authorizes entry onto such premises where such violation exists for the purposes of remedying such violation and to charge the cost or expense of such remediation against the owner of said premises and establish a lien as so provided; and

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

**NOW THEREFORE BE IT RESOLVED**, the Riverhead Town Board, be and hereby, finds that the real property designated as 432 East Avenue, Riverhead, New York 11901, also known as SCTM # 0600-126.00-04-048.00, owned by Charles Mason, and his wife, in a condition previously described, is in violation of Chapter 96 of the Riverhead Town Code and poses a fire hazard and a nuisance, in that the real property contains rubbish in the form of construction debris from the demolition of a housing structure after a fire on February 11, 2012, as well as weeds, grass and/or rank vegetation in excess of ten (10) inches.

**BE IT FURTHER RESOLVED**, that the Riverhead Town Board hereby directs the Town Fire Marshal to facilitate the removal of all rubbish, as well as weeds, grass and/or rank vegetation in excess of ten (10) inches at the real property designated at 432 East Avenue, Riverhead, New York 11901, also known as SCTM # 0600-126.00-04-048, owned by Charles Mason and wife using Town general funds.

**BE IT FURTHER RESOLVED**, that the office of the Financial Administrator is directed to establish and provide the necessary budget appropriation of Town general funds as reasonably requested by the Town Fire Marshal and/or the Engineering Department.

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

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the last known address of the owner Charles Mason and his wife as the same may appear on the records of the Town Receiver of Taxes, as well as the Town Financial Administrator, Engineering Department and Fire Marshal and that all Town Hall Departments may obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 290

**APPROVES THE CHAPTER 90 APPLICATION OF  
MARTHA CLARA VINEYARDS, LLC  
(Overflow Tent - May 24, 2012 through July 19, 2012)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, on March 22, 2012, Martha Clara Vineyards, LLC submitted a Chapter 90 Application for the purpose of accommodating the tasting room overflow to be held under a tent at 6025 Sound Avenue, Riverhead, New York, on May 24, 2012 through July 19, 2012, between the hours of 11:00 a.m. and 7:00 p.m.; and

**WHEREAS**, Martha Clara Vineyards, LLC has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

**WHEREAS**, the applicable Chapter 90 Application fee has been paid; and

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

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

**RESOLVED**, that the Chapter 90 Application of Martha Clara Vineyards, LLC for the purpose of accommodating the tasting room overflow to be held under a tent at 2065 Sound Avenue, Riverhead, New York, on May 24, 2012 through July 19, 2012, between the hours of 11:00 a.m. and 7:00 p.m. is hereby approved; and be it further

**RESOLVED**, that any tent installations, including the obtainment of any necessary tent permits, and any all electric shall comply with the applicable provisions

of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

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

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

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Martha Clara Vineyards, LLC, Attn: Juan E. Micieli-Martinez, 6025 Sound Avenue, Riverhead, New York, 11901, Police Chief David Hegermiller and the Office of the Fire Marshal; 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 # 291

**APPROVES CHAPTER 90 APPLICATION OF PECONIC BAY MEDICAL CENTER  
(17<sup>th</sup> Annual East End Garden Festival – May 10<sup>th</sup> through 13<sup>th</sup>, 2012)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, on April 3, 2012, Peconic Bay Medical Center, submitted a Chapter 90 Application for the purpose of conducting their “17<sup>th</sup> Annual East End Garden Festival” having the sale of plants, flowers and shrubs to be held in the Staples Shopping Center parking lot located at 1099, Route 58, Riverhead, New York, on May 10<sup>th</sup> through May 13<sup>th</sup>, 2012 between the hours of 9:00 a.m. and 6:00 p.m.; and

**WHEREAS**, Peconic Bay Medical Center has requested the applicable Chapter 90 fee be waived due to its not-for-profit status; and

**WHEREAS**, Peconic Bay Medical Center has completed and filed a Short Form Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

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

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

**RESOLVED** that the Chapter 90 Application of Peconic Bay Medical Center for the purpose of conducting their “17<sup>th</sup> Annual East End Garden Festival” having the sale of plants, flowers and shrubs to be held in the Staples Shopping Center parking lot located at 1099, Route 58, Riverhead, New York, on May 10<sup>th</sup> through May 13<sup>th</sup>, 2012 between the hours of 9:00 a.m. and 6:00 p.m., is hereby approved; and be it further

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

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

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

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment. The tent installation shall be ready for inspection no later than 1:00 p.m. on Wednesday, May 9<sup>th</sup>, 2012; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Peconic Bay Medical Center, Attn: Candace Porter, 1300 Roanoke Avenue, Riverhead, New York 11901; and be it further

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

#### **THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

04.17.12  
120292

ADOPTED

TOWN OF RIVERHEAD

Resolution # 292

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER  
A LOCAL LAW TO AMEND CHAPTER 99 ENTITLED "TAXICABS AND VEHICLES FOR  
HIRE" OF THE RIVERHEAD TOWN CODE**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 99 entitled, "Taxicabs and Vehicles for Hire" of the Riverhead Town Code once in the April 26, 2012 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 16<sup>th</sup> day of May, 2012 at 7:15 o'clock p.m. to amend Chapter 99, entitled "Taxicabs and Vehicles For Hire" of the Riverhead Town Code.

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

CHAPTER 99

TAXICABS AND VEHICLES FOR HIRE

**§ 99-5. Operator's permit.**

C. Additional requirements. In addition to a completed application, an applicant must comply with the following requirements in order to be considered for an operator's permit.

(2) Fingerprints. When the application form has been completed, the applicant shall appear at the Riverhead Town Police Department to be fingerprinted. The Chief of Police shall mail a copy of the fingerprints to the Division of Criminal Justice Service, Albany, New York, requesting a fingerprint search. Prior to the fingerprinting, the Town Clerk shall secure from the applicant the required fee in the form of a check or money order made payable, as required, to the New York State Division of Criminal Justice Services to be forwarded with such fingerprints. The fee for fingerprinting is in addition to the fees required to be paid to the Town Clerk The Chief of Police of the Riverhead Town Police Department, or his/her designee(s) shall review all information provided by New York State Division of Criminal Justice in connection with the applicant's criminal background and investigation. If a prospective applicant for any of the aforementioned licenses has been convicted of a crime, any decision regarding such prospective applicant's fitness for a license will be made upon consideration of New York State Correction Law §§ 701-703-b and §§ 751-753.

