

**RESOLUTION LIST  
JUNE 19, 2012**

- Res. #450A Water Extension #89 Peconic Sportsman's Club Capital Project Budget Adjustment**
- Res. #451A Authorizes the Supervisor to Execute a NYS Parks Grant Extension for Funds to Support Miamogue Point**
- Res. #452A Authorizes Submission of Letter of Intent for Operation and Maintenance Grant Program to New York State Environmental Facilities Corporation (EFC)**
- Res. #453A Appoints Personnel to the Riverhead Youth Bureau's 2012 Summer Programs**
- Res. #454A Changes the Status of an Account Clerk Typist (Robin Halpin)**
- Res. #455A Accepts the Retirement of the Tax Receiver (Maryann Wowak Heilbrunn)**
- Res. #456A Appoints a Part-Time Maintenance Mechanic I (Anthony White)**
- Res. #457A Establishes Standard Work Day for an Elected Official**
- Res. #458A Acceptance of 2011 Audited Community Preservation Fund**
- Res. #459 Appoints a Fill-In Summer Recreation Aide to the Recreation Department (Brianne Egan)**
- Res. #460 Appoints a Recreation Aide to the Recreation Department (Aleki Lui)**
- Res. #461 Appoints a Recreation Leader to the Riverhead Recreation Department (Catherine Hale)**
- Res. #462 Appoints a Recreation Aide to the Riverhead Recreation Department (James McKay)**
- Res. #463 Appoints a Recreation Specialist to the Recreation Department (Christopher Nentwich)**
- Res. #464 Appoints a Call-In Recreation Aide to the Recreation Department (Paige Hubbard)**

- Res. #465** Authorizes Town Clerk to Publish and Post Public Notice for Public Hearing Regarding a Local Law to Amend Chapter 52 Entitled, "Building Construction" of the Riverhead Town Code (Deletion of §52-21. Energy Star Requirements)
- Res. #466** Accepts Donation of Vehicle From Eagle Chevrolet for Use by the Riverhead Senior Center
- Res. #467** Accepts Donation of Use of a Natural Gas Powered Vehicle from Apple Honda and Authorizes Signature of Lease Agreement
- Res. #468** Adopts a Local Law Amending Chapter 103 Entitled "Solid Waste Management" of the Riverhead Town Code
- Res. #469** Adopts a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Code of the Town of Riverhead (Article XXIII Residence RC District)
- Res. #470** Appoints Annemarie Prudenti to Act as Legal Counsel for the Conservation Advisory Council of the Town of Riverhead
- Res. #471** Approves the Riverhead Sewer District's Purchase of Property Described as SCTM #0600-129-4-8
- Res. #472** Authorizes the Retention of the Law Firm of Campolo, Middleton & McCormick, LLP Regarding Claim of Robert D. Crozier
- Res. #473** Authorizes the Retention of the Law Firm of Campolo, Middleton & McCormick, LLP Regarding Claim of Gregory J. Fischer
- Res. #474** Authorizes the Retention of the Law Firm of Campolo, Middleton & McCormick, LLP Regarding Claim of Charles Schneider
- Res. #475** Approves the Application for Fireworks Permit of Riverhead Business Improvement District Management Association (July 3, 2012)
- Res. #476** Approves Chapter 90 Application of Church of the Harvest (Riverhead Community Appreciation Day – July 28, 2012)
- Res. #477** Approves Extension to License Agreement with Wadington Realty Corp.
- Res. #478** Appoints Interpreter for Police Department and Justice Court (Christine Santini)
- Res. #479** Approves the Application for Fireworks Permit of Newton Shows (Peconic Bay Medical Center Family Festival – July 6, 2012)

- Res. #480 Approves Chapter 90 Application of Peconic Bay Medical Center (Family Festival – July 4, 2012 through July 7, 2012)**
- Res. #481 Releases Maintenance Bond of Wading River Woods, LLC in Connection with the Condominium Project Known as “Wading River Woods” (One Year Maintenance Bond)**
- Res. #482 Authorizes the Release of Security of Riveredge, LLC (Riverhead Building Supply at EPCAL)**
- Res. #483 Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for a Part-Time Kennel Attendant**
- Res. #484 Approves Chapter 90 Application of Railroad Museum of Long Island (“Riverhead Railroad Museum Open House 2012”)**
- Res. #485 Authorizes the Town Clerk to Charge and Receive a Fee of One Dollar (\$1.00) per Deer Hunting Permit Issued Effective Throughout the Legal Deer Hunting Area of the Town of Riverhead**
- Res. #486 Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 58 Entitled “DOGS” of the Riverhead Town Code**
- Res. #487 Appoints William M. Duffy to Act as Legal Counsel for the Architectural Review Board of the Town of Riverhead**
- Res. #488 Approves Supervisor to Execute a License Agreement with Downtown Riverhead Holdings, LLC**
- Res. #489 Approves Chapter 90 Application of the Riverhead Country Fair Committee (Riverhead Country Fair – October 7, 2012)**
- Res. #490 Establishes Location for Farmer’s Market for 2012 Season**
- Res. #491 Pays Bills**
- Res. #492 General Fund Budget Adjustment**
- Res. #493 Authorizes the Supervisor to Execute an Addendum to the Agreement with Black Box to Audit Telephone Billing for the Town of Riverhead**

- Res. #494** Authorizes Downtown Solid Waste Collection Site Agreement Between the Town of Riverhead, Town of Riverhead Parking District, and Suffolk County Community College Culinary Arts and Hospitality Center, Haiku, Blue Agave Mexican Grill and Barth's Pharmacy
- Res. #495** Authorizes Downtown Solid Waste Collection Site Agreement Between the Town of Riverhead, Town of Riverhead Parking District and Cody's BBQ & Grill, Robert James Salon & Spa, the Athens Grill, Tweeds Restaurant & Buffalo Bar, Riverhead Vacuum & Sewing Center and Dark Horse Restaurant

**TOWN OF RIVERHEAD**

**Resolution # 450A**

**WATER EXTENSION #89 PECONIC SPORTSMAN'S CLUB  
CAPITAL PROJECT**

**BUDGET ADJUSTMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Peconic Sportsman's Club Water Project requires a budget modification to better reflect the proper appropriations;

**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>
412.083200.493000.44015	Federal Aid – Navy	439,000	
412.092705.421050.44015	Developer Fees – Navy		439,000
412.083200.523002.44015	Water Mains/Laterals	31,440	
412.083200.543000.44015	Professional Services	1,560	
412.083200.549001.44015	General Fund Administrative Fee		15,398.09
412.083200.549112.44015	Water Administrative Fee		11,549.91
412.083200.549113.44015	Water Key Money Fees		6,052.00

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 451A

**AUTHORIZES THE SUPERVISOR TO EXECUTE A NYS PARKS GRANT  
EXTENSION FOR FUNDS TO SUPPORT MIAMOGUE POINT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, grant funding has been secured from the New York State Office of Parks, Recreation and Historic Preservation ("NYS Parks") to provide funds to the Town of Riverhead for the acquisition and redevelopment of Miamogue Point Property as a public access point and facility; and

**WHEREAS**, the Town of Riverhead through Community Development Department ("CDD") has received an award of NYS Parks grant funds in the amount of \$350,000 to provide for the acquisition and redevelopment of Miamogue Point Property as a public access point and facility; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board hereby authorizes the Town Supervisor to execute the attached grant extension with NYS Parks.

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide notification of this resolution to CDD Director Chris Kempner and the Accounting Department.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

APPENDIX X-MODIFICATION AGREEMENT FORM

Period From: **October 20, 2006 to December 31, 2011**  
To: **October 20, 2006 to December 31, 2012**

Agency Code: **49070**  
Project #: **EPF-406044-L7**  
Contract #: **C406044**

Funding Amount for Period: **\$350,000.00**

This is an AGREEMENT between THE STATE OF NEW YORK, acting by and through the Office of Parks, Recreation and Historic Preservation, having its principal office at Albany, New York 12238 (hereinafter referred to as the STATE), and the **Town of Riverhead**, having its principal office at **200 Howell Avenue, Riverhead, New York 11901** (hereinafter referred to as the CONTRACTOR), for modification of Contract Number **C406044**, as amended in this Appendix and the attached Appendix B.

All other provisions of said AGREEMENT shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT as of the dates appearing under their signatures.

CONTRACTOR:

STATE AGENCY:

**Town of Riverhead**

New York State Office of Parks, Recreation and Historic Preservation

\_\_\_\_\_  
Sean Walter  
Supervisor

By: \_\_\_\_\_

\_\_\_\_\_  
Date

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

State Agency Certification:

"In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this contract."

STATE OF NEW YORK        )  
  ) SS:  
COUNTY of                    )

On the        day of                                    in the year        , before me, the undersigned, personally appeared Sean Walter, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
(Notary Public, State of New York)

ATTORNEY GENERAL:

Approved:

Thomas P. DiNapoli  
State Comptroller

By \_\_\_\_\_

Date \_\_\_\_\_

Town of Riverhead  
Acquisition of Peconic Bay - Miamogue Point  
EPF 406044-L7

APPENDIX B - BUDGET

The detailed estimated budget for the project as outlined in this AGREEMENT is as follows:

**EXPENSES:**

**Acquisition** \$2,000,00.00  
To include: purchase of 2.6 acres

**Development** 125,000.00  
To include: site preparation, sidewalk, parking lot and playground

**TOTAL COST** **\$2,125,000.00**

**FUNDING BREAKDOWN:**

STATE Share \$350,000.00  
CONTRACTOR Share \$1,775,000.00

Town of Riverhead

Resolution # 452A

AUTHORIZES SUBMISSION OF LETTER OF INTENT FOR OPERATION AND MAINTENANCE GRANT PROGRAM TO NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION (EFC)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the State of New York Environmental Facilities Corporation (EFC) provides assistance to municipalities that provide boat pumpout facilities for marine waste holding tanks and portable toilets; and

**WHEREAS**, funding is available for up to 75%, with a maximum annual grant of \$5,000 for pumpout boats and \$2,000 for stationary facilities; and

**WHEREAS**, it is the policy of the Riverhead Town Board to encourage those practices that minimize hazardous influences on the Peconic Estuary system; and

**WHEREAS**, the Town of Riverhead is eligible for up to \$14,000 in reimbursement for the upcoming 2012 season.

**THEREFORE, BE IT RESOLVED**, by the Riverhead Town Board authorizes the Supervisor to sign the letter of intent to EFC.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a copy of this resolution to the Community Development Department and Sgt. Sean Egan.

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 # 453A

APPOINTS PERSONNEL TO THE RIVERHEAD YOUTH BUREAU'S 2012 SUMMER PROGRAMS

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town of Riverhead Youth Bureau needs to appoint personnel to its 2012 summer programs; and

**WHEREAS**, pending the results of successfully completed background investigations, recommendations of suitable candidates has been made by the Youth Bureau Executive Director.

**NOW, THEREFORE, BE IT RESOLVED** that effective for the period of June 19, 2012 through August 31, 2012 this Town Board appoints of the following personnel to the Youth Bureau's 2012:

Chester, Benjamin	Recreation Aide I	06/19/2012	08/31/2012	\$9.00/hour
Hopkins, Mary	Recreation Bus Driver I	06/19/2012	08/31/2012	\$13.00/hour
Quinteros, Sandra	Rec. Aide w/Certs III	06/19/2012	08/31/2012	\$10.20/hour
Rawlings, Andrea	Rec. Aide w/Certs I	06/19/2012	08/31/2012	\$11.25/hour

**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 # 454A

CHANGES THE STATUS OF AN ACCOUNT CLERK TYPIST

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, there is currently a part-time position of Account Clerk Typist in the Riverhead Water District; and

**WHEREAS**, the resignation of the part-time Senior Account Clerk Typist on May 25, 2012 necessitates the redistribution of job duties, making it incumbent upon the Water District Superintendent to convert said part-time position to full time to allow for the increased work load.

**NOW, THEREFORE, BE IT RESOLVED**, that effective for June 20, 2012 this Town Board hereby changes the status of part-time Account Clerk Typist, Robin Halpin, to full-time, as found on Group 9, Step P of the Clerical and Supervisory Salary Schedule.

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Robin Halpin, the Water District Superintendent, the Financial Administrator and the Personnel Officer. Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

THE VOTE

Giglio 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 # 455A

ACCEPTS THE RETIREMENT OF THE TAX RECEIVER

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

**WHEREAS**, the Town has received a letter from Tax Receiver Maryann Wowak Heilbrunn, indicating her intent to retire effective June 30, 2012.

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby accepts the retirement of Maryann Wowak Heilbrunn effective June 30, 2012.

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Maryann Wowak Heilbrunn, the Personnel Officer and the Financial Administrator. Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

THE VOTE

Giglio 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 # 456A**

**APPOINTS A PART-TIME MAINTENANCE MECHANIC I**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, a vacancy exists for a part-time Maintenance Mechanic I in the Riverhead Senior Programs; and

**WHEREAS**, the job was duly posted for, job posting #4, interviews were conducted; and

**WHEREAS**, pending the results of a successful background check, a recommendation of a suitable candidate has been made by the Senior Programs Director and the Personnel Committee.

**NOW, THEREFORE, BE IT RESOLVED**, that effective June 20, 2012, this Town Board hereby appoints Anthony White to the position of part-time Maintenance Mechanic I at the hourly rate of \$17.50; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Anthony White, the Senior Programs Director, the Personnel Officer and the Financial Administrator. Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

**THE VOTE**

Giglio 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 # 457A

**ESTABLISHES STANDARD WORK DAY FOR AN ELECTED OFFICIAL**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**BE IT RESOLVED**, that the Town Board of the Town of Riverhead, NYSLERS Location Code #30013, hereby establishes the following as the standard work day for an elected official and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by this official to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
<b>Elected Officials</b>									
Assessor	Mason Haas	xxxx	xxxxxxx	7	01/01/2012-12/31/2015	N	20	<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
<b>Appointed Officials</b>									
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>

**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 # 458A**

**ACCEPTANCE OF 2011 AUDITED  
COMMUNITY PRESERVATION FUND**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town of Riverhead authorized George R. Rehn, CPA to conduct the audit of the records of the Town of Riverhead Community Preservation Fund for the year ended December 31, 2011; and

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

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby accepts the Community Preservation Fund audit report for the year ended December 31, 2011: and

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

**THEREFORE BE IT FURTHER RESOLVED** that the I.T. Department is authorized to post the CPF Audit Report for the year ended December 31, 2011 on the Town of Riverhead's web site;.

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

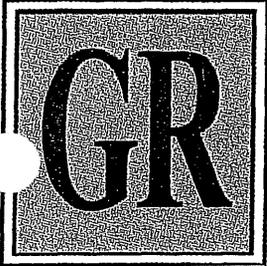
**PECONIC BAY COMMUNITY PRESERVATION FUND**

**FINANCIAL STATEMENT**

**For the Year Ended December 31, 2011**

**TOWN OF RIVERHEAD PECONIC BAY**  
**COMMUNITY PRESERVATION FUND**  
**TABLE OF CONTENTS**  
**December 31, 2011**

	<b><u>Page</u></b>
<b>INDEPENDENT AUDITOR'S REPORT</b> .....	1
 <b>FINANCIAL STATEMENT</b>	
Statement of Revenues and Expenditures.....	2
Notes to Financial Statement .....	3



# George R. Rehn Certified Public Accountant

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286 Main Street • East Setauket • New York 11733  
(631) 751-3886 • Fax (631) 751-2740

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## INDEPENDENT AUDITOR'S REPORT

Riverhead Town Board  
Town of Riverhead Peconic Bay Community Preservation Fund  
200 Howell Avenue  
Riverhead, New York 11901

I have audited the accompanying statement of revenues and expenditures of Town of Riverhead Peconic Bay Community Preservation Fund for the year ended December 31, 2011. This financial statement is the responsibility of the Town of Riverhead Peconic Bay Community Preservation Fund management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the statements of revenues and expenditures are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the statement of revenues and expenditures. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall presentation of the statement of revenues and expenditures. I believe that my audit provides a reasonable basis for my opinion.

In my opinion, the financial statement referred to in the first paragraph presents fairly, in all material aspects, the revenues and expenditures of Town of Riverhead Peconic Bay Community Preservation Fund for the year ended December 31, 2011. The Community Preservation Fund is being administered consistent with the provisions of the state law.

*George R. Rehn*  
Certified Public Accountant

East Setauket, NY  
May 16, 2012

**TOWN OF RIVERHEAD PECONIC BAY COMMUNITY PRESERVATION FUND**  
**STATEMENT OF REVENUES AND EXPENDITURES**  
**For the Year Ended December 31, 2011**

**REVENUES:**

Peconic Bay Community Preservation Funds transfer taxes	\$1,937,241
Interest income	24,613
TOTAL REVENUES	<u>1,961,854</u>

**EXPENDITURES:**

Land acquisition and development rights costs	491,946
TOTAL EXPENDITURES	<u>491,946</u>

<b>EXCESS OF REVENUES OVER EXPENDITURES</b>	<u><u>\$1,469,908</u></u>
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**TOWN OF RIVERHEAD PECONIC BAY**  
**COMMUNITY PRESERVATION FUND**  
**NOTES TO FINANCIAL STATEMENT**  
**December 31, 2011**

**NOTE A- SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**History**

In 1998, the Peconic Bay Community Preservation Fund was started. It is financed by a 2% real estate transfer tax through 2030. The overall goal is to preserve open land and farm land by purchasing open space and environmentally sensitive lands. Funds are also allowed to be used for management and stewardship of the acquired properties.

**Basis of Accounting**

The financial statement of the organization has been prepared on the accrual basis of accounting in accordance with generally accepted accounting principles.

**Use of Estimates in the Preparation of Financial Statement**

Management of the organization uses estimates and assumptions in preparing financial statements in accordance with generally accepted accounting principles. Those estimates and assumptions affected the reported revenues and expenditures. Actual results could vary from the estimates that management uses.

**NOTE B- EVALUATION OF SUBSEQUENT EVENTS**

The Organization has evaluated subsequent events through May 16, 2012, the date which the financial statements were available to be issued.