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

Dated: Riverhead, New York  
April 17, 2012

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

TOWN OF RIVERHEAD

Resolution # 293

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE  
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED  
"ZONING" OF THE RIVERHEAD TOWN CODE  
(ARTICLE XXIII RESIDENCE RC DISTRICT)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

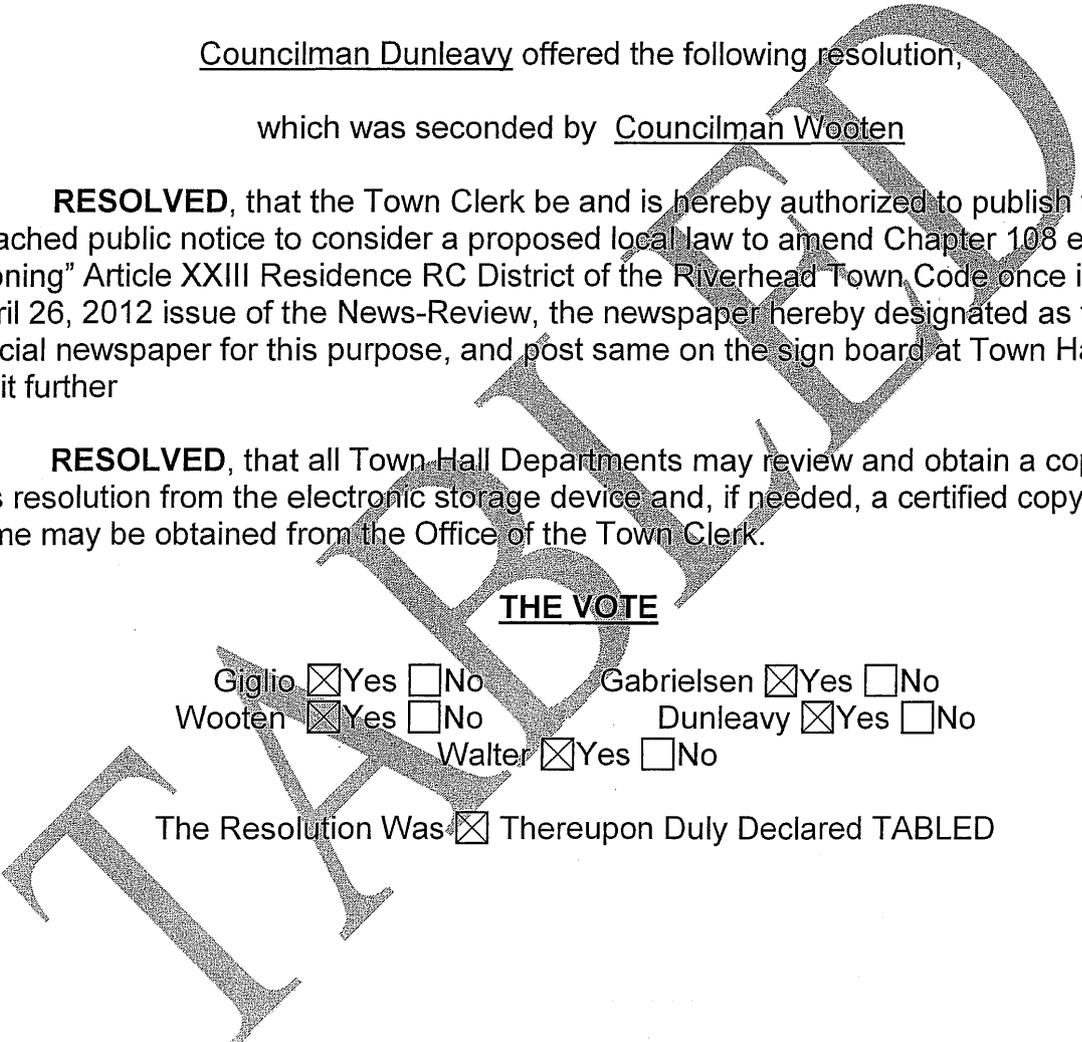
**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 108 entitled "Zoning" Article XXIII Residence RC District of the Riverhead Town Code once in the April 26, 2012 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the sign board 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 TABLED



**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 16<sup>th</sup> day of May, 2012 at 7:10 pm o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

**CHAPTER 108  
ZONING  
ARTICLE XXIII. Residence RC District  
(Retirement Community)**

**§108-116. Purpose.**

It is the purpose of this article to implement the recommendations of the Master Plan Comprehensive Plan to permit the construction of high density living accommodations and attendant services within a hamlet area as specifically mapped within the Town of Riverhead through the use of transferred development rights, with suitable facilities and services that are sufficiently adequate to provide seniors and disabled older individuals with comfortable and safe home-like housing in a congregate setting while providing a continuum of care that allows seniors and older individuals to age in place, and to further provide services that encourage personal independence and enhance the quality of life. In addition, it is the intent of the Town Board to provide a diversity of housing types to be located in close proximity to shopping, medical offices, public services and public transportation. Particular development applications made pursuant to this zoning use district will require the transfer of development rights pursuant to Article LXII of this chapter.

**§ 108-117. Uses.**

In the residence RC District (Retirement Community), no building, structure or premises shall be used or arranged or designed to be used and no building or structure shall be hereafter erected, reconstructed or altered or occupied, unless otherwise provided in this chapter for the following special permitted uses;

- A. One family dwelling units, either attached or designed to provide living accommodations for persons over the age of 55 years.
- B. Accessory uses. Accessory uses shall include those uses customarily incidental to the above permitted uses.

**§108-117. Definitions.**

The following terms, phrases, words and their derivatives shall have the meanings given herein:

**Affordable Assisted Living Retirement Community or Continuing Care Retirement Community** – an Assisted Living Retirement community or Continuing Care Retirement Community in which a minimum of seventy-five percent (75%) of the residents thereof have an income at or less than one hundred and ten percent (110%) of median household income for the county of Suffolk as determined by the United States Census Bureau

**Assisted Living Retirement Community** - A facility which provides for a combination of the following land uses:

(i) Adult Care Facility

A facility that provides residential care and services either as an adult home, an enriched housing program or family type home for adults authorized and enabled by the New York Social Services Law Section 461-b for senior individuals sixty-five (65) years and older who are unable to live independently.

(ii) Adult Day Care Facility

A non-residential program of services for seniors that provides opportunities for social interaction, recreational facilities, meals, transportation and personal car and supervision for those seniors with functional limitations and disabilities on a non-residential basis.

(iii) Assisted Living Residence

A facility consisting of dwelling units that is certified by the New York State Department of Health to provide residential long term care, supervision and services which include case management, twenty four (24) hour on site monitoring, meals, housekeeping, laundry services, recreational and social activities, wellness and transportation for those seniors sixty five (65) years of age and older who need assistance with daily living activities as authorized and mandated by New York Public Health Law, Article 46B.

**Continuing Care Retirement Community** - A facility which provides for the following land uses:

(i) Both independent and assisted residences organized in a congregate setting which provides personal care and supervision and other services for seniors sixty-five (65) years or older as authorized and mandated by the New York Public Health Law, Article 46A.

(ii) Both independent and assisted residences organized in a congregate setting which provides personal care and supervision and other services for seniors sixty-five (65) years or older. Those uses and services provided within an Assisted Living Retirement Community shall also be provided within a Continuing Care Retirement Community. Assisted Living Residences shall

constitute no less than forty percent (40%) of the total number of units within a Continuing Care Retirement Community to be constructed simultaneously with Independent Living Residences.

**Conventional Assisted Living Retirement community or Continuing Care Retirement Community** – An Assisted Living Retirement Community or a continuing Care Retirement Community which is not considered an affordable community such that income limits are not imposed.

### **Section 108-117.1 - Uses**

In the Residence RC District (Retirement Community), no building, structure or premises shall be used or arranged or designed to be used and no building shall be hereafter erected, reconstructed or altered or occupied, unless otherwise provided in this chapter for the following specially permitted uses:

A. One family dwelling units, either attached or detached, designed to provide living accommodations for persons over the age of fifty-five (55) years fifty-five years of age or older.

~~B. Accessory Uses. Accessory uses shall include those uses customarily incidental to the above permitted uses.~~

B. Assisted Living Retirement Community

C. Continuing Care Retirement Community.

D. Accessory Uses. Accessory uses shall include structures, buildings or improvements which are located on the same lot as the principal use and are customarily incidental to the principal use and designed for the sole use of the residents of the community or their guests.

### **Section 108-118 – General Lot, Yard, Dimensional, Yield and Height Requirements**

A. No building shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified. The as-of-right development yield for dwelling units for persons fifty-five (55) years of age or older shall not exceed one dwelling unit per 40,000 square feet of land area without the use of transferred development rights pursuant to Article LXII of the Riverhead Zoning Ordinance.

B. There shall be dimensional requirements for all residential units within the Residence RC Zoning Use District to wit; independent dwelling units within a Continuing Care Retirement Community shall not exceed 1200 square feet and shall not be less than 600 square feet. All other units within either an Assisted Living Retirement Community or a Continuing Care Retirement Community shall not exceed 1,050square feet and shall not be less than 350 square feet. There

shall be a maximum of two bedrooms for all residential units within either an Assisted Living Retirement Community or a Continuing Care Retirement Community.

C. The development yield for all residential units within either an affordable Assisted Living Retirement Community or an affordable Continuing Care Retirement Community shall be as follows:

- (i) Independent living units shall not exceed four (4) dwelling units per 40,000 square feet of real property.
- (ii) Assisted living units shall not exceed eight (8) units per 40,000 square feet of real property.

D. The development yield for all residential units within either a conventional Assisted Living Retirement Community or a conventional Continuing Care Facility shall be as follows:

- (i) Independent living units shall not exceed two (2) dwelling units per 40,000 square feet of real property. Independent Living units shall not exceed four (4) dwelling units per acre with the redemption of development rights, at a rate of one (1) additional unit per development right.
- (ii) Assisted living units shall not exceed four (4) dwelling units per 40,000 square feet of real property. Assisted Living units shall not exceed eight (8) dwelling units per acre with the redemption of development rights, at a rate of one (1) additional unit per development right.

E. The maximum height of all buildings shall not exceed 3.5 stories of 45 feet.

F. The lot area shall not be less than fifteen (15) acres of contiguous real property in single or consolidated ownership. The contemplated development shall not be subdividable. Multiple lots shall be consolidated prior to the approval of the relevant special permit.

#### **§108-119. Additional requirements.**

~~A. There shall be a protective planting strip or buffer, not less than 10-50 feet in width along any lot line, except the buffer area shall be 50 feet in width along any lot line abutting a residential district or use. No structure, storage or parking or other uses shall be permitted within this strip or buffer. Said buffer or strip will be planted with evergreens or similar vegetation which, when planted, shall be at least six feet tall and when mature shall be maintained at a height of not less than eight feet, so as to provide an effective natural screen between districts and buildings.~~

~~A~~ B. The site plan shall show, in addition to all other requirements of this chapter, the following:

- ~~(1) The proposed method of collection and disposal of stormwater, designed so as not to interfere with adjoining properties or burden public facilities.~~

~~(2) The proposed lighting facilities for the safety of pedestrian and vehicular traffic, with exterior spotlighting of buildings or grounds to be from shaded sources and located so that the light beams are not directed toward any lot in a residential district or toward a public highway.~~

~~(3) The method of water supply and of sewage disposal, conforming to Health Department requirements.~~

(1) All lots shall be located within the Town of Riverhead Water District and Sewer District or located within 1500 feet of the Water District and Sewer District and subject to approval for the requisite capacity for the proposed development. Applicant shall be responsible for all costs related to application for Water and or Sewer District extension and costs related to extension of the appurtenances to include the parcel in the water and sewer districts.

(2) The method of water supply and of sewage disposal, conforming to Health Department requirements.

(3) At least 30 % of the total site area shall be devoted to open space which shall be kept in its natural state or landscaped and maintained with grass for passive recreational uses such as picnic area, walking trails, gardening and horticultural.

(4) The use of interconnecting walkways, trails and natural walking paths for pedestrian traffic shall be an integral part of the design of any development to facilitate access between common areas, groups of dwellings units and open space areas.

(5) All primary walkways and sidewalks shall meet Americans with Disabilities Act (ADA) requirements. Trails and natural walking paths are exempt from this requirement however the Town encourages maximizing accessibility to all residents. Due consideration shall be given to planning walks, ramps, driveways to prevent slipping, stumbling and handrails and ample places for rest shall be strategically provided.

(6) A buffer strip of not less than twenty five (25) feet in width, consisting of massed trees and shrubbery or existing mature vegetation supplemented by new landscaping shall be maintained alongside front and rear property lines, except the buffer area shall be 50 feet in width along any lot line abutting a residential district or use. The trees and shrubbery shall consist of evergreens and deciduous plant material which, when planted, shall be at least six feet tall and when mature shall be maintained at a height of not less than eight feet, so as to provide an effective natural screen. No structure shall be permitted within this strip or buffer.

(7) All utilities shall be placed underground, including telephone, electric and cable telephone service.

(8) All parking shall comply with the parking schedule set forth in Section 108-60 of this Chapter notwithstanding the following:

No parking shall be provided within twenty five (25) linear feet of the principal frontage. Parking and loading areas shall be placed as far from adjacent residences as possible (but a minimum of fifty (50) linear feet) and surrounded by landscaping.

(9) The proposed method of collection and disposal of storm water, designed so as not to interfere with adjoining properties or burden public facilities.

(10) The proposed lighting facilities for the safety of pedestrian and vehicular traffic, with exterior spotlighting of buildings or grounds to be from shaded sources and located so that the light beams are not directed toward any lot in a residential district or toward a public highway.