06.19.12  
120459

ADOPTED

TOWN OF RIVERHEAD

Resolution # 459

APPOINTS A FILL-IN SUMMER RECREATION AIDE TO THE RECREATION DEPARTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, a Seasonal Fill-In Summer Recreation Aide is needed by the Riverhead Town Recreation Department,

**NOW THEREFORE BE IT RESOLVED**, that effective June 19, 2012, through and including August 24, 2012, this Town Board hereby appoints Brianne Egan to the position of Fill-In Summer Recreation Aide, Level 1, to be paid the rate of \$9.00 per hour and

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

THE VOTE

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 460

**APPOINTS A RECREATION AIDE TO THE RECREATION DEPARTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

**NOW THEREFORE BE IT RESOLVED**, that effective June 19th, this Town Board hereby ratifies the appointment of Aleki Lui to the position of Seasonal Recreation Leader- Sailing (Level 1) to be paid the rate of \$8.75 per hour to the Recreation Department and

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

**THE VOTE**

Giglio	<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

06.19.12  
120461

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 461**

**APPOINTS A RECREATION LEADER TO THE  
RIVERHEAD RECREATION DEPARTMENT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

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

**NOW THEREFORE BE IT RESOLVED**, that effective June 19th, this Town Board hereby ratifies the appointment of Catherine Hale to the position of Call-In Recreation Leader- Sailing (Level 1) to be paid the rate of \$12.00 per hour to the Recreation Department and

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

06.19.12  
120462

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 462**

**APPOINTS A RECREATION AIDE TO THE  
RIVERHEAD RECREATION DEPARTMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, a Call-In Recreation Aide- Sailing (Level 2) is needed by the Riverhead Town Recreation Department

**NOW THEREFORE BE IT RESOLVED**, that effective June 19th, this Town Board hereby appoints James McKay to the position of Call-In Recreation Aide- Sailing (Level 2) to be paid the rate of \$9.65 per hour to the Recreation Department and

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

**THE VOTE**

Giglio	<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

06.19.12  
120463

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 463**

**APPOINTS A RECREATION SPECIALIST TO THE RECREATION DEPARTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

**NOW THEREFORE BE IT RESOLVED**, that effective June 20<sup>th</sup>, 2012, this Town Board hereby appoints Christopher Nentwich to the position of Recreation Specialist, Level 1, to be paid the rate of \$20.00 per hour and

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

06.19.12  
120464

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 464**

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

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

**NOW THEREFORE BE IT RESOLVED**, that effective June 20,2012 this Town Board hereby appoints Paige Hubbard to the position of Call-In Recreation Aide, Level 1, to be paid the rate of \$7.50 per hour and

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

06.19.12  
120465

ADOPTED

TOWN OF RIVERHEAD

Resolution # 465

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE FOR  
PUBLIC HEARING REGARDING A LOCAL LAW TO AMEND CHAPTER 52  
ENTITLED, "BUILDING CONSTRUCTION"  
OF THE RIVERHEAD TOWN CODE  
(Deletion of § 52-21. Energy Star requirements.)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

**RESOLVED**, that the Town Clerk is hereby authorized to post and publish the attached public notice to consider a local law to amend Chapter 52 entitled, "Building Construction " of the Riverhead Town Code once in the June 28, 2012 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held on the 17<sup>th</sup> day of July, 2012 at 7:05 o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider a local law to amend Chapter 52 entitled, "Building Construction" of the Riverhead Town Code as follows:

Chapter 52  
BUILDING CONSTRUCTION

**~~§ 52-21. Energy Star requirements.~~**

- ~~A. Intent. The intent is to protect the public health, safety and welfare of its residents by mandating that new single-family dwellings comply with the Long Island Power Authority New York ENERGY STAR Labeled Homes Program guidelines, thus ensuring that the dwellings will use considerably less energy than if built to prevailing building standards. Compliance with Long Island Power Authority New York ENERGY STAR Labeled Homes Program guidelines as outlined in this section shall be required in addition to compliance with current standards outlined in the Energy Conservation Construction Code of the State of New York (Energy Code).~~
- ~~B. Any new single-family dwelling shall be built to comply with the Long Island Power Authority New York ENERGY STAR Labeled Homes Program (hereinafter "the program") requirements in accordance with the time periods specified in Subsections E, F and G contained herein.~~
- ~~C. The ENERGY STAR requirements must be satisfied by compliance with one of the following standards:~~
- ~~(1) The Builder Option Package as established by LIPA; or~~
  - ~~(2) Achieving a home energy rating of 84 or higher on the current expanded Home Energy Rating System (HERS) scoring system adopted by the State of New York which corresponds to an index of 80 or less as defined in the 2006 Mortgage Industry National Home Energy Rating System Standards promulgated by the Residential Energy Services Network (RESNET).~~
- ~~D. In addition to demonstrating compliance with one of the standards set forth in Subsection C above, the subject dwelling must comply with the following additional requirements:~~

- ~~(1) Include a total of 500 kilowatt hours of electricity savings per dwelling unit as defined by the program; and~~
- ~~(2) Include an automatically controlled mechanical ventilation system as required by the program; and~~
- ~~(3) Comply with the Combustion Safety Testing Standards and Procedures for New York ENERGY STAR Labeled Homes standards as tested by an analyst certified by the Building Performance Institute, or equivalent trained analyst approved by the Long Island Power Authority, prior to issuance of certificate of occupancy.~~

~~E. Commencing on April 1, 2007, prior to the issuance of a building permit for any new subject dwelling, the applicant shall certify compliance with Energy Star requirements by one of the following methods:~~

~~(1) Method 1.~~

~~(a) The plans submitted shall demonstrate compliance with:~~

~~[1] The thermal envelope requirements (R-values and U-values only);~~

~~[2] The electrical savings and ventilation requirements; and~~

~~[3] The equipment efficiency requirements of the Long Island Power Authority Builder Option Package prescriptive standards.~~

~~(b) No third-party verification or field testing shall be required under this method.~~

~~(2) Method 2. The Home Energy HERS rating shall be obtained, which demonstrates compliance with all requirements of the Program as described above, including all verification and field testing.~~

~~F. Commencing on January 1, 2008, prior to the issuance of a building permit for any new subject dwelling, the applicant shall certify that the subject dwelling will comply with the envelope and duct leakage requirements of the program. Prior to issuance of a certificate of occupancy, the subject dwelling shall pass a test for combustion safety by an analyst certified by the Building Performance Institute, or equivalent trained analyst approved by the Long Island Power Authority. Any subject dwelling that satisfied the program requirements by using the Home Energy Rating System (HERS) performance verification method shall also be tested for combustion safety.~~

~~G. Commencing on April 1, 2008, prior to the issuance of a building permit, the applicant shall certify that the subject dwelling will comply with all aspects of the program, using either the Home Energy Rating System (HERS) or Builder Option Package method. Prior to issuance a certificate of occupancy, all field verification and testing requirements of the program shall be met.~~

~~H. Exemptions. Notwithstanding any provision contained in § 89-79, the testing and verification requirement may be waived upon the Long Island Power Authority (LIPA) submitting a certification that no testing or verification protocol and procedure can be applied accurately in a particular building configuration.~~

**§ 52-21. TO BE RESERVED  
NOT INTENDED TO BE RENUMBERED**

- Overstrike represents deletion(s)

Dated: Riverhead, New York  
June 19, 2012

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

**DIANE M. WILHELM, Town Clerk**

06.19.12  
120466

ADOPTED

TOWN OF RIVERHEAD

Resolution # 466

ACCEPTS DONATION OF VEHICLE FROM EAGLE CHEVROLET FOR USE BY THE RIVERHEAD SENIOR CITIZEN CENTER

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, Eagle Chevrolet, located at 1330 Old Country Road, Riverhead, NY offered to donate a Chevy S-10 pickup truck at no cost to the Town of Riverhead for use by the Town of Riverhead Senior Citizen Center for the "Meals on Wheels" food program ; and

**WHEREAS**, Meals on Wheels provides hot meals to Riverhead residents over the age of 60, homebound (unable to attend the congregate program at the senior center) or unable to prepare meals due to a recent hospitalization or a chronic and/or debilitating illness; and

**WHEREAS**, pursuant to New York State Town Law §64-8, the Town may take by gift any real or personal property for public use or benefit; and

**WHEREAS**, the Town Board finds that acceptance of this Chevy S-10 pickup truck at no cost to the Town is in the best interest of the residents of the Town of Riverhead.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Riverhead hereby accepts the donation of the Chevy S-10 pickup truck from Eagle Chevrolet; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Eagle Chevrolet, 1330 Old Country 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 certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

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

TOWN OF RIVERHEAD

Resolution # 467

**ACCEPTS DONATION OF USE OF A NATURAL GAS POWERED VEHICLE FROM  
APPLE HONDA AND AUTHORIZES SIGNATURE OF LEASE AGREEMENT**

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

**WHEREAS**, Apple Honda has offered to donate a Honda Civic, natural gas vehicle (NGV) for one year or 10,000 miles, at no cost to the Town of Riverhead, for use by the Town of Riverhead Senior Center; and

**WHEREAS**, natural gas is cleaner, cheaper, and domestic when compared to petroleum products. Natural gas burns cleaner and does not emit nearly as many pollutants and green house gases. Natural gas consumption reduces our dependence on foreign oil because it is supplied domestically; and

**WHEREAS**, pursuant to New York State Town Law §64-8, the Town may take by gift any real or personal property for public use or benefit; and

**WHEREAS**, the Town Board finds that acceptance of this NGV at no cost to the Town is in the best interest of the residents of the Town of Riverhead;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Riverhead hereby accepts the donation of the NGV from Apple Honda; and be it further

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor is authorized to execute the Lease Agreement between the Town of Riverhead and Apple Honda to provide the NGV in substantially the form annexed hereto; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Apple Honda, 1375 Route 58, Riverhead, NY 11901; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

LEASE  
 BETWEEN  
**TOWN OF RIVERHEAD**  
 AND  
**APPLE HONDA OF RIVERHEAD**  
 FOR NATUAL GAS POWERED HONDA CIVIC

This lease for 2012 Honda Civic ("Lease") is made and effective \_\_\_\_\_, by and between Garsten Motors, Inc. a/k/a Apple Honda of Riverhead (the "Lessor") and Town of Riverhead (the "Lessee").

1. Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, the following described vehicle (the "Vehicle"):

Description of Leased Property				
Year	Make	Model	Body Style	Vehicle ID #
2012	Honda	Civic	NGV	

2. The term of this Lease shall commence on June 25, 2012 and shall expire within one year from the commencement of the lease or 10, 000 miles, whichever event occurs sooner.

3. Lessor agrees to donate (no lease fee/charge) use of the Vehicle during the term of the lease.

4. Lessee shall be responsible to register and obtain license plates for the Vehicle.

5. Lessee shall use the Vehicle in a careful and proper manner and shall comply with and conform to all national, state, municipal, police and other laws, ordinances and regulations in any way relating to the possession, operation and use of the Vehicle.

6. Lessor agrees to provide all routine maintenance at no charge to Lessee.

7. Lessee, at its own cost and expense, shall keep the Vehicle in good repair, condition and working and shall furnish any and all parts, mechanisms and devices required to keep the Vehicle in good mechanical working order. Lessor and Lessee agree that Lessee may be charged for excessive wear based on industry order standards for normal use and for mileage in excess of 10,000 miles at a rate of \$00.20 per mile over the 10,000 mile lease term.

8. Lessee hereby assumes and shall bear the entire risk of loss and damage to the Vehicle from any and every cause whatsoever. No loss or damage to the Vehicle or any part thereof shall impair any obligation of Lessee under this Lease, which shall continue in full force and effect through the term of the Lease. In the event of loss or damage of any kind whatever to the Vehicle, Lessee shall, at Lessor's option: Place the same in good repair, condition and working order; or pay to Lessor the replacement cost of the Vehicle.

9. Upon the expiration or earlier termination of this Lease, Lessee shall return the Vehicle to Lessor in good repair, condition and working order, ordinary wear and tear resulting from proper use thereof alone excepted, by delivering the Vehicle at Lessee's cost and expense to such place as Lessor shall specify within the Town of Riverhead in which the same was delivered to Lessee.

10. Lessee shall procure and continuously maintain and pay for all insurance against loss of and damage to the Vehicle for not less than the full replacement value of the Vehicle, naming Lessor as loss payee, and combined public liability and property damage insurance with limits as approved by Lessor, naming Lessor as additionally named insured and a loss payee. The insurance shall be in such form and with such company or companies as shall be reasonably acceptable to Lessor, shall

provide at least thirty (30) days advance written notice to Lessor of any cancellation, change or modification, and shall provide primary coverage for the protection of Lessee and Lessor without regard to any other coverage carried by Lessee or Lessor protecting against similar risks. Lessee shall provide Lessor with an original policy or certificate evidencing such insurance. Lessee hereby appoints Lessor as Lessee's attorney in fact with power and authority to do all things, including, but not limited to, making claims, receiving payments and endorsing documents, checks or drafts necessary or advisable to secure payments due under any policy of insurance required under this Agreement.

11. Lessee shall keep the Vehicle free and clear of all levies, liens and encumbrances. Lessee, or Lessor at Lessee's expense, shall report, pay and discharge when due all license and registration fees, assessments, sales, use and property taxes, gross receipts, taxes arising out of receipts from use or operation of the Vehicle, and other taxes, fees and governmental charges similar or dissimilar to the foregoing, together with any penalties or interest thereon, imposed by any state, federal or local government or any agency, or department thereof, upon the Vehicle or the purchase, use, operation or leasing of the Vehicle or otherwise in any manner with respect thereto and whether or not the same shall be assessed against or in the name of Lessor or Lessee. However, Lessee shall not be required to pay or discharge any such tax or assessment so long as it shall, in good faith and by appropriate legal proceedings, contest the validity thereof in any reasonable manner which will not affect or endanger the title and interest of Lessor to the Vehicle; provided, Lessee shall reimburse Lessor for any damages or expenses resulting from such failure to pay or discharge.

12. In case of failure of Lessee to procure or maintain said insurance or to pay fees, assessments, charges and taxes, all as specified in this Lease, Lessor shall have the right, but shall not be obligated, to effect such insurance, or pay said fees, assignments, charges and taxes, as the case may be. In that event, the cost thereof shall be repayable to Lessor with the next installment of rent, and failure to repay the same shall carry with it the same consequences, including interest at ten percent (10%) per annum, as failure to pay any installment of rent.

13. Lessee shall indemnify Lessor against, and hold Lessor harmless from, any and all claims, actions, suits, proceedings, costs, expenses, damages and liabilities, including reasonable attorney's fees and costs, arising out of, connected with, or resulting from Lessee's use of the Vehicle, including without limitation the manufacture, selection, delivery, possession, use, operation, or return of the Vehicle.

14. If Lessee fails to observe, keep or perform any other provision of this Lease required to be observed, kept or performed by Lessee, Lessor shall have the right to exercise any one or more of the following remedies: to take possession of the Vehicle, without demand or notice, wherever same may be located, without any court order or other process of law; to terminate this Lease; to pursue any other remedy at law or in equity.

Lessee hereby waives any and all damages occasioned by such taking of possession. Notwithstanding any repossession or any other action which Lessor may take, Lessee shall be and remain liable for the full performance of all obligations on the part of the Lessee to be performed under this Lease. All of Lessor's remedies are cumulative, and may be exercised concurrently or separately.

15. Neither this Lease nor any interest therein is assignable or transferable by operation of law. If any proceeding under the Bankruptcy Act, as amended, is commenced by or against the Lessee, or if the Lessee is adjudged insolvent, or if Lessee makes any assignment for the benefit of his creditors, or if a writ of attachment or execution is levied on the Vehicle and is not released or satisfied within ten (10) days thereafter, or if a receiver is appointed in any proceeding or action to which the

Lessee is a party with authority to take possession or control of the Vehicle, Lessor shall have and may exercise any one or more of the remedies set forth in Section 14 hereof; and this Lease shall, at the option of the Lessor, without notice, immediately terminate and shall not be treated as an asset of Lessee after the exercise of said option.

16. The Vehicle is, and shall at all times be and remain, the sole and exclusive property of Lessor; and the Lessee shall have no right, title or interest therein or thereto except as expressly set forth in this Lease.

17. If Lessor shall so request, Lessee shall execute and deliver to Lessor such documents as Lessor shall deem necessary or desirable for purposes of recording or filing to protect the interest of Lessor in the Vehicle.

18. Lessee shall not assign this Lease or its interest in the Vehicle without the prior written consent of Lessor.

19. The Lessee may terminate this lease at anytime.

20. The invalidity or unenforceability of any provision in this Agreement shall not cause any other provision to be invalid or unenforceable.

20. This Lease shall be construed and enforced according to laws of the State of New York. This instrument constitutes the entire agreement between the parties on the subject matter hereof and it shall not be amended, altered or changed except by a further writing signed by the parties hereto.

The parties hereto have executed this Lease as of the day and year first above written.

Lessee \_\_\_\_\_

TOWN OF RIVERHEAD

By: \_\_\_\_\_

Name/Title

Lessor \_\_\_\_\_

GARSTEN MOTORS, INC. a/k/a APPLE HONDA

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TOWN OF RIVERHEAD

Resolution # 468

**ADOPTS A LOCAL LAW AMENDING CHAPTER 103 ENTITLED  
"SOLID WASTE MANAGEMENT" OF THE RIVERHEAD TOWN CODE**

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 to hear all interested persons to consider a local law amending Chapter 103 entitled "Solid Waste Management" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 5<sup>th</sup> day of June 2012 at 2:10 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law amending Chapter 103 entitled "Solid Waste Management" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Riverhead adopted a local law amending Chapter 103 entitled "Solid Waste Management", of the Riverhead Town Code at its meeting held on June 19, 2012. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 103  
SOLID WASTE MANAGEMENT**

**ARTICLE I. General Provisions**

**§ 103-2. Legislative intent.**

The purpose of this chapter is to protect and promote the health, safety and welfare of the residents of the Town of Riverhead by controlling the storage and disposal of solid waste generated within the Town in the most economical and environmentally acceptable manner; provide for the orderly collection of solid waste; to implement the Town of Riverhead Solid Waste Management Plan; to comply with the requirements and further the purposes of the New York State Solid Waste Management Act, the New York State Solid Waste Management Plan and the requirements of the Long Island Landfill Law; to maximize reduction, reuse and recycling in the management of solid wastes generated in the Town of Riverhead; to minimize potential environmental impact of wastes processed by or on behalf of the Town of Riverhead within or outside of the Town; and to protect the drinking water supply in the Town of Riverhead. In addition, the Town Board finds that increased efforts to recover and reuse recyclable materials will protect and enhance the Town's physical environment, promote the health, safety of persons and property within the Town. The provisions set forth herein seek not only to facilitate the implementation and operation of an environmentally sound solid waste management program and conservation of natural resources but to promote the recovery of materials from the Town's solid waste stream for the purpose of recycling such materials by source separation. Accordingly, the Town Board finds it is necessary to expand the Town's recycling program to provide opportunities for nonresidential, commercial, industrial and institutional establishments to recycle. Nothing herein is intended or should be construed to modify or amend any terms or conditions of any contracts for solid waste services to which the Town of Riverhead is a party in effect on the effective of this chapter.