~~C. Parking shall be provided in conformity with the Parking Schedule and § 108-60. For each parking space required, there shall be provided 30 square feet of landscaped island or green area. Such areas shall not be less than eight feet in width, measured on the shortest side. Such areas shall be contained by curbs conforming to the Town of Riverhead highway specifications. Said areas shall be landscaped in accordance with § 108-64.1D of this chapter and shall be maintained as set forth in Subsection A above.~~

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

Dated: Riverhead, New York  
April 17, 2012

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

04.17.12  
120294

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 294**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER  
A LOCAL LAW TO ADD CHAPTER 67 ENTITLED "FILMING" OF THE  
RIVERHEAD TOWN CODE**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to add Chapter 67 entitled, "Filming" of the Riverhead Town Code once in the April 26, 2012 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF  
RIVERHEAD NOTICE  
OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 16<sup>th</sup> day of May, 2012 at 7:20 o'clock p.m. to add Chapter 67, entitled "Filming" of the Riverhead Town Code.

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

CHAPTER 67

Filming

**§ 67-1. Purpose.**

The Town Board of the Town of Riverhead recognizes that the town's natural beauty and historical sites are attractive to individuals, organizations, corporations, groups and other entities involved in the businesses of still photography, motion pictures and television. Because such filming activities may create a threat to public safety, health or welfare due to the time, location or duration of the filming, or may unduly interfere with vehicular and/or pedestrian traffic, the town desires to regulate such activities through the issuance of permits. The purpose of this local law is to set forth the procedure governing such permit process.

**§ 67-2. Permit required.**

A. General. A permit issued pursuant to this chapter is required prior to any person, organization, corporation, group or other entity engaging in the activity of filming or photographing a commercial, movie, documentary, television program, catalog or magazine layout, or any other presentation upon the streets, sidewalks or any other property owned by the Town of Riverhead, or by the Town of Riverhead Community Development Agency located within the town's boundaries. The application process for obtaining a permit is set forth in §67-3.

B. Exemption. A permit pursuant to this chapter shall not be required if five or fewer individuals constitute the entire cast and crew engaged in one of the activities described in Subsection A above.

**§ 67-3. Application for a permit.**

A. Application form. An applicant may obtain an application form from the Town Chief of Police or the Town Clerk. The information requested on the application form shall include, without limitation, the following:

(1) The name and address of the applicant.

(2) The proposed location(s) of the filming or still photography.

(3) The date(s) and time(s) the permit is intended to cover.

(4) The number in the cast and crew.

(5) The number of vehicles.

(6) The person in charge on site.

B. Submission to Town Clerk. The following materials shall be submitted by the applicant to the Town Clerk at least seven days before the proposed date to start the filming or still photography:

(1) A completed application form.

(2) A five-hundred-dollar nonrefundable application fee.

(3) A certificate of insurance and indemnification agreement pursuant to § 67-11.

C. Review by Chief of Police. The Town Clerk shall forward the application to the Chief of Police for approval or disapproval. Said approval or disapproval shall be based on the Chief of Police, or his designee, making a determination on whether the proposed filming or still photography will constitute a threat to public safety, health or welfare by reason of time, location or duration of the activity or will unduly interfere with vehicular and/or pedestrian traffic. Approval of the application by the Chief of Police, or his designee, may be conditioned on the payment of the traffic control fee set forth in § 67-4. The Chief of Police shall send the approved or disapproved application back to the Town Clerk.

D. Review by Town Attorney. The Town Clerk shall forward the certificate of insurance and the indemnification agreement to the Town Attorney for approval. The Town Attorney shall send such approved or disapproved documents back to the Town Clerk.

E. Permit fee. The Town Clerk shall calculate the permit fee required to be paid by an approved applicant as follows:

(1) Film fee. One hundred dollars per day shall be paid for each day covered by the permit.

(2) Cleanup deposit. A separate certified check in the amount of \$250 for each day covered by the permit shall be paid pursuant to § 67-5.

(3) Traffic control fee. One thousand dollars shall be paid for each day covered by the permit if the Chief of Police, or his designee, requires payment of the traffic control fee pursuant to § 67-4.

(4) Beach parking fee. If the permit includes one or more town beaches as location sites, a ten-dollar-per-vehicle fee for each day covered by the permit shall

be paid if the permit covers any day falling between May 1 through September 30.

F. Issuance of permit. The Town Clerk shall countersign an approved application. The Town Clerk shall collect the permit fee calculated pursuant to Subsection E from the applicant. Payment of the permit fee shall be in the form specified in § 67-6. Upon payment of the permit fee, the Town Clerk shall issue the permit to the applicant. The permit shall set forth the name of the applicant and the location(s), date(s) and time(s) of the filming or still photography.

#### **§ 67-4. Traffic control fee.**

A. In the event that the Chief of Police or his designee determines that police officers or traffic control officers will be necessary for the protection of the citizens or for the control of traffic during the filming or still photography, the applicant shall submit to the Town Clerk a fee of \$1,000 for each day covered by the permit pursuant to Subsection F of § 67-3.

B. If the Chief of Police determines that the one-thousand-dollar-per-day traffic control fee will be fully expended prior to the termination of the permit period, the Chief of Police shall notify the Town Clerk. The Town Clerk shall contact the applicant in writing and require payment of an additional sum of money, said specific amount to be determined by the Chief of Police based on the salaries and the number of hours to be worked by the town police and traffic control personnel. Said additional traffic control fee shall be paid within seven days of said notice. The applicant's failure to pay such additional fee within said seven-day period shall result in the Town Clerk's providing the applicant with written notice that the permit has been suspended and the date of such suspension. The applicant's receipt of the Town Clerk's suspension notice shall not be construed as altering the date of suspension set forth in said written notice, the effective date of the suspension being the day immediately following the completion of the seven-day notice period.

C. The procedure set forth in Subsection B may be repeated as necessary to ensure that the applicant pays for all costs incurred by the town in providing traffic control services.

D. After termination of the filming, the Chief of Police shall provide the applicant with a statement regarding the actual cost to the town of providing said police officers or traffic control officers. If the actual cost is less than the moneys that the town has collected pursuant to Subsection A, B or C, the town shall remit the balance to the applicant. If the actual cost is more than the moneys that the town has collected pursuant to Subsections A, B or C, the applicant shall be responsible for providing the balance to the town within 30 days of the termination of the filming or still photography.

E. The Chief of Police shall forward a copy of the statement of actual cost to the Town Clerk who will file said statement with the original application form.

#### **§ 67-5. Cleanup deposit.**

- A. Each applicant whose application has been approved shall give the Town Clerk a certified check in the amount of \$250 for each day covered by the permit, which check shall be held and not deposited by the town during the duration of the permit period.
- B. At the termination of the permit period, the Town Engineer, Buildings & Grounds Department or the Town Superintendent of Highways, as appropriate, shall inspect the locations listed on the permit and determine if the locations require cleanup efforts by town personnel.
- C. If cleanup is required, the Town Engineer, Buildings & Grounds Department or the Town Superintendent of Highways, as appropriate, will coordinate that effort. The Town Engineer, Buildings & Grounds Department or the Town Superintendent of Highways, as appropriate, will provide the Town Clerk with a statement setting forth the actual cost to the town of providing said cleanup services. If the actual cost is less than the deposit collected pursuant to Subsection A, the town shall remit the balance to the applicant. If the actual cost is more than the deposit collected pursuant to Subsection A, the applicant shall be responsible for providing the balance to the town within 30 days of the termination of the filming or still photography.
- D. If no cleanup is required, the Town Engineer, Buildings & Grounds Department or the Town Superintendent shall notify the Town Clerk of that fact, and the Town Clerk shall promptly remit the certified check to the applicant.

**§ 67-6. Payment of fees.**

Any fee collected under this chapter shall be paid either in cash or by certified check make payable to the Town of Riverhead and shall be delivered to the Town Clerk.

**§ 67-7. No donations accepted.**

Other than the required fees, the town shall not accept any donations from the applicant in connection with the granting of the permit. In addition, no town official or employee shall make a recommendation to the applicant regarding a donation to a third party.

**§ 67-8. Notice.**

The Town Clerk shall give notice to the Chief of Police, the Chief Building Inspector, the Code Enforcement Officer and the Fire Marshal, the Superintendent of Highways and the Superintendent of Parks and Recreation of each permit issued pursuant to this chapter.

**§ 67-9. No alterations to town property.**

A permit holder shall be responsible for any damage to town property or facilities that may result from the permit holder's activities. No alterations are to be made at filming or photography sites, including, without limitation, cutting trees, digging holes and trimming bushes, without the express authorization of the Town Board.

**§ 67-10. Compliance with other laws.**

Issuance of a permit pursuant to this chapter does not relieve the permit holder of its duty to comply with all other town local laws, ordinances and regulations during the duration of the filming or photography.

**§ 67-11. Insurance requirements.**

Every application for a permit pursuant to this chapter shall include a certificate of insurance that evidences a public liability insurance policy covering the town and the Town of Riverhead Community Development Agency, if appropriate as an additional insured(s) in the minimum amount of the \$1,000,000/\$2,000,000 per occurrence for the duration of the filming or still photography. The applicant shall also submit an indemnification agreement that states that the applicant agrees to assume all liability for and will indemnify and hold the town harmless of and free from any and all damages that occur to persons or property by reason of said filming or still photography.

**§ 67-12. Permit available at film site.**

The permit holder shall be required to have the permit available for inspection by the Town Police Department, or its designees, at the site of the filming or still photography for the duration of the permit period.

**§ 67-13. Extension of permit period.**

An applicant which has been granted a permit may submit to the Town Clerk a request to extend the duration of the permit. The Chief of Police, or his designee, will make the decision whether or not to grant such request. If permission is granted, the Town Clerk shall collect from the applicant an additional \$100 for each additional day added to the permit period. The Town Clerk shall then modify the applicant's permit to indicate the granted extension period.

**§ 67-14. Penalties for offenses.**

A. Any action by any person, organization, corporation, group or other entity which violates or does not comply with any provision of this chapter shall be punishable by a fine of not less than \$100 and not more than \$1,000, and, in addition, anyone convicted hereunder of not complying with the requirements of § 67-4 and/or § 67-5 may be subject to a fine of not less than the amount of the actual costs incurred and owed to the town, and not more than an amount equal to twice said actual costs.

B. Each continuing day of violation of this chapter shall constitute a separate offense.

C. In addition to the above provided penalties, the town may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this chapter.

**§ 67-15. Severability.**

The provisions of this local law are severable. If any provision of this local law or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this local law which can be given effect without the invalid provision or application of the local law.

**§ 67-16. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

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

Dated: Riverhead, New York  
February 22, 2012

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

**DIANE M. WILHELM, Town Clerk**

04.17.12  
120295

ADOPTED

TOWN OF RIVERHEAD

Resolution # 295

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO  
CONSIDER A LOCAL LAW TO AMEND CHAPTER 48 ENTITLED "BEACHES AND  
RECREATION CENTERS" OF THE RIVERHEAD TOWN CODE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 48 entitled "Beaches and Recreation Centers" of the Riverhead Town Code once in the April 26, 2012 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the sign board 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  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 16<sup>th</sup> day of May, 2012 at 7:05 o'clock p.m. to consider a local law amending Chapter 48 entitled "Beaches and Recreation Centers" of the Riverhead Town Code as follows:

**CHAPTER 48  
BEACHES AND RECREATION CENTERS**

**Article I. Use of Designated Beach**

**§ 48-1. Definitions.**

~~In this chapter, unless the context requires otherwise, the following words and phrases, when used in this Article shall have the meanings indicated below: respectively ascribed to them in this section.~~

**BATHING BEACH or PUBLIC BATHING BEACH:** a public beach regularly used for bathing or swimming.

**DOG PARK:** A park, or area within a park designated for use of owners or custodians of dogs where dog owners may be permitted to allow their dog(s) access to such park area without being kept on a leash.

**PARK:** A use of land owned, maintained, leased or managed by the Town of Riverhead, for open space, passive or active recreation, including but not limited to, park preserves, memorial sites, walking trails, boardwalks.

**PLAYGROUND:** A park designated for recreational or athletic use by the Town of Riverhead, County of Suffolk, State of New York or other governmental subdivision and located within the Town of Riverhead.

**RECREATION CENTER OR FACILITY:**

**§ 48-3. Operation of motor vehicles restricted**

D. No motor vehicle may be operated upon the beach by any person unless the motor vehicle is insured under a valid automobile liability insurance policy carrying the limits of at least \$10,000/\$20,000 ~~\$25,000/\$50,000.~~

**Article II. Use of Public Bathing Beaches, Recreation Centers and Facilities, and Parks, Playgrounds and Dog Parks (§ 48-12 – §48-22 48-24)**

#### **§ 48-12. Licensing of vehicles required.**

No vehicle shall be allowed to enter upon or park at any public bathing beach, or recreation center, park or playground owned, leased, operated or maintained by the Town of Riverhead unless it is licensed as herein provided a permit, to the extent required pursuant to § 18-13, has been issued by the Recreation Department.