**~~§ 103-3. Repealer.~~**

~~The Waste Disposal Ordinance of the Town of Riverhead, adopted December 16, 1975, as Ordinance Number 15, and any subsequent amendments thereto, is hereby repealed. All rules and regulations of the Town of Riverhead or any agency, department or board thereof inconsistent herewith are hereby repealed as of the effective date of this chapter.~~

### **§103-4 3. Definitions.**

For the purpose of this chapter, the following terms shall have the meanings indicated:

**ASHES** ~~The noncombustible residue from the burning of combustible substances, including wood, coal, papers and refuse from structural fires.~~

**ASH RESIDUE** ~~The solid residue resulting from the combustion of solid waste at a solid waste incinerator or waste-to-energy facility.~~

**AUTHORIZED COLLECTOR** A person, individual, partnership or corporation or employer or agent thereof authorized by contract or license with the municipality to collect solid waste from residential, commercial, industrial and institutional properties as herein defined under the terms and conditions of this chapter. In the event of municipal collection, this definition shall include the governing body and employees thereof.

**BULK ITEMS** Large items such as sofas, upholstered chairs, mattresses and box springs but excluding white goods such as refrigerators, stoves, dishwashers, washers, dryers, etc., which are considered recyclable.

**BULK WASTE** ~~Nonputrescible items and materials, including appliances, household furnishings and all other items of solid waste larger than two by four (2 x 2 x 4) feet or heavier than fifty (50) pounds.~~

**CLEAN FILL** ~~Material consisting of concrete, steel, wood, sand, soil and material which is the end product of a permitted composting facility.~~

**COLLECTOR** The person, firm, agency or public body or employee or agent thereof who is engaged in the collection of and/or transportation of solid waste.

**COLLECTION VEHICLE** ~~Any vehicle licensed by the Town of Riverhead to operate commercially within the town for the purpose of collecting and transporting solid waste, recyclables, liquid waste, sludge, ashes and any other waste material, except hazardous waste, as defined pursuant to regulations promulgated under the New York State Environmental Conservation Law and/or the Federal Resource Conservation Recovery Act.~~

**COMMERCIAL OPERATIONS** All properties used for industrial or commercial purposes, including but not limited to retail and wholesale establishments, apartments with more than three units, condominiums, trailer parks, offices, garages, gas stations, manufacturing and repair establishments, banks, motels, restaurants and other similar and related facilities.

**COMPOSTING** ~~The aerobic thermophilic decomposition of solid organic constituents of solid waste to produce~~

**CONSTRUCTION AND DEMOLITION DEBRIS** ~~Solid waste resulting from the construction, remodeling, repair and demolition of structures and roads.~~

**CONTAINER** ~~A reusable receptacle made of plastic or metal with a capacity of not more than thirty-two (32) gallons, a loaded weight of not more than fifty (50) pounds, a tight-fitting lid and handles of adequate strength for lifting. A can, bin, box, bag or other unit used for storage of solid waste or recyclable materials.~~

**DESIGNATED RECYCLABLES** ~~Recyclables which have been designated by the Town Board or Sanitation Supervisor for separation from other solid wastes at the point or source of generation.~~

**FACILITY** ~~Any solid waste management facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage or processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or land spreading of solid wastes, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators and other solid waste disposal, reduction or conversion facilities~~

**GARBAGE** ~~That portion of municipal solid waste consisting of putrescible materials and shall include animal, vegetable, fruit and table scraps. It shall exclude yard waste.~~

**HAZARDOUS WASTE** ~~Waste defined as "hazardous" pursuant to regulations promulgated under the New York State Environmental Conservation Law and/or the Federal Conservation Recovery Act. Solid waste that is especially harmful or potentially harmful to the public health. This shall include but not be limited to explosives, toxic or infectious materials and medical waste. For purposes of this chapter, hazardous waste does not include small quantities of such waste as generated by a resident or homeowner (e.g., aerosol cans, pesticides, fertilizers, etc.).~~

**HOUSEHOLD HAZARDOUS WASTES** ~~Waste which, but for its point of generation, would be a hazardous waste as defined by regulations promulgated pursuant to the New York State Environmental Conservation Law and/or the Federal Resource Conservation Recovery Act, including but not limited to pesticides, herbicides, fungicides, oil-based paints, varnishes, lacquer, wood stains, waste oils, degreasers, solvents, cleaning fluids, polishes, antifreeze, septic tank cleaners, waterproofing liquids and substances, lye, acid, inks, moth balls and flakes and all containers used for storage of any of the hereinabove-listed substances, household batteries and automobile batteries.~~

**INDUSTRIAL WASTE** ~~Waste generated by manufacturing or industrial processes, including but not limited to fertilizer and agricultural chemicals; inorganic chemicals; organic chemicals; wastes produced in the manufacture of plastics and resins, pulp and paper, stone, glass, clay and concrete products, textiles, and electronics equipment and circuitry.~~

**INFECTIOUS WASTE** ~~Waste defined as "infectious waste" by Section 360-1.2(b)(81) of Title 6 of the New York Codes, Rules and Regulations.~~

**INSTITUTIONAL WASTE** ~~Solid waste generated at institutions within the Town of Riverhead, excluding wastes defined herein as "hazardous waste" or "infectious waste."~~

**INSTITUTIONS** ~~Hospitals, schools, day-care centers, nursing homes, places of worship, not-for-profit recreational centers and facilities, camps, not-for-profit community centers, not-for-profit organizations and political subdivisions of the state or agencies and departments thereof.~~

**INSTITUTION** An organization or establishment devoted to the promotion of a particular object or cause, including schools, nursing homes and retirement homes, health facilities, governmental facilities, libraries, fire halls, etc.

**LAND CLEARING DEBRIS** Uncontaminated solid waste consisting of vegetation resulting from land clearing, utility line maintenance and seasonal and storm-related cleanup within the Town of Riverhead.

**LANDFILL** A solid waste facility or part of one at which solid waste is intentionally placed in or on land. The words "town landfill" mean the disposal facility located on Youngs Avenue in Riverhead, owned, maintained and operated by the Town of Riverhead for the disposal of waste pursuant to the provisions of this chapter.

**LICENSE** Due authorization, in writing, pursuant to this chapter, to provide solid waste services to residence and/or nonresidences in the Town of Riverhead, including the operation of a collection vehicle or vehicles, herein defined, within the Town of Riverhead.

**MULTIPLE RESIDENCE** Any building or parcel of land having more than two (2) dwellings, as defined in §108-3 of Chapter 108, Zoning.

**MUNICIPAL SOLID WASTE/SOLID WASTE (MSW)** All putrescible and nonputrescible materials, including garbage, refuse, bulk items, white goods and other discarded solid materials, including but not limited to solid waste materials resulting from residential, industrial, commercial and agricultural operations and from community activities. It shall not include solids or dissolved material in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. In addition, it shall not include hazardous waste.

**NONRESIDENCE** Any building or parcel of land not used as a residence or multiple residence as herein defined.

**OWNER** Includes any person who is a lessee, a purchaser under a reserve title contract, conditional sales contract or vendor's lien agreement and any person who is entitled to obtain in his or her own name proper New York State registration of a vehicle.

**PERSON** Any individual, public or private corporation firm, partnership, unincorporated association, firm, trust, estate corporation or any other legal entity.

**PORTABLE TRANSFER CONTAINER** An enclosed, portable, metal container with a capacity of one cubic yard or greater used for the temporary storage of solid waste or recyclable materials and is emptied by mechanical means into a collection truck.

**PRIVATE COLLECTOR** An individual, firm, corporation or legal entity providing for the collection of MSW and/or recyclable materials. To operate in the Town of Riverhead a private collector shall be required to obtain a license from the Town and shall be subject to the rules and regulations of the Town (see definition of Authorized Collector).

**PRIVATE SUBSCRIPTION** The collection of MSW and recyclable materials where the resident contracts directly with the private collector of the subscriber's choice.

**RECYCLABLES** Solid waste which exhibits the potential to be used repeatedly, in place of a virgin material, including newspapers and newsprint; corrugated paper; cardboard; paperboard; kraft quality paper; glass bottles, jars and containers; aluminum; ferrous metals; tin and bimetals; plastics; magazines and glossy papers; lumber; pallets; tires; and such other materials as the Town Board may by resolution designate.

**RECYCLABLE MATERIALS** Those materials specified by the municipality for separate collection in accordance with recycling regulations. Such materials may include but are not limited to:

**METAL CONTAINERS**

— Containers fabricated primarily of aluminum, steel or tin or bimetals of steel, tin and/or aluminum.

**GLASS FOOD AND BEVERAGE CONTAINERS**

— New and used glass food and beverage containers which have been rinsed and are free of food contamination, including clear (flint), green and brown (amber) colored glass bottles and jars. Glass shall not include ceramics, plate glass, auto glass, Pyrex, leaded glass, mirrored glass or flat glass.

**PLASTIC FOOD AND BEVERAGE CONTAINERS**

— Includes high-density polyethylene (HDPE) and polyethylene terephthalate (PET), designated respectively as No. 2 and No. 1 on the recycling code located on the containers.

PAPER All high grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeo paper, duplication paper, magazines, paperback books, school paper, catalogs, junk mail, computer paper, telephone books, newspaper, newspaper supplements, newspaper advertisements, corrugated cardboard, and similar cellulose material, but shall not mean wax paper, plastic or foil coated paper, Styrofoam, wax coated food and beverage containers, carbon paper, blueprint paper, food-contaminated paper, soiled paper, and wax coated or soiled cardboard.

**WHITE GOODS**

— Stoves, refrigerators, dishwashers, dryers, washing machines, water heaters and other large appliances and scrap metal but excluding air conditioners, microwaves and televisions.

\*The above materials will be reviewed quarterly and will be modified as the need arises by the Town Board.

**RECYCLING** Any process by which materials, which otherwise become solid waste, are collected, separated and/or processed, treated, reclaimed, used or reused to produce a raw material or products.

**RECYCLING CENTER** Any structure or combination of structures, machinery and equipment, including yard waste and mixed waste composting facilities, owned or operated by or on behalf of the Town of Riverhead or accepting solid wastes pursuant to a contract with or a permit from the Town of Riverhead, for the deposit, storage or processing of materials required by §§103-20 and 103-30 of this chapter to be separated from other solid wastes at the source of generation.

**REFUSE** That portion of municipal solid waste consisting of nonputrescible materials. It shall exclude bulk items and white goods.

**RESIDENCE** ~~A building or parcel having one (1) or two (2) dwellings, as defined by §108-3 of Chapter 108, Zoning.~~

**RESIDENT** Any person residing within the Town on a temporary or permanent basis, but excluding persons residing in hotels or motels.

**RESIDENTIAL PROPERTY** Properties used as dwellings, including buildings having up to and including three dwelling units in one building. Multiple-dwelling residential buildings containing more than four dwellings units, for purposes of this chapter, shall be treated as commercial properties.

**SLUDGE** ~~Any solid, semisolid or liquid waste generated by a permitted wastewater treatment plant located within the Town of Riverhead, excluding the treated effluent from a wastewater treatment plant.~~

**SOLID WASTE** ~~All putrescible and nonputrescible materials or substances that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, except septage, sewage and treated septage and sewage effluent and other highly diluted water-carried materials or substances or those in gaseous form.~~

**SOLID WASTE FACILITY** ~~Any structure or combination of structures, machinery and equipment owned or operated by or on behalf of the Town of Riverhead or designated by a contract entered into between the Town of Riverhead and any person, firm or corporation, for the purpose of accepting solid waste generated within the Town of Riverhead, including a transfer station, as herein defined.~~

**SOLID WASTE MANAGEMENT** The purposeful, systematic control of the storage, collection, transportation, processing and disposal of solid waste.

**SOLID WASTE SERVICES** ~~The handling, removal, collection, storage or disposal of solid waste, including the placement or removal of containers for solid waste on or from sites within the town not owned by the person placing or removing the containers, and the transporting of solid waste from or to any location within the town.~~

**SOURCE SEPARATE** To separate the recyclable materials from the MSW stream at the point of waste generation.

**STREET** ~~Any road, avenue, public thoroughfare or highway within the Town of Riverhead, whether or not owned or maintained by the Town of Riverhead.~~

**TOWN** ~~All areas within the Town of Riverhead.~~

**TOWN BOARD** ~~The Town Board of the Town of Riverhead.~~

**TOWN CLERK** ~~The Town Clerk of the Town of Riverhead.~~

**TRANSFER STATION** ~~Any structure or combination of structures, machinery, equipment and facilities used for the off-loading of solid waste from collection vehicles and the reloading of solid waste into vehicles for transportation to another facility.~~

**YARD WASTE** ~~Plant material, including leaves, grass clippings, branches less than four (4) inches diameter, brush, flowers and roots; debris commonly thrown away in the course of maintaining yards and gardens~~ Organic yard and garden waste, leaves, wood

chips, grass clippings and brush, including sod and rocks not more than four (4) inches in diameter; and biodegradable waste approved for the yard waste composting program by the Town Board or the Sanitation Superintendent. "Yard waste" shall not include food waste; plastics and synthetic fibers; lumber; wood waste or tree limbs which exceed four (4) inches in diameter or four (4) feet in length; or soil contaminated by hazardous waste or household hazardous waste products.

**§ 103-4. Severability.**

If any term, part, provision, section, subdivision or paragraph of this chapter shall be held unconstitutional or ineffective, in whole or in part, then, to the extent that it is not unconstitutional or ineffective, this chapter and such term, part, provision, section, subdivision or paragraph thereof shall be in full force and effect; and such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions or paragraphs thereof.

**§ 103-5. Dumping prohibited; penalties for offenses.**

- ~~A. It shall be unlawful for any person to throw or deposit solid waste on any street or public highway, sidewalk, public place or public facility or to throw, deposit or bury solid waste on any land in public ownership, except at a duly authorized solid waste facility or recycling center.~~
- ~~B. It shall be unlawful for any person to throw, deposit or bury solid waste on any vacant land or other parcel of land in private ownership in the Town of Riverhead, except in accordance with the provisions of this chapter and unless a solid waste management facility permit has been issued for such land by the New York State Department of Environmental Conservation.~~
- ~~C. It shall be unlawful for any person to deposit solid waste in any container placed on private property for the storage of solid waste pursuant to a contract between the owner or occupant of said property and a person licensed to provide solid waste services by the Town of Riverhead. This prohibition shall not apply to the owner or occupant of said property or his or her employees or agents. Nothing in this section shall be construed to prohibit the deposit of solid waste in containers or receptacles placed by the owner or occupant of private property in commercial use for the deposit of litter by members of the public invited onto such property for commercial purposes.~~
- ~~D. It shall be unlawful for any owner, lessee, tenant, occupant or person having the management or control of any lot or parcel of land in the Town of Riverhead, except as herein provided or as may be designated or permitted by the Town Board, to deposit, bury, accumulate or allow or cause to be deposited, buried or accumulated any solid waste upon such lot or parcel of land, except in accordance with the provisions of this chapter.~~

~~E. Nothing herein shall be construed as prohibiting composting by an owner or occupant of residential premises on his or her own property.~~

~~F. A violation of this section shall be punishable by a penalty of not less than one thousand dollars (\$1,000.).~~

**~~§ 103-6. Unauthorized incineration of solid waste.~~**

~~It shall be unlawful for any person to incinerate or burn any solid waste within the Town of Riverhead without having first obtained the appropriate permits from the Town Board and the New York State Department of Environmental Conservation, as applicable.~~

**~~§ 103-7. Storage of solid waste.~~**

~~No person shall store or cause or allow to be stored solid waste within the town, except in enclosed metal or plastic containers.~~

**~~§ 103-8. Disposal of solid waste.~~**

~~A. License required. No person shall deposit solid waste at any solid waste facility or recycling center without having first obtained the appropriate license or permit to deposit solid waste at such facility and/or paid the disposal fee(s) required by this chapter.~~

~~B. It shall be unlawful for any person to dispose of solid waste collected or generated outside of the town at any solid waste facility or recycling center within the town, except as may be authorized by a special permit of the Town Board.~~

~~C. It shall be unlawful for any person to dispose of solid waste, including recyclables, yard wastes and other wastes, collected or generated in the town at any solid waste facility or recycling center, except those designated by the Town Board.~~

~~D. Nothing herein shall prohibit an owner of a commercial business from contracting with a supplier of goods and materials to collect the reusable or recyclable packaging of the goods and materials supplied.~~

**~~§ 103-9. Methods of disposal.~~**

~~A. Solid waste generated within the town shall be disposed of only at such duly permitted solid waste facilities or recycling centers as may be designated by the Town Board for this purpose.~~

~~B. It shall be unlawful for any person to transport, carry or convey solid waste collected or generated outside the town over any public highways within the Town of Riverhead or to deliver the same to a solid waste facility or recycling center, except as may be authorized by a special permit of the Town Board or by a contract entered into by the town.~~

~~C. It shall be unlawful for any person to place hazardous wastes, including household hazardous wastes, out for collection by a person not licensed to collect, transport and/or dispose of hazardous wastes.~~

~~§ 103-10. Severability.~~

~~If any term, part, provision, section, subdivision or paragraph of this chapter shall be held unconstitutional or ineffective, in whole or in part, then, to the extent that it is not unconstitutional or ineffective, this chapter and such term, part, provision, section, subdivision or paragraph thereof shall be in full force and effect; and such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions or paragraphs thereof.~~

~~§ 103-11. When effective.~~

~~This chapter shall take effect thirty (30) days after filing with the Secretary of State.~~

~~ARTICLE II. Waste Disposal~~

~~§ 103-15. Restrictions.~~

~~On or after the effective date of this chapter, the following shall be prohibited from disposal at any solid waste facility, except at such facilities designated by the Town Board for the collection, storage and disposal of the following designated materials as herein provided:~~

~~A. Hazardous waste, including household hazardous waste.~~

~~B. Infectious waste.~~

~~C. Ash and ash residue.~~

~~D. Sludge.~~

~~E. Liquid effluent of any wastewater treatment facility.~~

~~F. Animal or human excrement.~~

~~G. Recyclables.~~

~~H. Yard wastes.~~

~~I. Construction and demolition debris.~~

~~J. Land clearing debris.~~

~~K. Tires.~~

~~L. Bulk wastes.~~

~~M. Industrial waste.~~

~~N. Vehicles or vehicle parts.~~

~~O. Dead animals.~~

~~**§ 103-16. Penalties for offenses.**~~

~~A. On or after the effective date of this chapter, any person who deposits any of the materials prohibited by § 103-15 hereof at any solid waste facility, except as herein provided, shall be guilty of a violation and subject to a civil penalty of not less than one hundred dollars (\$100.) for the first violation, two hundred dollars (\$200.) for the second violation and five hundred dollars (\$500.) for each subsequent violation.~~

~~B. On or after the effective date of this chapter, the owner or operator of any collection vehicle which delivers for deposit or disposal at any solid waste facility, except as herein provided, solid waste which contains any of the materials prohibited by § 103-15 hereof shall be guilty of a violation and subject to a penalty of not less than two hundred fifty dollars (\$250.) for the first violation and not less than five hundred dollars (\$500.) for the second and each subsequent violation.~~

~~C. The owner or operator of any collection vehicle(s) who has violated the provisions of this Article three (3) times within any eighteen-month period shall have its license or licenses to collect and/or dispose of solid waste in the Town of Riverhead suspended for a period of not less than thirty (30) days. Any subsequent violation of this Article by such person shall result in the automatic suspension of such license for a period of not less than sixty (60) days. In the event of any further subsequent violation(s) of this Article, such person's license or licenses to collect and/or dispose of solid waste in the Town of Riverhead shall be subject to revocation.~~

~~D. In the event that a violation of the provisions of this Article is committed by a person authorized to collect and dispose of solid waste in the Town of Riverhead pursuant to a contract with the Town of Riverhead or any agency, department or authority of the Town of Riverhead, such contract shall be subject to termination by the town or such agency, department or authority.~~

~~**§ 103-17. Enforcement of restrictions.**~~

~~A. The Sanitation Supervisor and/or his or her agents, employees or designees are hereby empowered to inspect all solid waste transported into any solid waste facility to determine that such solid waste does not contain any of the materials prohibited from disposal at such solid waste facility pursuant to this Article.~~

~~B. Upon a determination by the Sanitation Supervisor or his or her agent, employee or designee that such solid waste contains materials prohibited hereby, such waste~~

shall be refused for deposit at such solid waste facility and the operator of the vehicle transporting such waste shall be directed to remove the entire contents of his or her vehicle from the facility.

~~C. The Sanitation Supervisor and/or his or her duly authorized agents are hereby empowered to issue a notice of violation to any person transporting wastes prohibited by this Article into any solid waste facility for deposit therein, except as herein provided. In the case of a collection vehicle transporting wastes prohibited for disposal by this Article into any solid waste facility which is not designated to accept such wastes, such notice of violation shall be issued to the person who is the owner of said vehicle.~~

### ~~§ 103-18. Disposal of certain designated wastes.~~

~~Materials which, pursuant to §§ 103-20 and 103-30 of this chapter, must be separated at the source of generation shall only be disposed of or deposited at such facilities as the Town Board may from time to time designate. Such materials brought for disposal or deposit at such designated facilities shall not be mixed or commingled with any other materials which such facilities are not designated to accept.~~

### ~~§ 103-19 (Reserved)~~

## ~~ARTICLE III. Collection Practices: Solid Waste Generated at Residences~~

### ~~§ 103-20. Source separation required; penalties for offenses.~~

~~A. Materials to be separated. As of January 1, 1991, all residents of the town, including the occupants of multiple residences as defined herein, shall separate the following materials from all other solid waste placed out for collection or transported into a solid waste facility or recycling center for deposit:~~

- ~~(1) Household hazardous wastes.~~
- ~~(2) Recyclables designated by the Town Board.~~
- ~~(3) Yard wastes.~~
- ~~(4) Construction and demolition debris.~~
- ~~(5) Land-clearing debris.~~
- ~~(6) Bulk wastes.~~
- ~~(7) Tires.~~
- ~~(8) Human and animal excrement.~~

~~B. It shall be unlawful for any person to place out for collection any container containing solid waste mixed with any of the materials listed in Subsection A hereof.~~

~~C. It shall be unlawful for any person to collect from a residence or multiple residence solid waste mixed with any of the materials listed in Subsection A hereof.~~

~~D. Any person who violates the provisions of Subsection B hereof shall be subject to a civil penalty of not less than fifty dollars (\$50.) for each such violation.~~

~~E. All residents receiving service shall place all solid wastes, including but not limited to refuse, recyclables and bulk items, immediately adjacent to the roadway before 6:00 a.m. on the scheduled collection days. Solid waste shall not be placed at curbside for more than twenty-four (24) hours prior to collection, and any uncollected solid waste must be removed by the resident immediately. Residents shall keep the lifting weight of containers, bags and bundles each to below fifty (50) pounds, keep hazardous wastes out and make separate arrangements to dispose of construction debris (generated by home improvement contractors) and large auto parts over fifty (50) pounds.~~

### ~~§ 103-21. Recyclables.~~

~~The owners or occupants of all residences and multiple residences within the town shall separate all recyclables designated by the Town Board from all other solid wastes and place such designated recyclables in a separate, covered container at curbside for collection on such day or days as the Town Board may designate for collection by the town or its duly authorized contractor. The owner(s) of multiple residences, as herein defined, shall provide for the use of occupants thereof such containers for the deposit and storage of designated recyclables by said occupants as the Town Board or Sanitation Supervisor shall direct.~~

~~A. All recyclables shall be clean and dry and, in the case of designated recyclable containers and cans, the contents removed therefrom.~~

~~B. Caps and rings shall be removed from glass and plastic containers.~~

~~C. Newspapers and corrugated cardboard, if designated by the Town Board for separation, shall be tied separately from other recyclables and placed on top of or next to the recyclables collection container. Other papers, including glossy papers, shall not be mixed with newspapers. If other papers and other types of cardboard are designated as recyclables by the Town Board, they shall also be separately tied or bundled separately.~~

~~D. Title to and ownership of recyclables set out for collection in the public right-of-way shall thereupon vest in the town. It shall be unlawful for a person to collect, remove or dispose of recyclables which are the property of the town without first having obtained the written authorization of the town to do so and without first having obtained the license required by this chapter. Persons who collect or remove recyclables owned by the town shall deliver and dispose of the same at such location as the Town Board shall direct.~~

**~~§ 103-22. Yard wastes.~~**

~~The owners or occupants of all residences and, where applicable, multiple residences within the town shall separate all yard wastes as herein defined from all other solid waste and shall place the same at curbside for collection on such day or days as the Town Board may designate for collection by the town or its duly authorized contractor. Such wastes shall be placed out for collection in such a manner so as not to impede the flow of vehicular or pedestrian traffic on public streets and sidewalks and shall be placed in such containers as the Town Board or the Sanitation Supervisor shall authorize.~~

**~~§ 103-23. Household hazardous wastes.~~**

~~A. Household hazardous wastes, as herein defined, shall be separately stored by all owners or occupants of residences and multiple residences in the town and shall not be mixed in any container with any other solid wastes placed out for collection or transported to a solid waste facility or recycling center for deposit thereat.~~

~~B. Unless otherwise provided by resolution of the Town Board or pursuant to a solid waste collection contract entered into by the town, it shall be the responsibility of every resident of the town to transport all household hazardous wastes to the town's facility for the collection and storage of household hazardous wastes at the Youngs Avenue solid waste facility and to dispose of such wastes at said facility on such days and at such times as the Town Board may designate, upon payment of the disposal fee required by this chapter.~~

**~~§ 103-24. Other materials.~~**

~~All other materials required by this Article to be separated from other solid wastes prior to collection or delivery to a solid waste facility or recycling center shall be disposed of in such manner as the Town Board or the Sanitation Supervisor prescribes, including construction and demolition debris; land-clearing debris; bulk wastes; tires; and human and animal excrement.~~

**~~ARTICLE IV. Collection Practices: Solid Waste Generated at Nonresidences~~**

**~~§ 103-30. Source separation required; penalties for offenses.~~**

~~A. Materials to be separated. As of January 1, 1992, all owners, lessees, tenants and other occupants of nonresidences in the town shall separate the following materials from all other solid waste placed out for collection or transported to a solid waste facility or recycling center for deposit thereat:~~

- ~~(1) Hazardous wastes.~~
- ~~(2) Recyclables designated by the Town Board.~~
- ~~(3) Yard wastes.~~

- ~~(4) Construction and demolition debris.~~
- ~~(5) Land-clearing debris.~~
- ~~(6) Bulk wastes.~~
- ~~(7) Tires.~~
- ~~(8) Human and animal excrement.~~
- ~~(9) Infectious wastes.~~

~~B. It shall be unlawful for any person to place out for collection any solid waste mixed with any of the materials listed in Subsection A hereof.~~

~~C. It shall be unlawful for any person to collect from a nonresidence solid waste mixed with any of the materials listed in Subsection A hereof.~~

~~D. Any person who violates the provisions of Subsection B hereof shall be subject to a civil penalty of not less than one hundred dollars (\$100.) for each such violation.~~

### ~~§ 103-31. Recyclables.~~

~~The owners, lessees, tenants or other occupants of all nonresidences within the town shall separate all recyclables designated by the Town Board from all other solid wastes and shall place such designated recyclables in a separate, covered container for collection by the provider of solid waste services on such day or days as the provider of solid waste services shall designate for collection of recyclables.~~

~~A. All recyclables shall be clean and dry and, in the case of designated recyclable containers and cans, the contents removed therefrom.~~

~~B. Caps and rings shall be removed from glass and plastic containers.~~

~~C. Newspapers shall be tied separately from other recyclables prior to being placed out for collection. Other papers, including glossy papers, shall not be mixed with newspapers. If other papers are designated as recyclables by the Town Board, they shall also be separately tied or bundled.~~

~~D. Corrugated cardboard and paperboard boxes and containers shall be flattened and bundled separately from other recyclables.~~

### ~~§ 103-32. Yard wastes.~~

~~The owners, lessees, tenants or occupants of all nonresidences within the town shall separate all yard wastes as herein defined from all other solid waste and shall place the same at curbside for collection on such day or days as the Town Board may designate for collection by the town or its duly authorized contractor. Such wastes shall be placed out for collection in such a manner so as not to impede the flow of vehicular or pedestrian traffic on public streets and sidewalks and shall be placed in such containers as the Town Board or the Sanitation Supervisor shall authorize.~~

~~§ 103-33. Hazardous wastes; penalties for offenses.~~

~~A. Hazardous wastes and infectious wastes as herein defined shall be separately and safely stored by all owners or occupants of nonresidences in the town and shall not be mixed in any container with any other solid wastes placed out for collection or transported to a solid waste facility or recycling center for deposit thereat.~~

~~B. It shall be the responsibility of every owner, lessee, tenant or other occupant of a nonresidence to contract with a person who is duly authorized by law to collect and dispose of such wastes for the collection, transport and disposal of all such wastes generated on or at such nonresidential premises.~~

~~C. Each violation of this section shall be punishable by a civil penalty of not less than five hundred dollars (\$500.).~~

~~§ 103-34. Other materials.~~

~~All other materials required by this Article to be separated from other solid wastes prior to collection or delivery to a solid waste facility or recycling center shall be disposed of in such manner as the Town Board or the Sanitation Supervisor shall prescribe, including construction and demolition debris; land clearing debris; bulk wastes; tires; and human and animal excrement.~~

~~ARTICLE V. License and Permit Requirements~~

~~§ 103-40. Licenses or permits required; penalties for offenses.~~

~~A. Except as otherwise provided by this Article, it shall be unlawful for any person to collect or remove solid waste of any kind from the premises of any person or transport the same through or upon any street or public highway in the Town of Riverhead without first having obtained the appropriate license or permit from the Town Clerk as herein provided.~~

~~B. Classification of licenses and permits. Licenses and permits issued by the Town Clerk shall be classified as follows:~~

- ~~(1) Class 1 license: required of all persons who are engaged in the business of collecting or removing solid waste from premises defined herein as "nonresidences," including any person who collects or removes solid waste from nonresidence premises which he or she does not own, lease or occupy, whether or not such person is engaged in the business of collecting or removing solid waste.~~
- ~~(2) Class 2 license: required of all persons who are engaged in the business of collecting or removing solid waste from premises defined herein as "residences."~~
- ~~(3) Class 3 license: required of all persons who collect or remove from any premises in the Town of Riverhead any of the following materials, as herein defined:~~

~~construction and demolition debris; land-clearing debris; bulk waste. A Class 3 license shall not be required if such person removes such materials from premises which he or she owns, leases or occupies.~~

- ~~(4) Class 4 license: required of all persons who collect or remove from any premises in the Town of Riverhead any of the following materials: hazardous waste; household hazardous waste; infectious waste; ash or ash residue. A Class 4 license shall not be required, however, if such person, pursuant to a contract entered into with the Town of Riverhead, collects or removes household hazardous waste from any household hazardous waste storage facility owned or operated by or on behalf of the Town of Riverhead.~~
- ~~(5) Class 5 license: required of all persons who are engaged in the business of landscaping who bring landscaping materials, limited to yard waste as herein defined, to a solid waste facility or recycling center owned or operated by or on behalf of the Town of Riverhead.~~
- ~~(6) Class 6 license: required of all persons engaged in the business of agriculture or the duly authorized employees or agents thereof who bring, on and after January 1, 1992, solid waste generated on premises in active agricultural production, whether generated in the course of such agricultural production or in residences located on such premises, to any solid waste facility or recycling center owned or operated by or on behalf of the town.~~
- ~~(7) Resident permit: required of any resident, defined as a person who dwells in a residence, as herein defined, in the Town of Riverhead, including persons who inhabit dwelling units in multiple residences, as herein defined, in the Town of Riverhead, if such resident collects or removes solid waste from the premises he or she owns or occupies or transports solid waste on or through any street or public highway or delivers such solid waste for deposit or disposal at any disposal facility owned or operated by or on behalf of the Town of Riverhead. This classification shall be in effect until December 31, 1991, after which no resident permits shall be issued or effective.~~
- ~~(8) Business permit: required of any owner or operator of any business or nonresidence, as herein defined, in the Town of Riverhead, who removes solid waste from his or her business or nonresidence premises or transports solid waste on or through any street or public highway or delivers such solid waste for deposit or disposal at any disposal facility operated by or on behalf of the Town of Riverhead. This classification shall be in effect until December 31, 1996, after which no business permits shall be issued or effective.~~
- ~~(9) Roll-off and container permit decals: required of any person, firm or corporation engaged in the business of collecting, removing and/or transporting solid waste generated in the town, including designated recyclables, from residences and nonresidences, for each roll-off or other container used on such nonresidence premises for the storage of solid waste or recyclables placed out for collection by the occupant(s) of such premises.~~
- ~~(10) Vehicle permit decals: required of any person, firm or corporation engaged in the business of collecting or removing solid waste, including designated recyclables, from residences and nonresidences, for each vehicle, including trucks, wagons,~~

~~trailers and other conveyances used in such business for collecting and/or transporting solid waste, including designated recyclables.~~

~~C. Any person who violates the requirement of Subsection A hereof shall be subject to the following penalties, determined according to the classification of license or permit required for the activity undertaken without the appropriate license or permit, including persons operating with an expired, suspended or revoked license or permit:~~

- ~~(1) Class 4 license: penalty not less than one thousand dollars (\$1,000.).~~
- ~~(2) Class 1, 2 or 3 license: penalty not less than five hundred dollars (\$500.).~~
- ~~(3) Class 5 or 6 license and business permit: penalty not less than two hundred fifty dollars (\$250.).~~
- ~~(4) Resident permit: penalty not less than one hundred fifty dollars (\$150.).~~
- ~~(5) Vehicle permit decals: penalty not less than one hundred dollars (\$100.).~~
- ~~(6) Roll-off and container permit decals: penalty not less than one hundred dollars (\$100.). Each removal of solid waste from any premises or each incidence of transporting solid waste on or through any street or public highway or each delivery of solid waste for deposit or disposal at a disposal facility owned or operated by or on behalf of the Town of Riverhead in violation of the license or permit requirements of this section shall constitute a separate violation subject to the penalties herein provided.~~

#### ~~§ 103-41. License and permit fees.~~

~~A. Class 1 and 2 licenses. The annual fees for Class 1 and 2 licenses shall be two hundred fifty dollars (\$250.), plus fifty dollars (\$50.) per vehicle, including trucks, wagons, trailers and other conveyances used by the licensee in the removal and/or collection of solid waste. Until January 1, 1992, the holder of a valid Class 1 license shall not be required to pay an additional annual fee to obtain a Class 2 license.~~

~~B. Class 3 licenses. The annual fee for a Class 3 license shall be two hundred fifty dollars (\$250.), plus fifty dollars (\$50.) per vehicle, truck, trailer, wagon or conveyance used by the licensee in the removal and/or collection of the materials for which a Class 3 license is required. The holder of a valid Class 1 license shall receive an abatement of fifty percent (50%) of the annual fee for a Class 3 license.~~

~~C. Class 4 license. The annual fee for a Class 4 license shall be five hundred dollars (\$500.), plus one hundred dollars (\$100.) per vehicle, truck, trailer, wagon or conveyance used by the licensee in the removal and/or collection of the materials for which a Class 4 license is required.~~

~~D. Class 5 license. The annual fee for a Class 5 license shall be one hundred fifty dollars (\$150.).~~

~~E. Class 6 license. The annual fee for a Class 6 license shall be one hundred dollars (\$100.).~~

~~F. Resident permit. The annual fee for a resident permit shall be fifty dollars (\$50.).~~

~~G. Business permit. The annual fee for a business permit shall be one hundred dollars (\$100.).~~

~~H. Roll-off and container permit decals. The annual fee for a roll-off or container permit decal shall be five dollars (\$5.).~~

~~**§ 103-42. Resident and business permit requirements.**~~

~~A. No permit shall be issued by the Town Clerk unless the applicant therefor can establish to the satisfaction of the Town Clerk that he or she is a permanent or seasonal resident of the Town of Riverhead, if the applicant requests a resident permit, or that he or she owns, leases or otherwise occupies a business or nonresidence in the Town of Riverhead, if the applicant requests a business permit.~~

~~B. The Town Clerk shall issue one (1) vehicle sticker to each permittee for a vehicle registered in the name of such permittee, which shall, when permanently affixed to said vehicle, constitute evidence of such permit and thereby authorize said permittee to remove solid waste from his or her premises and/or transport the same on or through any street or public highway and/or deliver the same for deposit or disposal at any disposal facility operated by or on behalf of the Town of Riverhead. Vehicle stickers so issued shall be permanently affixed to the authorized vehicle in such manner as the Town Board or Sanitation Supervisor shall prescribe.~~