#### **§ 48-13. Parking and parking permits related to use of recreation centers and facilities, parks, playgrounds, public bathing beaches, and dog parks.**

A. Vehicles entering any area designated as a beach, public bathing beach, or recreation center, park or playground shall enter only at designated entrances and leave only through designated exits. Parking of all vehicles displaying a seasonal parking permit, obtained as hereinafter provided, shall be permitted in the spaces provided at any beach, public bathing beach, or recreation center, park or playground. The following parking areas, and such other parking areas designed by resolution of the Town Board, are hereby designated as Town of Riverhead parking-by-permit-only areas:

B. Permits. The Recreation Department is hereby authorized to issue a seasonal parking permit for use at any public bathing beach, or recreation center, park or playground. Seasonal parking permits for parking vehicles in the designated parking areas shall be issued as follows:

#### **D. Dog park permits.**

Permits for the Dog Park shall be issued by the Office of the Town Clerk upon proof of a current dog license, Rabies Vaccine Certificate and Health Certificate. Fees for the year round Dog Park Permit are as follows: Resident \$15, Non-Resident \$30, Replacement of Lost/Damaged Permit \$10, Amended Dog Owner Permit for each additional dog \$5.

#### **§ 48-15. Littering.**

No person shall throw, break, cast, lay or deposit bottles, crockery, papers, wrappers, garbage or refuse of any kind or nature on the any beach, public bathing beach, recreation center, park, playground or dog park or in or upon any parking area, roadway or footpath but shall place the same in the containers provided therefor.

#### **~~§ 48-18. Dogs and other animals; dDestruction of property.~~**

~~A. No dogs or domestic animals shall be allowed on any public bathing beach or recreation center except guide dogs.~~

~~B. A. No person shall in any manner damage, deface, injure or destroy any structure, planting, roadway, embankment, building or equipment located on the grounds of any beach, bathing beach or , recreation center, park, playground or dog park or recreation center.~~

~~C. B. No person shall be allowed to bring any type of disposable glass container on any public bathing beach, public bathing beach or recreation center, park, playground or dog park or recreational facility.~~

#### **§ 48-19. Selling and vending.**

The selling, vending or offering for sale of any wares, foodstuffs or merchandise upon the grounds or in and about the facilities of any beach, public bathing beach or recreation center, park, playground or dog park is strictly prohibited, except in such case and instance where the Town Board of the Town of Riverhead has issued a permit therefor.

#### **§ 48-21. Nonliability of Town.**

Any person using a beach, public bathing beach or recreation center or park, playground or dog park or any of its facilities shall do so with the understanding that the Town of Riverhead assumes no responsibility for any injury or damage which such person may sustain while so using said facilities or while occupying said beach or recreation center, park, playground or dog park, and that the Town of Riverhead will not be responsible for any article that may be stolen from the premises or any building, structure or vehicle occupying or so using the facilities of said beach or recreation center, park, playground or dog park.

#### **§ 48-23. Animals.**

No person owning or being custodian of any animal shall cause or permit such animal to enter any area designated as public bathing beach, recreation center or facility, park, or playground unless authorized by permit issued by the Town Clerk. Except as set forth in § 48-24, an owner or custodian of any animal who is issued a permit by the Town Clerk granting permission to enter the public bathing beach, recreation center, park or playground with an animal, shall be required to keep the animal on a leash at all times.

#### **§ 48-24. Dog park.**

A. A designated park area where dog owners may be permitted to allow their dog access to such park areas without being kept on a leash.

B. The Town of Riverhead Recreation Department is authorized to promulgate written rules and regulations, subject to Town Board approval, for the use of a Town-designated dog park; such rules and regulations shall be posted at the dog park entrance. The failure to comply with such rules and regulations shall be deemed a violation of this chapter.

C. No dog shall be permitted to enter a Town-designated dog park without the owner obtaining the required permit from the Town Clerk's Office.

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

Dated: Riverhead, New York  
April 17, 2012

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

**TOWN OF RIVERHEAD**

**Resolution # 296**

**RESCINDS RESOLUTION #286 ADOPTED ON MARCH 20, 2001 REGARDING ADMINISTRATIVE FEES FOR CHAPTER 54 AND CHAPTER 96**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, on March 20, 2001, the Town Board, by Resolution #286 adopted fixed administrative fees for Chapter 54 and Chapter 96 proceedings in the amount \$2,275.00 and \$740.00, respectively; and

**WHEREAS**, the afore-mentioned administrative fees require up-date to reflect the expenses incurred by appropriate town department personnel necessary to the accomplishment of the town's regulatory and proprietary functions; and

**WHEREAS**, the Town Board wishes to rescind Resolution #286 adopted March 20, 2001.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby rescinds Resolution #286 adopted on March 20, 2001; 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 ABSTAIN					

The Resolution Was  Thereupon Duly Declared Adopted

04.17.12  
120297

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 297**

**CALVERTON RECREATIONAL PARK PROJECT**

**2012 BUDGET ADJUSTMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the New York State Office of Parks has approved a grant award designated for the Recreational Facility at EPCAL,

**WHEREAS**, the grant agreement requires a Local match.

**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>
406.073897.492400.70015	NYS Office of Parks Aid	250,000	
406.095031.481736.70015	Special Trust Transfer	500,000	
406.071100.523039.70015	Infrastructure Improvements		750,000

**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

04.17.12  
120298

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 298**

**APPOINTS A CALL-IN HEAD LIFEGUARD TO THE RECREATION DEPARTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

**NOW THEREFORE BE IT RESOLVED**, that effective April 18, 2012, this Town Board hereby appoints Johanna Imwalle to the position of Call-In Head Lifeguard, Level 3, to be paid the rate of \$15.30 per hour and

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

**THE VOTE**

Giglio	<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 # 299**

**AUTHORIZES AN ADOPTION FAIR AT THE RIVERHEAD ANIMAL SHELTER ON  
APRIL 28<sup>th</sup> AND 29<sup>th</sup>, 2012**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town of Riverhead recognizes the benefits of creating a dog park, including socialization, exercise, and allowing people to be able to spend time with their dogs off-leash in a controlled environment; and

**WHEREAS**, the Town of Riverhead determined that a dog park should be created in proximity to the Town's Recreational Facility (EPCAL Ball Fields) located on Route 25, Calverton, NY; and

**WHEREAS**, the Town of Riverhead, with the assistance of a committee of citizens known as Move the Animal Shelter Committee, also known as "MTAS", made improvements to approximately one half acre of land adjacent to the EPCAL Ball Fields for the dog park; and

**WHEREAS**, the Town of Riverhead anticipates the improvements to be completed in the near future; and

**WHEREAS**, the Town seeks to commemorate the creation of and opening of the first dog park and promote adoptions of shelter dogs housed at the Riverhead Animal Shelter by offering free adoption, not including the mandated New York State Dog License Fee, at the Town of Riverhead Animal Shelter located on Youngs Avenue, Riverhead, NY on April 28<sup>th</sup> and April 29<sup>th</sup>, 2012 between the hours of 9:00 am - 3:00 pm.; and

**NOW, THEREFORE, BE IT RESOLVED**, effective April 28, 2012 and April 29, 2012, the Town Board hereby authorizes the Riverhead Animal Shelter to hold an adoption fair at the Riverhead Animal Shelter; and be it further