~~C. Permits and vehicle stickers shall be nontransferable.~~

~~D. Permittees shall comply with the applicable provisions of this chapter and with such instructions as the Sanitation Supervisor or his or her designees may require for the deposit or disposal of solid waste at any disposal facility owned or operated by or on behalf of the Town of Riverhead.~~

~~E. All vehicles used by permittees for the transportation of solid waste on or through any street or public highway in the Town of Riverhead shall be covered or equipped such that no solid waste shall blow, leak or spill from such vehicle onto any street or public highway.~~

~~**§ 103-43. License application requirements.**~~

~~A. Application form. Each applicant for a license shall accurately complete a license application in such form as provided by the Town Clerk.~~

- ~~B. Application fees. Each new application for a license, except Class 5 and 6 licenses, shall be accompanied by an application fee of fifty dollars (\$50.), payable to the Town Clerk. Each new application for a Class 5 or 6 license shall be accompanied by an application fee of twenty-five dollars (\$25.), payable to the Town Clerk.~~
- ~~C. Fingerprints. Each applicant for a license, other than a Class 3, 5 or 6 license or a business permit, shall furnish the Town Clerk with a full set of his or her fingerprints, together with his or her written authorization for a full search and return from the New York State Division of Criminal Justice Services. If an applicant is a partnership, a full set of fingerprints of all general partners shall be submitted. If an applicant is a corporation, a full set of fingerprints of the corporation's president, treasurer and, if any, chief executive officer shall be submitted. If the applicant corporation is a privately held corporation, a full set of fingerprints of any person owning more than twenty-five percent (25%) of the issued and outstanding shares of stock of such corporation shall also be submitted. The applicant shall pay to the Town Clerk all charges imposed by the New York State Division of Criminal Justice Services for a full search and return on such fingerprints.~~
- ~~D. Each applicant for a license, except for Class 3, 5 and 6 licenses, shall submit to the Town Clerk a list of all customers to be served in the Town of Riverhead, including customer name, street number and name and post office.~~
- ~~E. Each applicant for a Class 4 license shall submit satisfactory proof upon application that he or she has all licenses and/or permits required by all other applicable government authorities for the collection, transportation and disposal of the materials for which a Class 4 license is required. Each such applicant shall also file with the Town Clerk the name, location and applicable permit number of every disposal facility to which such materials collected in the Town of Riverhead shall be delivered.~~

~~**§ 103-44. License requirements.**~~

- ~~A. No license shall be issued to any applicant if the owner, partner, officer or principal shareholder of such applicant has been convicted of a misdemeanor or felony which renders the applicant unfit to hold the license sought.~~
- ~~B. Every licensee shall obtain vehicle permit decals for each and every vehicle to be used in the Town of Riverhead for the collection, removal, transportation and/or disposal of solid waste, including recyclables, in the town. Every licensee shall obtain a roll-off and container permit decal for each roll-off or container used by such licensee for the collection and storage of solid waste.~~
- ~~C. Every Class 1 licensee shall provide separate collection of source-separated designated recyclables pursuant to § 103-20 for all nonresidence customers on and after January 1, 1992. No Class 1 licensee shall remove or collect solid waste which contains designated recyclables mixed therewith.~~

~~D. Every Class 4 licensee shall comply with all applicable safety regulations for the collection, transportation and disposal of the materials for which a Class 4 license is required. Class 4 licensees shall also file with the Town Clerk notification of any change in the disposal facility information required as a part of said licensee's original or renewal application. No Class 4 licensee shall transport, deliver, deposit for disposal or dispose of such materials to or at any location or facility other than one duly permitted or licensed for the collection, storage or disposal of such materials by the applicable government authority.~~

~~E. All vehicles used by every licensee shall be covered or so equipped such that solid waste shall not blow, spill or leak onto any street or public highway in the town during the removal, collection or transportation of such wastes upon the streets or public highways.~~

~~F. Every licensee shall promptly pay all disposal fees assessed by the Town of Riverhead or its agents for the disposal of solid waste at any facility owned or operated by or on behalf of the Town of Riverhead. A licensee's failure to pay such fees within thirty (30) days of the date the same become due and payable shall result in the automatic suspension, upon notice, of said license, which suspension shall remain in effect until all such past-due balances are paid in full.~~

~~G. Every license, vehicle permit decal and roll-off or container permit decal issued hereunder shall be nontransferable.~~

~~H. Roll-off and container permit decals shall only be issued to duly qualified licensees pursuant to the provisions of this Article.~~

~~I. Every licensee shall deliver all solid waste generated in the Town of Riverhead and collected by such licensee in the town to such solid waste facility or facilities as directed by the Town Board or the Sanitation Supervisor.~~

#### ~~§ 103-45. Penalties for offenses.~~

~~Except as otherwise provided herein, each violation of any provision of this Article may be punishable by a penalty of not less than two hundred fifty dollars (\$250.) and/or the suspension or revocation of license.~~

### ~~ARTICLE VI. Collection and Disposal Fees~~

#### ~~§ 103-50. Self-haulers.~~

~~A. Definitions. For the purposes of this Article, the following words and phrases shall have the following meanings:~~

## ~~SELF-HAULED WASTE~~

~~Solid waste transported and delivered by a self-hauler to a solid waste facility or recycling center for deposit or disposal thereat.~~

## ~~SELF-HAULER~~

~~A person who holds a valid resident permit or business permit and who removes solid waste from premises owned, leased or otherwise occupied by him or her, which said solid waste was generated by residents of such premises or by such permittee's own business conducted on such premises, and who transports and delivers said solid waste to a solid waste facility or recycling center for the purpose of depositing or disposing of such solid waste thereat.~~

~~B. Limitation. After December 31, 1991, no self-hauled waste, as herein defined, shall be accepted for deposit or disposal at any solid waste facility or recycling center.~~

~~C. Disposal fees. Disposal fees for self-hauled waste accepted at a solid waste facility or recycling center shall be established and/or amended by duly adopted resolution of the Town Board.~~

~~D. Payment of disposal fees.~~

~~(1) Payment of self-hauler disposal fees shall be made directly to the Town Clerk, who, upon receipt of the requisite fee, shall issue to the payor a coupon authorizing entry to a solid waste facility or recycling center.~~

~~(2) No disposal fees shall be paid or accepted, nor shall any disposal coupons be issued, at any solid waste facility or recycling center.~~

~~(3) No vehicle shall gain entry to a solid waste facility or recycling center unless the operator thereof presents to the gate attendant or other authorized personnel the appropriate type of disposal coupon.~~

## ~~§ 103-51. Disposal fees for solid waste collected at residences.~~

~~A. Fees for disposal of solid waste collected at residences and multiple residences by persons licensed to collect solid waste in the Town of Riverhead and delivered for deposit or disposal at a solid waste facility or recycling center shall be established and/or amended by duly adopted resolution of the Town Board, in accordance with the following classifications:~~

~~(1) A flat fee per ton for solid waste which consists of materials other than designated recyclables, yard waste, bulk waste and household hazardous waste.~~

~~(2) A flat fee per item of bulk waste.~~

~~(3) A flat fee per ton for designated recyclables which are not mixed with any other materials.~~

~~(4) A flat fee per ton or cubic yard for yard wastes.~~

~~(5) A flat fee per ton of household hazardous wastes.~~

~~(6) A flat fee per ton of construction and demolition debris.~~

~~B. Each vehicle operated by a person licensed to collect solid waste from residences and multiple residences in the Town of Riverhead shall, upon entry to the solid waste facility or recycling center, proceed directly to the vehicle scale at such facility, where the contents of such vehicle shall be weighed by the operator of said scale.~~

~~C. Payment of all disposal fees shall be made to the Riverhead Town Receiver of Taxes promptly upon receipt of an invoice therefor. There shall accrue interest at the rate of one percent (1%) per month on all balances which have not been paid within thirty (30) days from the date of such invoice.~~

~~**§ 103-52. Disposal fees for solid waste collected at nonresidences.**~~

~~A. Fees for disposal of solid waste collected at nonresidences by persons licensed to collect solid waste in the Town of Riverhead and delivered for deposit or disposal at a solid waste facility or recycling center shall be established and/or amended by duly adopted resolution of the Town Board, in accordance with the following classifications:~~

~~(1) A flat fee per ton for solid waste which consists of materials other than designated recyclables, yard waste, bulk waste and household hazardous waste.~~

~~(2) A flat fee per item of bulk waste.~~

~~(3) A flat fee per ton for designated recyclables which are not mixed with any other materials.~~

~~(4) A flat fee per ton or cubic yard for yard wastes.~~

~~(5) A flat fee per ton of household hazardous wastes.~~

~~(6) A flat fee per ton of construction and demolition debris.~~

~~B. Each vehicle operated by a person licensed to collect solid waste from nonresidences in the Town of Riverhead shall, upon entry to the solid waste facility or recycling center, proceed directly to the vehicle scale at such facility, where the contents of such vehicle shall be weighed by the operator of said scale.~~

~~C. Payment of all disposal fees shall be made to the Riverhead Town Receiver of Taxes promptly upon receipt of an invoice therefor. There shall accrue interest at the rate of one percent (1%) per month on all balances which have not been paid within thirty (30) days from the date of such invoice.~~

~~**§ 103-53. Disposal fees for landscaping materials.**~~

~~Disposal fees for landscaping materials, limited to yard wastes, delivered by the holder of a Class 5 license to a solid waste facility or recycling center shall be established and/or amended by duly adopted resolution of the Town Board.~~

**~~§ 103-54. Disposal fees for Class 6 licensees.~~**

- ~~A. Effective January 1, 1992, disposal fees due from holders of Class 6 licenses shall be established and/or amended by duly adopted resolution of the Town Board.~~
- ~~B. Effective January 1, 1993, disposal fees due from holders of Class 6 licenses shall be established and/or amended by duly adopted resolution of the Town Board, in accordance with the following classifications:~~
- ~~(1) A flat fee per twenty-gallon container or bag containing solid waste, not to exceed fifty (50) pounds in weight.~~
  - ~~(2) A flat fee per thirty-two-gallon container or bag containing solid waste, not to exceed sixty-five (65) pounds in weight.~~
  - ~~(3) A flat fee per prepaid sticker, for disposal of one (1) item of bulk waste.~~
  - ~~(4) A flat fee per thirty-two-gallon container, or equivalent, containing waste classified as household hazardous waste.~~
  - ~~(5) A flat fee per pound of solid waste other than waste defined herein as "bulk waste" which, because of its size or composition, cannot be placed in a container or bag.~~
  - ~~(6) A flat fee per twenty-gallon container or bag containing designated recyclables only, not to exceed forty (40) pounds in weight.~~
  - ~~(7) A flat fee per thirty-two-gallon container or bag containing designated recyclables only, not to exceed sixty-five (65) pounds in weight.~~

**~~§ 103-55. Collection fees for solid waste generated at residences.~~**

- ~~A. On and after the effective date of this chapter, and/or until such time as municipal solid waste collection districts may be established in the Town of Riverhead, collection fees for solid waste generated at residences in the Town of Riverhead and collected by persons licensed to collect such waste pursuant to the provisions of this chapter shall be established and/or amended by duly adopted resolution of the Town Board.~~
- ~~B. On and after the effective date of municipal solid waste collection districts in the Town of Riverhead, the collection rates for premises included within such districts shall be established and amended by the Town Board pursuant to the provisions of the local law establishing such districts and shall be, in accordance with the provisions of the same, assessed against all premises included within such districts. Each such premises shall be entitled to place out for collection, the cost of which shall be included in such assessment, the following volumes and types of waste per week (unless otherwise specified) per dwelling unit on such premises:~~
- ~~(1) Six (6) thirty-two-gallon containers or bags containing nonrecyclable solid wastes.~~
  - ~~(2) Two (2) twenty-gallon containers or bags containing designated recyclables only.~~
  - ~~(3) Newspapers, corrugated cardboard and paperboard bundled and tied separately.~~
  - ~~(4) Leaves, grass clippings and other yard wastes, not to exceed three (3) cubic~~

yards.

~~(5) One (1) twenty-gallon sealed container of household hazardous waste per month.~~

~~(6) Items of bulk waste to be removed by appointment only.~~

~~C. On and after January 1, 1993, or one (1) year after the establishment of municipal solid waste collection districts in the Town of Riverhead, whichever is later, the collection rates for premises included within such districts shall be established and amended by the Town Board pursuant to the provisions of the local law establishing such districts and shall be, in accordance with the provisions of the same, assessed against all premises included within such districts. Each such premises shall be entitled to place out for collection, the cost of which shall be included in such assessment, the following volumes and types of waste per week (unless otherwise specified) per dwelling unit on such premises:~~

~~(1) Three (3) thirty-two-gallon containers or bags containing nonrecyclable solid wastes.~~

~~(2) Two (2) twenty-gallon containers or bags containing designated recyclables only.~~

~~(3) Newspapers, corrugated cardboard and paperboard bundled and tied separately.~~

~~(4) Leaves, grass clippings and other yard wastes, not to exceed three (3) cubic yards.~~

~~(5) One (1) twenty-gallon sealed container of household hazardous waste per month.~~

~~(6) Items of bulk waste, to be removed by appointment only.~~

~~D. On and after January 1, 1993, the occupants of premises within such districts who have wastes to dispose of in excess of the volume limitations provided in Subsection C hereof shall purchase and affix to the containers or bags in which such excess wastes are placed, stickers authorizing the collection of such containers or bags by the provider of solid waste collection services within such districts. No wastes in excess of the volume limitations provided in Subsection C hereof shall be placed out for collection by occupants of such premises or collected by the provider of solid waste collection services within such districts unless a sticker authorizing the collection of such wastes is affixed to the container or bag in which such wastes are placed. No items of waste of a type or nature not specified in Subsection C hereof shall be placed out for collection or collected within such districts unless such items have affixed thereto a sticker authorizing the collection thereof.~~

~~(1) The waste collection authorization stickers required by this section shall be available for purchase by residents of the town at the office of the Town Clerk and at such other locations as the Town Board may from time to time designate.~~

~~(2) Fees for such waste collection authorization stickers shall be established and/or amended by duly adopted resolution of the Town Board, in accordance with the following schedule:~~

~~(a) A flat fee per twenty-gallon container or bag of nonrecyclable solid waste.~~

~~(b) A flat fee per thirty-two-gallon container or bag of nonrecyclable solid waste.~~

~~(c) A flat fee per one (1) item of bulk waste.~~

- ~~(d) A flat fee per twenty-gallon container of household hazardous waste.~~
- ~~(e) A flat fee per twenty-gallon container or bag of designated recyclables.~~

**~~§ 103-56. Collection fees for solid waste generated at nonresidences and multiple residences.~~**

~~On and after January 1, 1992, collection fees for solid waste generated at nonresidences in the Town of Riverhead and collected by persons licensed to collect such waste pursuant to this chapter shall be established and/or amended by duly adopted resolution of the Town Board, in accordance with the following schedule:~~

- ~~A. A flat fee per cubic yard of nonrecyclable solid wastes.~~
- ~~B. A flat fee per cubic yard of designated recyclables.~~
- ~~C. A flat fee per ton or portion thereof for hazardous wastes.~~

**~~§ 103-57. Penalties for offenses.~~**

~~Each violation of the provisions of this Article pertaining to maximum collection rates shall be punishable by a penalty of five hundred dollars (\$500.) for the first violation and one thousand dollars (\$1,000.) for each subsequent violation and/or the suspension or revocation of any solid waste collection license held by the person, firm or corporation committing such violation.~~

**ARTICLE II. Solid Waste Generated at Residences located within Town's Solid Waste District**

The Town of Riverhead established a Solid Waste Collection and Disposal District "District", and at the time of this local law subject to amendment by resolution of the Town Board, consists of six contract bid areas for the collection of all residential solid waste within the District. The District does not provide for the collection of solid waste from commercial operations or institutions as defined in 103-3.

**§103-5. Containers: duty of owners and occupiers of property.**

A. Every owner or occupier of any residence within the District shall provide or cause to be provided at all times suitable and sufficient containers for garbage and refuse that may accumulate upon said premises.

B. All garbage and refuse containers shall be watertight, with proper, tight covers and handles of adequate strength or disposable plastic bags, securely tied or fastened. No garbage and refuse container shall exceed 32 gallons' capacity or weigh more than 50 pounds when filled.

C. All garbage and refuse containers shall be designed for such purposes, either of metal or plastic material, except that bushel baskets with handles, disposable plastic bags or cartons of heavy cardboard or other durable material, securely tied and

fastened, may be used. No container basket, bag or carton shall weigh more than 50 pounds when filled.

D. Newspapers, magazines and other printed matter need not be placed in a container but must be bundled to prevent littering.

F. All recyclables other than those set forth in § 103-4 D shall be placed in containers bearing a label provided by the Town of Riverhead "Recyclables".

#### **§ 103-6. Times for placement and collection within the District; storage of containers.**

A. The Town Board of the Town of Riverhead or the Superintendent of the Sanitation Department shall designate times for the removal of garbage and refuse from the streets of the Town.

B. All garbage and refuse to be collected, except that in portable transfer containers, shall be placed at the curb, but in no event shall refuse for collection be placed at the curb before 6:00 p.m. of the day preceding the scheduled collection.

C. All containers shall be removed from the curbline or other place of collection by the owner or occupant of premises before 11:00 p.m. in the evening of the day on which collection is made from the premises.

D. All garbage and refuse containers, except portable transfer containers, shall be stored in such fashion as to be screened from public view and, to the extent applicable, subject to conditions, restrictions or covenants recorded pursuant to site plan approval.

E. All recycling containers shall be placed at the curb at the dates and times as may be specified from time to time by resolution of the Town Board of the Town of Riverhead.

#### **§103-7. Collection of seasonal or special items.**

A. All bulk items, white goods (refrigerators, washers, stoves, etc.) and other large items not capable of being enclosed in containers may be placed at the curbline or pavement line for collection on the days specified by the refuse collector(s) servicing the District as per the contract specification and/or direction of the Superintendent of the Sanitation Department. It shall be the sole responsibility of the owner to dismantle or secure the appliance or item of furniture so that it will not be a hazard to the public. Doors or broken glass shall be properly secured or removed from the appliance or item of furniture before placing it at the curb for collection. The refuse collector may accept or decline collection of any such material in accordance with his considered judgment of the ability of the refuse collector to handle and dispose of such items. Collection and disposal by the refuse collector of such appliances or items of furniture shall extend only to those appliances or items of furniture actually used in a residence in the Town of Riverhead. The refuse collector will also have the right to refuse the collection of any refuse which, in his opinion, is composed of in part or in violation of any of the previously defined unacceptable wastes.

B. Any contractor creating debris from construction or from tree pruning or removal shall remove and dispose of said debris in a sanitary manner at no such cost to the Town of Riverhead. In the event that any such debris results from work performed personally by an owner or resident within the District, the debris may be placed at the curb for collection and removal by the refuse collector if the quantity of said debris does not exceed six containers and/or bundles of not more than 50 pounds in any week. Quantities of debris in excess of this amount shall be removed by the property owner or resident at his or her own expense.

C. Yard waste such as trees, tree trimmings, logs, tree branches and trunks shall be cut to a length not exceeding four feet in length and four inches in diameter and securely tied in bundles not more than two feet thick. In no event shall any bundle exceed 50 pounds in weight.. For purposes of collection of solid waste within any Town residential solid waste district, yard waste consisting of grass clippings shall be excluded and will not be collected by the authorized collector.

D. Holiday trees may be placed at the curblineline or pavement line for collection on such days as specified by the Superintendent of the Sanitation Department during the months of December and January and there shall be no requirement that the trees be cut and bundled as otherwise herein required, except that trees greater than eight feet in length must be cut such that the length of all portions of the tree shall not exceed eight feet in length and no greater than 4 inches in diameter.

**§103-8. Source separation of recyclable materials.**

A. Owners and occupiers of all properties within the District shall be required to source-separate recyclable materials from municipal solid waste. Recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection.

B. Recyclable materials shall be placed at the curblineline or pavement line at the same time as regular weekly refuse in designated containers as determined by the Town of Riverhead. Recyclables are to be separated but placed next to regular weekly refuse.

C. Any and all collectors collecting residential MSW generated within the District shall refuse to collect MSW from any person or party who has clearly failed to source-separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the collector. A written explanation shall be provided to the person or party of the reason for the refusal for collection of the materials by the collector and a copy shall be delivered to the Sanitation Superintendent.

D. The Town of Riverhead shall from time to time determine by resolution which items must be source-separated as recyclables. The list of recyclables shall be posted on the Town sign board and published in a local newspaper. Enforcement of items newly included on said list shall not take place until 30 days following adoption. Any authorized collector shall have the right to request the Town Board to remove any item from such list. Upon receipt of satisfactory information indicating that such item would not be required to be recycled in accordance with federal or state law or regulations and

that a market in such item is not readily available, the Town Board may, in its reasonable discretion, delete said item from the list of recyclables.

### **ARTICLE III. Solid Waste Generated at Commercial and Institutional Operations within Town of Riverhead**

#### **§103-9. Containers: duty of owners and occupiers of property.**

A. Every owner or occupier of any building, premises or place of business within the Town of Riverhead shall provide or cause to be provided at all times suitable and sufficient containers for garbage and refuse that may accumulate upon said premises.

B. All garbage and refuse containers shall be watertight, with proper, tight covers and handles of adequate strength or disposable plastic bags, securely tied or fastened.

C. All garbage and refuse containers, shall be designed for such purposes, either of metal, plastic or other durable material, securely tied, fastened, closed or sealed. Such containers shall be emptied or replaced whenever full and at least once each week if containing garbage. Such containers shall be maintained in a manner so as to prevent dispersal of the contents about the premises.

D. The portable transfer containers used for outdoor storage of refuse on premises occupied for commercial, industrial, or institutional uses are permitted subject to such other provisions of the Town Code and/or conditions, restrictions or covenants related to site plan. Such containers shall be emptied or replaced whenever full and at least once each week if containing garbage. Such containers shall be maintained in a manner so as to prevent dispersal of the contents about the premises.

E. All private, industrial, institutional or commercial establishments shall provide suitable recycling containers dependent on their specific needs, which containers must prevent dispersal of the contents about the premises and shall be subject to the approval of the Superintendent of the Sanitation Department of the Town of Riverhead.

#### **§103-10. Source separation of solid waste, including recyclable materials.**

A. Owners and occupiers of all properties within the Town of Riverhead shall be required to source-separate recyclable materials and such other solid waste as set forth in 103-8(b) from municipal solid waste. It shall be unlawful for any person to place out for collection any solid waste mixed with any of the materials listed in 103-8(b) or to comingle solid waste collected, transported or stored following collection.

B. All owners and occupiers shall separate the following materials for all other solid waste placed out for collection or transport to a solid waste facility:

- (1) Hazardous wastes
- (2) Recyclables as defined in 103-3 or as may be designated by the Town Board
- (3) Yard waste
- (4) Construction and demolition debris
- (5) Bulk wastes

## (6) Tires

Collectors collecting commercial and/or institutional MSW generated within the Town of Riverhead shall refuse to collect MSW from any person or party who has clearly failed to source-separate the recyclable materials and/or who has not properly prepared the recyclable materials to the specifications of the collector. A written explanation shall be provided to the person or party of the reason for the refusal for collection of the materials by the collector and a copy shall be provided to the Sanitation Superintendent.

C. The Town of Riverhead shall from time to time determine by resolution which items must be source-separated as recyclables. The list of recyclables shall be posted on the Town sign board and published in a local newspaper. Enforcement of items newly included on said list shall not take place until 30 days following adoption. Any authorized collector shall have the right to request the Town Board to remove any item from such list. Upon receipt of satisfactory information indicating that such item would not be required to be recycled in accordance with federal or state law or regulations and that a market in such item is not readily available, the Town Board may, in its reasonable discretion, delete said item from the list of recyclables.

### **ARTICLE IV. License Requirement for Collectors of Solid Waste Generated at Commercial and Institutional Operations within Town of Riverhead**

#### **§103-11. Authorized collectors: obtaining a license.**

A. All authorized collectors must obtain a solid waste collection license from the Town of Riverhead. A fee for such license shall be set by the governing body on an annual basis and all licenses shall be issued for the calendar year or such portion thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year. The Town of Riverhead reserves the right to waive the license fee for collectors collecting on behalf of the Town of Riverhead under a municipal contract.

B. All authorized collectors shall have the name of the collector prominently displayed on each vehicle operated by or on behalf of the authorized collector.

C. Authorized collector applications may be denied if the applicant or licensee, including owners, partners, officers or principal shareholder of such applicant has been convicted of a misdemeanor or felony which renders the applicant unfit to hold such a license or if the applicant or licensee has been adjudged or administratively determined to have committed one or more violations of this chapter during the preceding calendar year.

D. All authorized collectors licensed by the Town of Riverhead shall indemnify and hold harmless the Town of Riverhead for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the authorized collector in violation of this chapter.

E. Authorized collectors shall offer collection services for all recyclable materials to all residential customers from whom they provide MSW collection services at the same

or who collects, picks up, removes or causes to be collected, picked up or removed MSW or recyclable materials in a manner not in compliance with this chapter shall be guilty of a violation punishable by a fine of not less than \$500 and not exceeding the sum of \$1,000 or by imprisonment for a term not exceeding 15 days, or both. Each day such violation occurs or continues shall constitute a separate offense.

(2) Penalties for waste generators. Failure of a waste generator to comply with the provisions in this chapter designated as violations shall be punishable as follows:

(a) For the first conviction: by a written warning clearly stating the nature of the violation and a schedule of fines for future convictions.

(b) For the second conviction within one year: by a fine of not less than \$100 nor more than \$250.

(c) For the third conviction within one year by a fine of not less than \$250 nor more than \$500.

(d) For a fourth and each subsequent conviction within one year by a fine of not less than \$500 nor more than \$1000.

(3) In addition, any such conviction imposing a fine shall also be punishable by a term of imprisonment of not more than 15 days, or by both such fine and imprisonment.

(4) Any penalties or damages recovered or imposed under this law are in addition to any other remedies available at law or equity.

(5) No penalties, fines, civil sanctions or other enforcement actions will be commenced prior to January 1, 2012 in order to permit persons regulated hereunder to come into compliance with this chapter.

## **ARTICLE V General Provisions Applicable to Solid Waste for all Properties and Uses within the Town of Riverhead**

### **§103-13. Accumulation of solid waste: responsibility of owner and occupant.**

A. No person shall accumulate or permit the accumulation of municipal solid waste on any premises owned or occupied by him or her within the Town of Riverhead except for the purpose of collection by the refuse collector.

B. No person shall permit any municipal solid waste to accumulate for a period of longer than seven days upon property owned or occupied by said person in the municipality, except that in the case of recyclables, bulk items or white goods, such goods may be allowed to accumulate for such longer period specified by the Town if collection is provided for but on a longer period between collections.

C. Owners and occupiers of residential property are hereby required to make accumulated municipal solid waste available for collection as scheduled under the terms hereof.

D. All municipal solid waste accumulated on any residential property in the municipality shall be collected, conveyed and disposed of by an authorized collector under contract with the Town (or by a licensed private collector under private subscription) and in accordance with the provisions of this chapter.

E. All municipal solid waste accumulated on commercial and institutional properties shall be collected, conveyed and disposed of by authorized collectors under contract with or licensed by the Town of Riverhead. In such case where a commercial or institutional establishment contracts directly with a collector, the fee or payment shall be a matter of private agreement between the owners or occupiers and the collector.

F. The owner, lessee or occupant of every building within the Town of Riverhead shall keep the same free, clear and clean of all refuse, maintain sidewalks and yard area free and clear of all refuse and, upon notice, shall within five days cause to be removed any unsanitary or unsafe condition on or about the premises owned, used or occupied by said person within the Town of Riverhead.

G. Any compost or mulch pile within the limits of the Town of Riverhead shall be maintained in such fashion so as not to attract rodents or cause the development of obnoxious odors or other hazards to the health of the occupants of neighboring properties.

H. Toxic, medical, flammable or hazardous waste, the disposal of which is routinely regulated by public authority, shall be disposed of in a manner which is determined by said authority and/or by law.

I. It shall be unlawful for any person to collect and dispose of any municipal solid waste within the Town of Riverhead, except as provided in this Chapter.

#### **§ 103-14. Collection of recyclable materials placed at curbside.**

A. Only authorized collectors who are acting under authority of the Town of Riverhead shall collect, pick up, remove or cause to be collected, picked up or removed any solid waste recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this chapter; provided, however, that where the authorized collector has refused to collect certain recyclable materials because they have not been separated, placed or treated in accord with the provisions of this chapter, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or streetside.

B. Nothing herein shall prevent any person from making arrangements for the private collection, sale or donation of recyclable materials prior to placement at the curbside.

#### **§103-15. Burning.**

No person shall ignite, burn or cause to be ignited or burned any refuse or yard waste within the Town of Riverhead unless said burning is in conformity with all rules and regulations set forth by the State of New York and a permit is obtained from the Town Board and the New York State Department of Environmental Conservation, as applicable.

**§103-16. Deposit on public or private property.**

No refuse shall be carted to, dumped or deposited in any manner upon any private or public property in the Town of Riverhead except under the supervision and direction of the Superintendent of the Sanitation Department of the Town of Riverhead. Nothing in this section shall be construed to prohibit the proper use of receptacles placed upon the streets or other public places in the Town of Riverhead for the depositing of refuse; provided that such public receptacles shall not be used for the deposit of accumulated household garbage or the deposit of solid waste in containers or receptacles placed by the owner or occupant of private property in commercial use of the deposit of litter by members of the public invited onto such property for commercial purposes

**§ 103-17. Applicability.**

This article shall apply only to residents, owners or occupants of property located within the Town of Riverhead.

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

Dated: Riverhead, New York  
June 19, 2012

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

**TOWN OF RIVERHEAD**

**Resolution # 469**

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE  
CODE OF THE TOWN OF RIVERHEAD  
(ARTICLE XXIII RESIDENCE RC DISTRICT)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108, entitled "Zoning" Article XXIII Residence RC District of the Riverhead Town Code of the Code of the Town of Riverhead ("Town Code"); and

**WHEREAS**, a public hearing was held on the 5th day of June, 2012 at 2:20 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 19<sup>th</sup> day of June, 2012, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code at its regular meeting held on June 19, 2012. **Be it enacted** by the Town Board of the Town of Riverhead 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 Affordable 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 that may consist of the following land uses:

(i) Article 46A Continuing Care Retirement Community - A Facility that consists of Independent Congregate Living Residences, together with some or all of the Uses provided in the Assisted Living Retirement Community. The Assisted Living Retirement Community Units shall be constructed simultaneously with the construction of the Independent Congregate Living Residences. The Adult Care Facility and the Assisted Living Residences shall constitute no less than forty (40%) percent of the total number of the units within the Article 46A Continuing Care Retirement Community.

(ii) Generic Continuing Care Retirement Community -A Facility that consists of Independent Congregate Living Residences, together with some or all of the uses provided in the Assisted Living Retirement Community. The Assisted Living Retirement Community Units shall be constructed simultaneously with the construction of the Independent Congregate Living Residences. The Adult Care Facility and the

Assisted Living Residences shall constitute no less than forty (40%) percent of the total number of the Units within the Generic Continuing Care Retirement Community.

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.

Independent Congregate Living Residences - A Facility for active Seniors, fifty five (55) years of age and older, who are generally in good health and not in need of assistance, personal care or supervision, organized as a comprehensive and cohesive living arrangement in which their housing accommodations are coupled with a variety of services and amenities designed to enhance their quality of life.

#### 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 (55) years of age or older.

B. Independent Congregate Living Residences

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

C. Assisted Living Retirement Community

D. Continuing Care Retirement Community.

E. 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 shall not exceed one dwelling unit per 40,000 square feet of land area without the use of transferred development rights.

- B. The as-of-right development yield for one family dwelling units, either attached or detached for persons fifty-five (55) years of age or older as provided under section 108-117.1 A. 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.
- C. 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.
- D. 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.
- E. 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.
- 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 ten (10) 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 25 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  
June 19, 2012

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

TOWN OF RIVERHEAD

Resolution # 470

**APPOINTS ANNEMARIE PRUDENTI TO ACT AS LEGAL COUNSEL FOR THE  
CONSERVATION ADVISORY COUNCIL OF THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**NOW THEREFORE BE IT RESOLVED** that Annemarie Prudenti is hereby authorized to act as legal counsel to the Conservation Advisory Council of the Town of Riverhead; and be it further

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

06.19.12  
120471

ADOPTED

TOWN OF RIVERHEAD

Resolution # 471

**APPROVES THE RIVERHEAD SEWER DISTRICT'S PURCHASE OF PROPERTY  
DESCRIBED AS SCTM #0600-129-4-8**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider the Sewer District's purchase of property described as SCTM #0600-129-4-8 for the purpose of increasing and improving the facilities of the Riverhead Sewer District consisting of design planning, engineering and reconstruction of the Defriest Pump Station, including but not limited to wet wells, variable speed drive motors, pumps, generator, building reconstruction, land acquisition and such other site improvements; and

**WHEREAS**, a public hearing was held on the 5th day of June, 2012 at 2:20 o'clock pm at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that Town Board of the Town of Riverhead, as governing body of the Riverhead Sewer District, does hereby authorize the Riverhead Sewer District to retain the services of such licensed professionals as may be required to effectuate the transfer of title to the subject property; authorize the Supervisor to execute a contract of sale and such other documents necessary to effectuate the transfer of title to the subject property; authorize the Financial Administrator to set up an account for the projected costs for the purchase of the parcel in an amount not to exceed \$15,000.00 for expert services and \$160,000.00 for the purchase price; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to James McManmon, Esq., 123 Maple Avenue, Riverhead, NY 11901; Michael Reichel, Sewer District Superintendent, Town Accounting Department and 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 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 # 472

**AUTHORIZES THE RETENTION OF THE LAW FIRM OF  
CAMPOLO, MIDDLETON & McCORMICK, LLP  
REGARDING CLAIM OF ROBERT D. CROZIER**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Office of the Town Attorney, has requested that the Town Board, authorize the retention of Campolo, Middleton & McCormick, LLP to institute, defend or appear in claim made by Robert D. Crozier against the Town of Riverhead and Town of Riverhead Police Department under Town of Riverhead Claim # 15 of 2012.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead be and hereby authorizes the retention of Campolo, Middleton & McCormick, LLP, nunc pro tunc, to institute, defend or appear in that claim made by Robert D. Crozier against the Town of Riverhead and Town of Riverhead Police Department under Town of Riverhead Claim # 15 of 2012 as in its judgment may be necessary for the benefit or protection of the town in any of its rights of property; and be it further

**RESOLVED**, that the Town Board authorizes the Supervisor to execute the Retainer Agreement in substantially the form attached; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Law Firm of Campolo, Middleton & McCormick, LLP; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted.

CAMPOLO, MIDDLETON & MCCORMICK, LLP

3340 VETERANS MEMORIAL HIGHWAY, SUITE 400

BOHEMIA, NY 11716

(631) 738-9100

FAX (631) 738-0659

[www.cmmllp.com](http://www.cmmllp.com)

June 12, 2012

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

**Re: Litigation Retainer**  
**Crozier v. Town of Riverhead**  
**Claim No.: 15-2012**

Dear Mr. Walter:

This is to confirm that The Town of Riverhead has retained Campolo, Middleton & McCormick, LLP, to represent it in connection with the defense of the above referenced action.

We charge an hourly fee for legal services at the rates set forth below. You will be billed on a monthly basis and we will expect timely payment of our monthly bills. At present, the hourly rate we charge is \$300.00 per hour. As agreed, we are willing to reduce the hourly rate to:

Partner:	\$175.00 per hour
Associate:	\$175.00 per hour
Paralegal	\$100.00 per hour

Telephone calls are included in computing the time charges. Our bills will also include charges for costs and disbursements incurred on your behalf. Costs and disbursements include, but are not limited to, costs of filing papers, court fees, postage, calendar service, process service, court reporters, long distance phone calls, travel, on-line research, parking and photocopies normally made by us or requested by you. This does not cover any other litigation or any work to be conducted in any appellate court. Any other litigation work or work in an appellate court will be the subject of a separate retainer agreement.

This will also confirm that we have made no representation to you as to the total fees which may be incurred during the course of this representation. This firm does not render or give any tax advice, and any such advice should be obtained from an accountant or other tax advisor. If you wish us to cease activities on your behalf, please advise us in writing and we will promptly take the steps necessary to conclude our representation in a manner that is consistent with the Code of Professional Responsibility. Similarly, we reserve the right to terminate our representation at any time, but would do so only upon appropriate advance notice and under circumstances which are, once again, consistent with the Code of Professional Responsibility.

This will further confirm your understanding that, if a trial or hearing is to occur during the course of our representation, all outstanding legal fees and disbursements must be paid in full before we will begin to prepare for or conduct a trial or hearing. If our fees and disbursements are not paid in full within 30 days of our billing or before the commencement of any trial or hearing, by countersigning this retainer you consent to any motion or request by Campolo, Middleton & McCormick, LLP, to be relieved as your attorney.