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

04.17.12  
120300

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 300**

**AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH AEROS CULTURED OYSTER COMPANY TO ALLOW THE INSTALLATION OF FLOATING UPWELLER SYSTEMS (FLUPSY) IN EAST CREEK**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Peconic Estuary Management Conference has identified six priority management issues facing the estuary, one of which is the threat to habitat and living resources; and

**WHEREAS**, the Peconic watershed contains a large variety of natural communities, all of which are important to the ecology and productivity of the ecosystem; and

**WHEREAS**, Aeros Cultured Oyster Company is in the business of cultivating oysters, scallops and hard clams for the purpose of providing cultivated shellfish to entities wishing to aid in the proliferation of shellfish; and

**WHEREAS**, Aeros Cultured Oyster Company wishes to install five (5) Floating Upweller Systems in East Creek for the purposes of cultivating shellfish; and

**WHEREAS**, it is in the best interests of the residents of the Town of Riverhead to encourage such environmental companies to locate within the Township; and

**WHEREAS**, Aeros Cultured Oyster Company has agreed to provide monthly tours of its East Creek facility.

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor is hereby authorized to execute the attached License Agreement with Aeros Cultured Oyster Company; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Aeros Cultured Oyster Company, P.O. Box 964, Southold, New York, 11971, the Office of the Town Attorney and the Office of Accounting; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

## LICENSE

License ("License"), made as of the \_\_\_ day of April, 2012, by and between the Town of Riverhead, ("Licensor") having and address at 200 Howell Avenue, Riverhead, New York and Aeros Cultured Oyster Company, ("Licensee"), having an address at P.O. Box 964, Southold, New York, 11971, a not for profit corporation.

## WITNESSETH

WHEREAS, Aeros Cultured Oyster Company wishes to utilize a floating Upweller System (FLUPSY) to be located at the northerly terminus of East Creek, in Jamesport, for the purpose of culturing seed hard clams, bay scallops and oysters set forth in the contract between the parties, and

WHEREAS, the Town of Riverhead wishes to grant the Licensor the right to install and utilize up to five (5) FLUPSY tanks at the aforementioned location.

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

1. Licensing. Upon the terms and conditions hereinafter set forth below, Licensor hereby licenses to Licensee the right to use the licensed premises, a copy of the leased premises is annexed hereto as Exhibit A.

2. Term of the License. The term of this License (the "term") shall commence on May 1, 2012 and shall end on December 31, 2012.

3. Condition of the License Properties. Licensee is familiar with the licensed premises, has examined same and is aware of defects, if any, in it. Notwithstanding the foregoing, licensee agrees to accept the license property "as is".

4. License Fee. Licensee shall pay to Licensor, upon the execution of this agreement the license fee of \$50.00 per month for each FLUPSY installed at the Town's site for the term of the license, in full. In addition, licensee agrees to pay metered electric and water charges related to use of the site.

a) The License fee and any other monies payable by the licensee shall be paid by check made payable to the Town of Riverhead and delivered to William Rothaar, Financial Administrator, at 1295 Pulaski Street, Riverhead, New York, 11901.

5. Use of License Property. Licensee agrees to utilize the licensed properties exclusively for the purpose of operating the FLUPSY and to provide

educational tours of the facility. The Town of Riverhead shall issue to the Licensee four (4) temporary parking permits to enable Licensee, its employees and agents to gain access to the East Creek Marina for the sole purpose of accessing the FLUPSY dock and tanks located at the northern terminus of the creek. The temporary parking permits shall be limited to the duration of this License Agreement.

6. Repair, Maintenance and Inventory of License Properties.

a) Licensee agrees to maintain the licensed area free of trash and debris.

b) The licensee shall not be permitted to alter the licensed property without the prior permission of the licensor.

7. Damage to Property on Premises. Licensee agrees that all property of every kind and description kept, stored or placed in or on the licensed premises shall be at Licensee's sole risk and hazard and that Licensor shall not be responsible for any loss or damage to any of such property resulting from the elements, electric or fire, whether or not originating in the premises, caused by or from leaks or defects in or breakdown of plumbing, piping, wiring, or any other facility, equipment or fixtures or any other cause or act and whether or not resulting from the negligence of Licensor or other tenants of Licensor or anyone for whom Licensor may be responsible.

8. Damage by Casualty. In case the licensed premises shall be destroyed or shall be so damaged by fire or other casualty as to become un-tenantable, then, in such event, at the option of Licensor, this Licensee shall terminate from the date of such damage or destruction and Licensee shall immediately surrender such premises and all interest in the premises to Licensor, and Licensee shall pay rent only to the time of such surrender. Licensor shall exercise such option to terminate this License by notice in writing, delivered to Lessee within 10 days after such damage or destruction. In case Licensor shall not elect to terminate this License in such event, this License shall continue in full force and effect and Licensor shall repair the licensed premises with all reasonable promptness, placing the same in as good a condition as they were at the time of the damage or destruction and for that purpose may enter such premises, and rent shall abate in proportion to the extent and duration of un-tenantability. In either event, Licensee shall remove all rubbish, debris, equipment and other personal property within five days after the request of Licensor. If the licensed premises shall be only slightly injured by fire or the elements, so as not to render the same un-tenantable and unfit for the use described above, then Licensor shall repair the same with all reasonable promptness, and in that case the rent shall not abate. No compensation or claim shall be made by or allowed to Licensee by reason of any inconvenience or annoyance arising from the necessity of repairing any portion of the bulkhead, dock or the licensed premises, however the necessity may occur.

9. Insurance. Aeros Cultured Oyster Company further agrees to carry General Liability Insurance and in an amount not less than \$1,000,000.00 combined single limit covering bodily injury and property damage per occurrence in a company(ies) acceptable to the Town of Riverhead, in which policy the Town of Riverhead shall be named as additional insured. Aeros Cultured Oyster Company shall furnish satisfactory evidence that such insurance is in effect and will not be canceled during the term of this License Agreement without thirty (30) days prior written notice of such cancellation to Licensors.

10. Indemnity. In addition to the Comprehensive General Liability Coverage set forth in paragraph 9, if applicable Licensee shall carry worker's compensation insurance. Licensee shall indemnify and hold the Licensors, its departments, officers, agents and employees harmless 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), arising from or in connection with the acts, omissions, or use of the licensed property by Licensee, its employees, agents, or invitees.

11. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license or otherwise transfer the rights set forth in this license, 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. A transfer of more than fifty (50%) percent at any one time, or in the aggregate from time to time, of the stock, partnership or other ownership interests in Licensee, direct or indirectly shall be deemed to be an assignment of this License.

12. Compliance with Laws Licensee shall comply with all laws and ordinances and other public requirements now or later affecting the premises or the use of the premises, and save Licensors harmless from expense or damage resulting from failure to do so.