This will further confirm our advice to you to notify any insurance company providing coverage to The Town or your company of the claims that have been made against The Town. Any delay in notifying your insurance company of these claims may result in the refusal of the insurance company to defend or indemnify The Town against any damages resulting from claims.

This will further confirm our instruction to you that for the relevant periods relating to any matter we are representing you on, you must maintain and preserve all electronic files, other data generated by and/or stored on all computer systems and storage media (i.e. hard disks, floppy disks, backup tapes), or other electronic data. Such items include, but are not limited to, e-mail and other electronic communications, word processing documents, spreadsheets, data bases, calendars, telephone logs, contact manager information, internet usage files, offline storage or information stored on removable media, information contained on laptops or other portable devices and network access information.

—  
—  
New York has established a Fee Dispute Resolution Program providing for the informal and expeditious resolution of fee disputes between attorneys and clients through arbitration and mediation. In accordance with the procedures for arbitration, arbitrators shall determine the reasonableness of fees for professional services, including costs, taking into account all relevant facts and circumstances. You have a right to seek arbitration of any fee disputes under Part 137 of the Rules of the Chief Administrator of the New York State Courts. Upon your request, we will provide you with a copy of the full text of Part 137 of the Rules of the Chief Administrator.

This letter constitutes our complete understanding of all matters set forth in this letter. If either party wishes to change the terms of this agreement, it must be done in writing and signed by both of us.

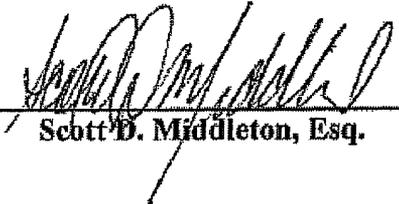
June 12, 2012 - Litigation Retainer  
Crozier v. Town of Riverhead  
Claim No: 15-2012

If the foregoing is acceptable, you should sign and return this original retainer letter. We look forward to working with you on this matter.

Sincerely,

**CAMPOLO, MIDDLETON  
& MCCORMICK, LLP**

By: \_\_\_\_\_

  
Scott D. Middleton, Esq.

SDM/kn

I HAVE READ AND UNDERSTAND THIS LETTER,  
HAVE RECEIVED A COPY OF THIS LETTER  
AND ACCEPT ALL OF ITS TERMS:

The Town of Riverhead

\_\_\_\_\_  
Sean Walter, Supervisor

\_\_\_\_\_  
Date

**TOWN OF RIVERHEAD**

**Resolution # 473**

**AUTHORIZES THE RETENTION OF THE LAW FIRM OF  
CAMPOLO, MIDDLETON & McCORMICK, LLP  
REGARDING CLAIM OF GREGORY J. FISCHER**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Office of the Town Attorney, has requested that the Town Board, authorize the retention of Campolo, Middleton & McCormick, LLP to institute, defend or appear in claim made by Gregory J. Fischer against the Town of Riverhead and Town of Riverhead Police Department under Town of Riverhead Claim # 17 of 2012.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead be and hereby authorizes the retention of Campolo, Middleton & McCormick, LLP, nunc pro tunc, to institute, defend or appear in that claim made by Gregory J. Fischer against the Town of Riverhead and Town of Riverhead Police Department under Town of Riverhead Claim # 17 of 2012 as in its judgment may be necessary for the benefit or protection of the town in any of its rights of property; and be it further

**RESOLVED**, that the Town Board authorizes the Supervisor to execute the Retainer Agreement in substantially the form attached; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Law Firm of Campolo, Middleton & McCormick, LLP; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

CAMPOLO, MIDDLETON & MCCORMICK, LLP

3340 VETERANS MEMORIAL HIGHWAY, SUITE 400

BOHEMIA, NY 11716

(631) 738-9100

FAX (631) 738-0659

[www.cmmllp.com](http://www.cmmllp.com)

June 12, 2012

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

**Re: Litigation Retainer  
Fischer v. Town of Riverhead  
Claim No.: 17-2012**

Dear Mr. Walter:

This is to confirm that The Town of Riverhead has retained Campolo, Middleton & McCormick, LLP, to represent it in connection with the defense of the above referenced action.

We charge an hourly fee for legal services at the rates set forth below. You will be billed on a monthly basis and we will expect timely payment of our monthly bills. At present, the hourly rate we charge is \$300.00 per hour. As agreed, we are willing to reduce the hourly rate to:

Partner:	\$175.00 per hour
Associate:	\$175.00 per hour
Paralegal	\$100.00 per hour

Telephone calls are included in computing the time charges. Our bills will also include charges for costs and disbursements incurred on your behalf. Costs and disbursements include, but are not limited to, costs of filing papers, court fees, postage, calendar service, process service, court reporters, long distance phone calls, travel, on-line research, parking and photocopies normally made by us or requested by you. This does not cover any other litigation or any work to be conducted in any appellate court. Any other litigation work or work in an appellate court will be the subject of a separate retainer agreement.

This will also confirm that we have made no representation to you as to the total fees which may be incurred during the course of this representation. This firm does not render or give any tax advice, and any such advice should be obtained from an accountant or other tax advisor. If you wish us to cease activities on your behalf, please advise us in writing and we will promptly take the steps necessary to conclude our representation in a manner that is consistent with the Code of Professional Responsibility. Similarly, we reserve the right to terminate our representation at any time, but would do so only upon appropriate advance notice and under circumstances which are, once again, consistent with the Code of Professional Responsibility.

This will further confirm your understanding that, if a trial or hearing is to occur during the course of our representation, all outstanding legal fees and disbursements must be paid in full before we will begin to prepare for or conduct a trial or hearing. If our fees and disbursements are not paid in full within 30 days of our billing or before the commencement of any trial or hearing, by countersigning this retainer you consent to any motion or request by Campolo, Middleton & McCormick, LLP, to be relieved as your attorney.

This will further confirm our advice to you to notify any insurance company providing coverage to The Town or your company of the claims that have been made against The Town. Any delay in notifying your insurance company of these claims may result in the refusal of the insurance company to defend or indemnify The Town against any damages resulting from claims.

This will further confirm our instruction to you that for the relevant periods relating to any matter we are representing you on, you must maintain and preserve all electronic files, other data generated by and/or stored on all computer systems and storage media (i.e. hard disks, floppy disks, backup tapes), or other electronic data. Such items include, but are not limited to, e-mail and other electronic communications, word processing documents, spreadsheets, data bases, calendars, telephone logs, contact manager information, internet usage files, offline storage or information stored on removable media, information contained on laptops or other portable devices and network access information.

New York has established a Fee Dispute Resolution Program providing for the informal and expeditious resolution of fee disputes between attorneys and clients through arbitration and mediation. In accordance with the procedures for arbitration, arbitrators shall determine the reasonableness of fees for professional services, including costs, taking into account all relevant facts and circumstances. You have a right to seek arbitration of any fee disputes under Part 137 of the Rules of the Chief Administrator of the New York State Courts. Upon your request, we will provide you with a copy of the full text of Part 137 of the Rules of the Chief Administrator.

This letter constitutes our complete understanding of all matters set forth in this letter. If either party wishes to change the terms of this agreement, it must be done in writing and signed by both of us.

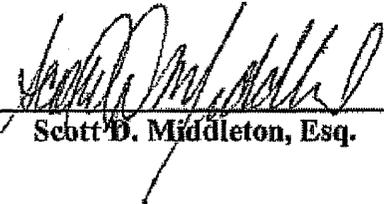
**June 12, 2012 - Litigation Retainer  
Fischer v. Town of Riverhead  
Claim No: 17-2012**

If the foregoing is acceptable, you should sign and return this original retainer letter. We look forward to working with you on this matter.

Sincerely,

**CAMPOLO, MIDDLETON  
& MCCORMICK, LLP**

By:



\_\_\_\_\_

**Scott D. Middleton, Esq.**

SDM/kn

I HAVE READ AND UNDERSTAND THIS LETTER,  
HAVE RECEIVED A COPY OF THIS LETTER  
AND ACCEPT ALL OF ITS TERMS:

The Town of Riverhead

\_\_\_\_\_  
Sean Walter, Supervisor

\_\_\_\_\_  
Date

**TOWN OF RIVERHEAD**

**Resolution # 474**

**AUTHORIZES THE RETENTION OF THE LAW FIRM OF  
CAMPOLO, MIDDLETON & McCORMICK, LLP  
REGARDING CLAIM OF CHARLES SCHNEIDER**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Office of the Town Attorney, has requested that the Town Board, authorize the retention of Campolo, Middleton & McCormick, LLP to institute, defend or appear in claim made by Charles Schneider against the Town of Riverhead and Town of Riverhead Police Department under Town of Riverhead Claim # 7 of 2012.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead be and hereby authorizes the retention of Campolo, Middleton & McCormick, LLP, nunc pro tunc, to institute, defend or appear in that claim made by Charles Schneider against the Town of Riverhead and Town of Riverhead Police Department under Town of Riverhead Claim # 7 of 2012 as in its judgment may be necessary for the benefit or protection of the town in any of its rights of property; and be it further

**RESOLVED**, that the Town Board authorizes the Supervisor to execute the Retainer Agreement in substantially the form attached; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Law Firm of Campolo, Middleton & McCormick, LLP; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**CAMPOLO, MIDDLETON & MCCORMICK, LLP**

3340 VETERANS MEMORIAL HIGHWAY, SUITE 400

BOHEMIA, NY 11716

(631) 738-9100

FAX (631) 738-0659

[www.cmmlp.com](http://www.cmmlp.com)

April 23, 2012

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

**Re:   Litigation Retainer**  
**Schneider v. Town of Riverhead**  
**Claim No.: 7-2012**

Dear Mr. Walter:

This is to confirm that The Town of Riverhead has retained Campolo, Middleton & McCormick, LLP, to represent it in connection with the defense of the above referenced action.

We charge an hourly fee for legal services at the rates set forth below. You will be billed on a monthly basis and we will expect timely payment of our monthly bills. At present, the hourly rate we charge is \$300.00 per hour. As agreed, we are willing to reduce the hourly rate to:

Partner:	\$175.00 per hour
Associate:	\$175.00 per hour
Paralegal	\$100.00 per hour

Telephone calls are included in computing the time charges. Our bills will also include charges for costs and disbursements incurred on your behalf. Costs and disbursements include, but are not limited to, costs of filing papers, court fees, postage, calendar service, process service, court reporters, long distance phone calls, travel, on-line research, parking and photocopies normally made by us or requested by you. This does not cover any other litigation or any work to be conducted in any appellate court. Any other litigation work or work in an appellate court will be the subject of a separate retainer agreement.

This will also confirm that we have made no representation to you as to the total fees which may be incurred during the course of this representation. This firm does not render or give any tax advice, and any such advice should be obtained from an accountant or other tax advisor. If you wish us to cease activities on your behalf, please advise us in writing and we will promptly take the steps necessary to conclude our representation in a manner that is consistent with the Code of Professional Responsibility. Similarly, we reserve the right to terminate our representation at any time, but would do so only upon appropriate advance notice and under circumstances which are, once again, consistent with the Code of Professional Responsibility.

This will further confirm your understanding that, if a trial or hearing is to occur during the course of our representation, all outstanding legal fees and disbursements must be paid in full before we will begin to prepare for or conduct a trial or hearing. If our fees and disbursements are not paid in full within 30 days of our billing or before the commencement of any trial or hearing, by countersigning this retainer you consent to any motion or request by Campolo, Middleton & McCormick, LLP, to be relieved as your attorney.

This will further confirm our advice to you to notify any insurance company providing coverage to The Town or your company of the claims that have been made against The Town. Any delay in notifying your insurance company of these claims may result in the refusal of the insurance company to defend or indemnify The Town against any damages resulting from claims.

This will further confirm our instruction to you that for the relevant periods relating to any matter we are representing you on, you must maintain and preserve all electronic files, other data generated by and/or stored on all computer systems and storage media (i.e. hard disks, floppy disks, backup tapes), or other electronic data. Such items include, but are not limited to, e-mail and other electronic communications, word processing documents, spreadsheets, data bases, calendars, telephone logs, contact manager information, internet usage files, offline storage or information stored on removable media, information contained on laptops or other portable devices and network access information.

New York has established a Fee Dispute Resolution Program providing for the informal and expeditious resolution of fee disputes between attorneys and clients through arbitration and mediation. In accordance with the procedures for arbitration, arbitrators shall determine the reasonableness of fees for professional services, including costs, taking into account all relevant facts and circumstances. You have a right to seek arbitration of any fee disputes under Part 137 of the Rules of the Chief Administrator of the New York State Courts. Upon your request, we will provide you with a copy of the full text of Part 137 of the Rules of the Chief Administrator.

This letter constitutes our complete understanding of all matters set forth in this letter. If either party wishes to change the terms of this agreement, it must be done in writing and signed by both of us.

April 23, 2012 - Litigation Retainer  
Schneider v. Town of Riverhead  
Claim No: 7-2012

If the foregoing is acceptable, you should sign and return this original retainer letter. We look forward to working with you on this matter.

Sincerely,

CAMPOLO, MIDDLETON  
& MCCORMICK, LLP

By:

  
\_\_\_\_\_  
Scott D. Middleton, Esq.

SDM/kn

I HAVE READ AND UNDERSTAND THIS LETTER,  
HAVE RECEIVED A COPY OF THIS LETTER  
AND ACCEPT ALL OF ITS TERMS:

The Town of Riverhead

\_\_\_\_\_  
Sean Walter, Supervisor

\_\_\_\_\_  
Date

TOWN OF RIVERHEAD

Resolution # 475

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF  
RIVERHEAD BUSINESS IMPROVEMENT DISTRICT  
MANAGEMENT ASSOCIATION  
(July 3, 2012)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Riverhead Business Improvement District Management Association submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at Grangebél Park, Riverhead, on Tuesday, July 3, 2012; and

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

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

**NOW THEREFORE BE IT RESOLVED**, that the Fireworks Permit Application of the Riverhead Business Improvement District, for the purpose of conducting a fireworks display to be held at Grangebél Park, Riverhead, on Tuesday, July 3, 2012 at 9:00 p.m., is hereby approved with the following conditions:

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

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

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

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 476**

**APPROVES CHAPTER 90 APPLICATION OF CHURCH OF THE HARVEST**  
**(Riverhead Community Appreciation Day – July 28, 2012)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, on May 14, 2012, Church of the Harvest had submitted a Chapter 90 Application for the purpose of conducting an event entitled “Riverhead Community Appreciation Day” to include music, literature and food, to take place in the Peconic Riverfront parking lot located south of the East End Arts Council, Riverhead, New York on Saturday, July 28, 2012 between the hours of 1:00 p.m. and 10:00 p.m.; and

**WHEREAS**, Church of the Harvest has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

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

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

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

**RESOLVED**, that the Chapter 90 Application of the Church of the Harvest to conduct an event entitled “Riverhead Community Appreciation Day” to include music, literature and food, to take place in the Peconic Riverfront parking lot located south of the East End Arts Council, Riverhead, New York on Saturday, July 28, 2012 between the hours of 1:00 p.m. and 10:00 p.m., is hereby approved; and be it further

**RESOLVED**, that this approval is subject to the provisions of Riverhead Town

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

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Church of the Harvest, P.O. Box 1082, Riverhead, New York, 11901; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

06.19.12  
120477

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 477**

**APPROVES EXTENSION TO LICENSE AGREEMENT WITH  
WADINGTON REALTY CORP.**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, by Resolution # 219 adopted on March 17, 2009, the Town Board of the Town of Riverhead authorized the Supervisor to execute a License Agreement with Wadington Realty Corp. to utilize a portion of the Town of Riverhead parking facilities located on the south side of Creek Road in Wading River; and

**WHEREAS**, on or about April 17, 2009, a License Agreement was entered into between the Town of Riverhead and Wadington Realty Corp. for a term beginning on May 1, 2009 and ending on May 1, 2010 allowing for the use of thirty (30) parking spaces at the aforementioned parking lot; and

**WHEREAS**, under that License Agreement, the term of the Agreement may be renewed each year upon written request made by Wadington Realty Corp. and payment in the sum of \$2,250.00; and

**WHEREAS**, Wadington Realty Corp. has requested and received two (2) extensions effective to May 1, 2012 ; and

**WHEREAS**, Wadington Realty Corp. has requested in writing that the License be renewed for an additional one year extension effective from May 1, 2012 to May 1, 2013; and

**WHEREAS**, Wadington Realty Corp. has submitted payment in the sum of \$2,250.00 as required under the License Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board be and hereby grants the extension requested by Wadington Realty Corp. for one year beginning on May 1, 2012 and ending on May 1, 2013; and be it further

**RESOLVED** that the Town Supervisor, or his designee is authorized to execute such document or documents as determined by hereby by the Office of the Town Attorney to be needed for the extension requested beginning on May 1, 2012 and ending on May 1, 2013; and be it further

**RESOLVED** that the Town Clerk is hereby directed to forward a copy of this resolution to Wadington Realty Corp., the Riverhead Town Police Department, the Recreation Department, the Office of the Town Attorney and the Office of Accounting.

**THE VOTE**

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

The Resolution Was  Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 478

APPOINTS INTERPRETER FOR POLICE DEPARTMENT AND JUSTICE COURT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town, in connection with its municipal operations, requires services consisting of the following: Language Translation; and

**WHEREAS**, Christine Santini, Contractor, is willing to provide the following services to the Town:

Description of Services: Language Translation – Spanish  
Date(s) and Hours of Service: On – call, Flexible

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Supervisor is hereby authorized to execute the attached Agreement in connection with interpreter services of the aforementioned individual; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Christine Santini, 144 Landing Lane, Baiting Hollow, New York, 11933; 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 copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 479**

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF  
NEWTON SHOWS  
(Peconic Bay Medical Center Family Festival – July 6, 2012)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, on June 8, 2012, Newton Shows submitted a Fireworks Permit Application for the purpose of conducting a fireworks display on Friday, July 6, 2012 at 10:15 p.m., having a rain date of Saturday, July 7, 2012, to be held on property owned by Kenny Barra of Knightland Inc. located at 6164 Route 25A, Wading River, New York, in connection with the previously approved Chapter 90 event hosted by the Peconic Bay Medical Center entitled a "Family Festival" to be held on July 4, 2012 through July 7, 2012; and

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

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

**NOW THEREFORE BE IT RESOLVED**, that the Fireworks Permit Application of Newton Shows, for the purpose of conducting a fireworks display to be held at 6164 Route 25A, Wading River, New York on Friday, July 6, 2012 at 10:15 p.m., having a rain date of Saturday, July 7, 2012, is hereby approved with the following conditions:

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

Marshal upon request.