13. Notices: Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to Licensors, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue, Riverhead, New York. If such notice is directed at the Licensee, it shall be addressed to PO Box 964, Southold, New York, 11971.

14. 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.

15. Cross Default: To the extent that the Licensor and Licensee are parties to related agreements, any default under the related agreements shall be deemed to be a default under this License, and any default under this license shall be deemed a default under such similar agreements.

16. Approval by Town Board. This License is not effective until it is approved by Resolution of the Town Board of the Town of Riverhead.

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, Supervisor

AEROS CULTURED OYSTER COMPANY

By: \_\_\_\_\_  
KAREN RIVARA, President

**TOWN OF RIVERHEAD**

**Resolution # 301**

**AUTHORIZES TOWN SUPERVISOR TO EXECUTE CHANGE ORDER NO. 1 FOR EPCAL BALLFIELD PARKING LOT IMPROVEMENT PROJECT – PHASE I**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on March 22, 2012, the Riverhead Town Board adopted resolution No. 244 entitled, "Awards Bid for EPCAL Ballfield Parking Lot Improvement Project – Phase I" and

**WHEREAS**, the bid was awarded to Laser Industries, Inc. in the amount of Two Hundred Thirty Six Thousand & 00/100 (\$236,000.00); and

**WHEREAS**, after evaluation and serious consideration of the existing plans and site conditions, the Town Engineer for the Town of Riverhead, together with the Town's expert consulting engineer, have revised the project plan and have recommended adjust eight (8) drainage castings as well as supply, spread and compact one thousand one hundred (1,100) cubic yards of select fill to allow for the needed parking lot elevation adjustments for the additional amount of Thirty Eight Thousand & 00/100 (\$38,000.00).

**NOW, THEREFORE, BE IT RESOLVED**, the Town Supervisor be and is hereby authorized to execute Change Order No. 1 in the amount of \$38,000; and

**BE IT FURTHER RESOLVED**, that the Engineering Department be and is hereby authorized to secure a Town of Riverhead change order purchase order from the Purchasing Department in the amount listed above and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Laser Industries, Inc., 1775 Route 25, Ridge, NY 11961, Kenneth Testa, P.E., Vincent Gaudiello, P.E., Raynor Group, 860 Montauk Highway, Watermill, New York 11976, Christina Kempner, Director, Community Development Department, Purchasing Department and the Office of Accounting; and

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

**CHANGE ORDER NO. 1**

Project: EPCAL Ballfield Parking Lot Improvement Project-Phase I  
 Change Order No.: 1  
 Date: April 17, 2012  
 Contractor: Laser Industries, Inc.  
 1775 Route 25  
 Ridge, NY 11961  
 Award Resolution: No. 244 Adopted: 3.22.12

The Contract is changed as follows:  
 Refer to Attachment

**NOT VALID UNTIL SIGNED BY THE OWNER, ENGINEER AND CONTRACTOR**

**Change Order NO. 1:**

1. Supply, spread and compact 1,100 cy of select fill \$32.00 per cubic yard total \$35,200
2. Adjust 8 drainage castings, per revised plan \$350.00 each total \$2,800

The Original Contract Sum was.....	\$236,170.00
Net Change by Previously Authorized Change Orders.....	\$0.00
The Contract Sum Prior to This Change Order was.....	\$236,170.00
The Contract Sum will be increased by this Change Order In the amount of .....	\$38,000.00
The New Contract Sum Including this Change Order will be.....	\$274,170.00

<b>Contractor</b>	<b>Owner</b>
Laser Industries, Inc..	Town of Riverhead
1775 Route 25	200 Howell Avenue
Ridge, NY 11961	Riverhead, New York 11901
By: _____ Authorized Representative Signature	By: _____
Print Name: _____	Print Name: _____
Date: _____	Date: _____

04.17.12  
120302

ADOPTED

TOWN OF RIVERHEAD

Resolution # 302

PAYS BILLS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

ABSTRACT #12-13 April 4, 2012 (TBM 4/17/12)				
FUND NAME			4/4/2012	GRAND TOTALS
GENERAL FUND		1	884,577.84	884,577.84
RECREATION PROGRAM FUND		6	4,233.57	4,233.57
MULTI YEAR OPERATING GRANT		99	172,398.00	172,398.00
HIGHWAY FUND		111	105,237.89	105,237.89
WATER DISTRICT		112	62,491.89	62,491.89
RIVERHEAD SEWER DISTRICT		114	27,920.69	27,920.69
REFUSE & GARBAGE COLLECTIO		115	6,072.12	6,072.12
STREET LIGHTING DISTRICT		116	15,271.72	15,271.72
AMBULANCE DISTRICT		120	111.34	111.34
CALVERTON SEWER DISTRICT		124	5,771.83	5,771.83
RIVERHEAD SCAVANGER WASTE		128	16,782.44	16,782.44
RISK RETENTION FUND		175	3,781.70	3,781.70
CDBG CONSORTIUM ACOUNT		181	702.56	702.56
TOWN HALL CAPITAL PROJECTS		406	23,133.33	23,133.33
TRUST & AGENCY		735	955,235.13	955,235.13
TOTAL ALL FUNDS			2,283,722.05	2,283,722.05

THE VOTE

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

The Resolution Was  Thereupon Duly Declared Adopted

04.17.12  
120302

ADOPTED

TOWN OF RIVERHEAD

Resolution # 302

PAYS BILLS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

ABSTRACT #12-14 April 13, 2012 (TBM 4/17/12)				
FUND NAME			4/13/2012	GRAND TOTALS
GENERAL FUND	1		194,946.09	194,946.09
RECREATION PROGRAM FUND	6		2,692.00	2,692.00
CHILD CARE CENTER BUILDING FUN	9		300.00	300.00
HIGHWAY FUND	111		25,980.75	25,980.75
WATER DISTRICT	112		114,770.34	114,770.34
RIVERHEAD SEWER DISTRICT	114		7,268.29	7,268.29
REFUSE & GARBAGE COLLECTION DI	115		6.60	6.60
STREET LIGHTING DISTRICT	116		51,786.88	51,786.88
PUBLIC PARKING DISTRICT	117		2,506.35	2,506.35
AMBULANCE DISTRICT	120		1,577.87	1,577.87
EAST CREEK DOCKING FACILITY FU	122		409.92	409.92
RIVERHEAD SCAVANGER WASTE DIST	128		34.22	34.22
RISK RETENTION FUND	175		25,597.51	25,597.51
TOWN HALL CAPITAL PROJECTS	406		56,954.44	56,954.44
TRUST & AGENCY	735		303,875.00	303,875.00
TOTAL ALL FUNDS			788,706.26	788,706.26

THE VOTE

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

The Resolution Was  Thereupon Duly Declared Adopted