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Newton Shows, 4075 Jericho Turnpike, East Northport, New York, 11731; Pyro Engineering, Inc., d/b/a Bay Fireworks, 400 Broadhollow Road, Suite 3, Farmingdale, New York, 11735, and the Wading River Fire Department; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 480**

**APPROVES CHAPTER 90 APPLICATION OF PECONIC BAY MEDICAL CENTER**  
**(Family Festival – July 4, 2012 through July 7, 2012)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, on May 9, 2012, the Peconic Bay Medical Center submitted a Chapter 90 Application for the purpose of conducting a Family Festival to include rides, games and food concessions, having all proceeds to be used for the overall patient care services provided at the Peconic Bay Medical Center. This event is to be held on property owned by Kenny Barra of East Wind Caterers at 6164 Route 25A, Wading River, New York and John Zoumas of Zoumas Contracting, No # Route 25A, Wading River, New York between the hours of 6:00 p.m. and 11:00 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 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 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 the Peconic Bay Medical Center for the purpose of conducting a Family Festival having all proceeds to be used for the overall patient care services provided at the Peconic Bay Medical Center, to be held on property owned by Kenny Barra of East Wind Caterers at 6164 Route 25A, Wading

River, New York and John Zoumas of Zoumas Contracting, No # Route 25A, Wading River, New York on the aforementioned dates and times, is hereby approved; and be it further

**RESOLVED**, the applicable Chapter 90 Application fee is hereby waived due the applicant's not-for-profit status; and be it further

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

**RESOLVED**, that this approval is subject to the provisions of Riverhead Town Code Chapter 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 approval for this event shall be subject to the following:

- The applicant shall use snow fencing to delineate the boundary of the festival and provide security patrols of the boundary to ensure that patrons of the festival do not go beyond the boundaries of the event;
- The applicant shall provide additional lighting along SR 25A.
- Receipt of required Suffolk County Department of Health permit(s) including the food handling permit(s);
- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s); and be it further

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

**RESOLVED**, that all vendors shall be ready for a fire safety inspection no later than 12:00 noon on July 4, 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: Lynne LaGrúa, 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

TOWN OF RIVERHEAD

Resolution # 481

**RELEASES MAINTENANCE BOND OF WADING RIVER WOODS, LLC IN  
CONNECTION WITH THE CONDOMINIUM PROJECT KNOWN AS  
“WADING RIVER WOODS”  
(ONE YEAR MAINTENANCE BOND)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, pursuant to Resolution #612 adopted on August 2, 2011, the Riverhead Town Board accepted the offer of dedication of the roads and drainage area(s) in the condominium project known as “Wading River Woods, LLC”; and

**WHEREAS**, in accordance with the aforementioned resolution, Wading River Woods, LLC had posted Nova Casualty Company Maintenance Bond #112682 in the amount of \$160,000.00, having an expiration date of June 22, 2012, representing a one-year maintenance bond; and

**WHEREAS**, by memorandum from Vincent A. Gaudiello, P.E. dated June 1, 2012 and memorandum from the Highway Department dated June 13, 2012, it has been determined that the improvements within said condominium project appear in satisfactory condition and it is further recommended that the one-year maintenance bond may now be released.

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Riverhead hereby authorizes the release of Nova Casualty Company Maintenance Bond #112682 in the amount of \$160,000.00, representing the one-year maintenance bond posted in connection with the condominium project known as “Wading River Woods”; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to release the aforementioned maintenance bond; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Wading River Woods, LLC, 750 North Country Road, Suite 3, East Setauket, NY, 11733; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

06.19.12  
120482

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 482**

**AUTHORIZES THE RELEASE OF SECURITY OF RIVEREDGE, LLC  
(RIVERHEAD BUILDING SUPPLY AT EPCAL)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, Riveredge, LLC posted Suffolk County National Bank Check #000169 in the amount of Three Thousand Dollars (\$3,000.00) representing site plan security in connection with Riverhead Town Board Resolution #801 dated August 21, 2007, to ensure the survival of required native grass plantings upon real property located at 962 Burman Boulevard, Calverton, New York, known and designated as Suffolk County Tax Map Number 0600- 135.10-1-5, pursuant to Section 108-133(I) of the Riverhead Town Code; and

**WHEREAS**, pursuant to Site Plan Inspection Memorandum of Vincent A. Gaudiello, P.E., dated May 24, 2012, it has been determined that the required native grass plantings have been established and that the performance security posted for same may be released.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of the above mentioned security in the sum of Three Thousand Dollars (\$3,000.00); and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Riveredge, LLC, 100 Precision Drive, Suite 2, Shirley, NY, 11967, Attn: Tracy Kappenberg; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

06.19.12  
120483

ADOPTED

TOWN OF RIVERHEAD

Resolution # 483

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A HELP WANTED AD  
FOR A PART-TIME KENNEL ATTENDANT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**RESOLVED**, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the June 28, 2012 issue of The News Review; and

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

## **HELP WANTED**

**PLEASE TAKE NOTICE**, that the Town of Riverhead is seeking a qualified individual to serve in the position of PT Kennel Attendant. Applicants must be at least 18 years of age, possess a clean, current driver's license, and be available on weekends. Applications are to be submitted to the Personnel Office, 1295 Pulaski Street, Riverhead, NY, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. No applications will be accepted after 4:00 p.m. on July 11, 2012. EOE

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

06.19.12  
120484

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 484**

**APPROVES CHAPTER 90 APPLICATION OF RAILROAD MUSEUM  
OF LONG ISLAND (“Riverhead Railroad Museum Open House 2012”)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, on June 4, 2012, the Railroad Museum of Long Island submitted a Chapter 90 application for the purpose of conducting an event entitled, “Riverhead Railroad Museum Open House 2012”, which includes a toy train set raffle, railroad related vendors and displays. This event is to be located at 416 Griffing Avenue, Riverhead, New York, on Saturday, August 25<sup>th</sup>, 2012 and Sunday, August 26<sup>th</sup>, 2012 between the hours of 10:00 a.m. and 5:00 p.m.; and

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

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

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

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

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

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

**RESOLVED**, that the Chapter 90 Application of Railroad Museum of Long Island for the purpose of conducting an event entitled, “Riverhead Railroad Open House 2012” to be located at 416 Griffing Avenue, Riverhead, New York on the aforementioned dates and times is hereby approved; and be it further

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

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

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

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

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

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

### THE VOTE

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 485**

**AUTHORIZES THE TOWN CLERK TO CHARGE AND RECEIVE A FEE OF ONE DOLLAR (\$1.00) PER DEER HUNTING PERMIT ISSUED EFFECTIVE THROUGHOUT THE LEGAL DEER HUNTING AREA OF THE TOWN OF RIVERHEAD**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

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

**WHEREAS**, Residents of the Town of Riverhead who wish to engage in hunting activity in New York State are bound by applicable laws, rules and regulations of New York State; and

**WHEREAS**, Section 11-0903 of the New York Environmental Conservation Law states that "Town Clerks shall be entitled to charge and receive a fee of One Dollar (\$1.00) for each permit issued."

**NOW THEREFORE BE IT RESOLVED**, that the Town Board does hereby authorize the Town Clerk to charge and collect One Dollar (\$1.00) for each deer hunting permit issued during special deer hunting seasons; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 486

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE  
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 58 ENTITLED  
"DOGS" OF THE RIVERHEAD TOWN CODE**

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 58 entitled "Dogs" of the Riverhead Town Code once in the June 28, 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 17<sup>th</sup> day of July, 2012 at 7:05 o'clock p.m. to consider a local law amending Chapter 58 entitled "Dogs" of the Riverhead Town Code as follows:

**CHAPTER 58  
DOGS**

**§ 58-2. License, collar and tag requirements..**

**B. Exemptions.**

(2) No license fees ~~is~~ are required for a "service dog," "therapy dog," "working search dog," or "detention dog" as those terms are defined in Article 7 of the Agriculture and Markets Law, or successor law. The person owning, possessing or harboring such a dog bears the burden of demonstrating by clear and convincing evidence and to the satisfaction of the Town Clerk that the dog is a "service dog" or "therapy dog" or "working search dog" or "detection dog" and exempt from licensing fees.

- Underline represents addition(s)

Dated: Riverhead, New York  
June 19, 2012

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

06.19.12  
120487

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 487**

**APPOINTS WILLIAM M. DUFFY TO ACT AS LEGAL COUNSEL FOR THE ARCHITECTURAL REVIEW BOARD OF THE TOWN OF RIVERHEAD**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**NOW THEREFORE BE IT RESOLVED** that William M. Duffy is hereby authorized to act as legal counsel to the Architectural Review Board of the Town of Riverhead; and be it further

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 488

**APPROVES SUPERVISOR TO EXECUTE A LICENSE  
AGREEMENT WITH  
DOWNTOWN RIVERHEAD HOLDINGS, LLC**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, by Resolution # 449 adopted on May 18, 2004, the Town Board of the Town of Riverhead authorized the Supervisor to execute a License Agreement with 65 East Main Street Corporation Inc. to utilize a portion of the Town of Riverhead parking facilities within the Town's municipal Public Parking District #1 for placement of its liquid propane tanks; and

**WHEREAS**, based upon State Building Code and other considerations, the deck constructed upon the premises also must be located within part of the parking facilities; and

**WHEREAS**, the Town determines that the property requested is not essential to the operation of the Town owned parking lot in that area and the placement elsewhere would be impracticable.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board be and hereby approves the License Agreement with Downtown Riverhead Holdings, LLC and authorizes the Town Supervisor to execute a License Agreement in substantially the same form as that attached; and be it further

**RESOLVED** that the Town Clerk is hereby directed to forward a copy of this resolution to Downtown Riverhead Holdings, LLC, 19 Wolf Way, East Hampton, New York, the Riverhead Town Police Department, the Building Department, the Planning Department, the Office of the Town Attorney and the Office of Accounting 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.

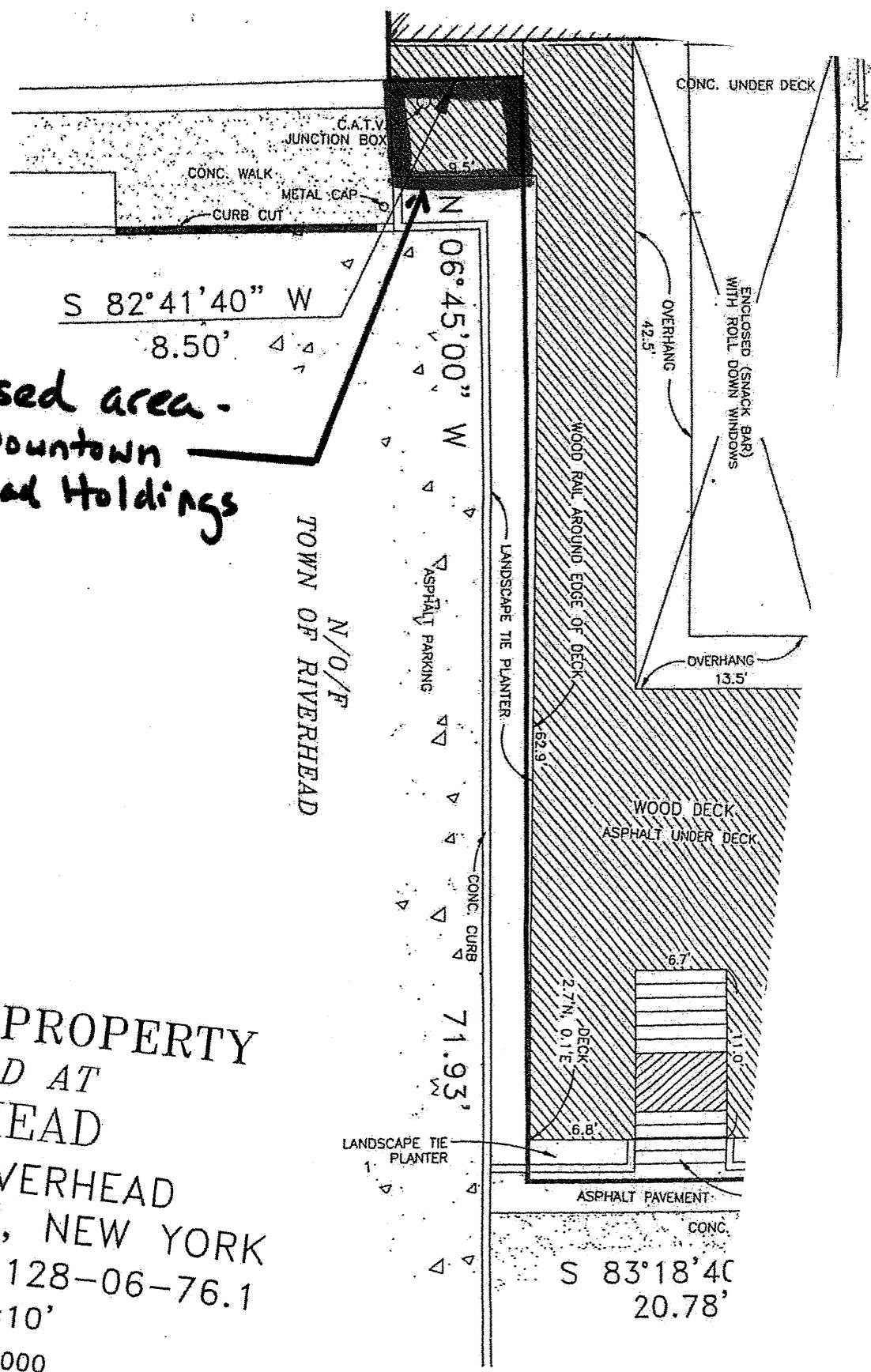
**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

Schedule A to License  
Between Town of Riverhead  
And  
Downtown Riverhead Holdings, LLC

Licensed area -  
 TOR w Downtown  
 Riverhead Holdings



SURVEY OF PROPERTY  
 SITUATED AT  
 RIVERHEAD  
 TOWN OF RIVERHEAD  
 SUFFOLK COUNTY, NEW YORK  
 S.C. TAX No. 600-128-06-76.1  
 SCALE 1"=10'

APRIL 19, 2000  
 AUGUST 24, 2001 UPDATE SURVEY  
 MAY 12, 2003 FINAL SURVEY  
 JULY 18, 2011 UPDATE SURVEY

AREA = 4,727.60 sq. ft.  
 0.108 ac.

N/O,  
 TOWN OF R

## LICENSE

License ("License"), made as of the        day of June, 2012, by and between the Town of Riverhead and Town of Riverhead Municipal Parking District No. 1, ("Licensor") having and address at 200 Howell Avenue, Riverhead, New York, and Downtown Riverhead Holdings LLC, ("Licensee"), having an address at 19 Wolf Way, East Hampton, Riverhead, New York, a New York Limited Liability Company.

## WITNESSETH

WHEREAS, by Town Board resolution number 449, adopted on May 25, 2004, the Town Board of the Town of Riverhead authorized use of a portion of the Town of Riverhead Municipal Parking District No. 1 property for the storage and maintenance of liquid propane tanks used in connection with the existing restaurant business at 65 East Main Street, Riverhead 11901, which premises is also known as SCTM # 0600-128-06-76.1 (the "premises"); and

WHEREAS, the Licensee wishes to utilize a portion of Town of Riverhead Municipal Parking District No. 1 property at the rear of the premises which licensed area measures about 6.5 feet by 8.5 feet and which is depicted on Schedule A annexed hereto, in connection with its restaurant business know as Cody's BBQ & Grill Restaurant; and

WHEREAS, the Town of Riverhead and the Town Board as the governing body of the Riverhead Municipal Parking District No. 1 wishes to grant the Licensor the right to so same.

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,

Licensor hereby licenses to licensee the right to use the licensed premises. The licensed premises are described in Schedule A attached hereto.

2. Term of the License: The term of this License (the "term") shall commence on June 1, 2012 and shall continue for one year, unless extended in writing by mutual agreement.

3. Condition of the License Property. 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 licensed property for use "as is" condition.

4. Insurance and Indemnification: Licensee will be responsible for providing and maintaining comprehensive general liability insurance in the amount of not less than \$2,000,000 with a company or companies reasonably satisfactory to the licensor. Licensee will provide certificates of the foregoing insurance, showing the Town of Riverhead and the Town of Riverhead Municipal Parking District No. 1 as additional insureds to the extent of their interest Licensee agrees to indemnify and hold Licensor and Town, and their respective officers, employees, agents, representatives and officials harmless from any and all loss or liability associated with the activities-described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by Licensee and its employees, agents, representatives and concessionaires, or attendees, excepting liability caused by the negligence of Licensor or the Town or its employees, agents or representatives. Without limiting the generality of the foregoing, Licensee agrees to indemnify and hold licensor and the Town harmless from any lien claimed or asserted for labor," materials or services furnished to Licensee in connection with the use of the property.

5. License Fee: The fee for the license shall be \$200.00 per year payable upon execution of the license agreement. The license fee shall be prorated should the licensee purchase the property from the Town.

6. Use of License Property: Licensee agrees to utilize the licensed properties exclusively for the purpose described herein.

7. Repair, Maintenance and Inventory of License Properties:

a) licensee agrees to maintain the licensed area free of trash and debris and to return the premises back to its original condition following completion of the license term.

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

8. Assignment : Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license, license the licensed property, 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.

9. Indemnity: Licensee shall indemnify and hold the Licensor harmless from and against any and all claims, actions, liabilities, losses , costs and expenses, arising from or in connection with the use of the licensed property.

10. 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 Licensor, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue, Riverhead, New York 11901. If such notice is directed at the Licensee, it shall be addressed to Richard Gerardi, Downtown Riverhead Holdings LLC, 19 Wolf Way, East Hampton, New York 11937.

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

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

DOWNTOWN RIVERHEAD  
HOLDINGS LLC

TOWN OF RIVERHEAD

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

06.19.12  
120489

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 489**

**APPROVES CHAPTER 90 APPLICATION OF THE  
RIVERHEAD COUNTRY FAIR COMMITTEE  
(Riverhead Country Fair - October 7, 2012)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, on June 14, 2012, the Riverhead Country Fair Committee submitted a Chapter 90 Application for the purpose of conducting their annual Country Fair to be held on Main Street, the Peconic Riverfront parking area and Peconic Avenue, Riverhead, New York on Sunday, October 7, 2012 having a rain date of Monday, October 8, 2012, between the hours of 10:00 a.m. and 5:00 p.m.; and

**WHEREAS**, the Riverhead Country Fair Committee has completed and filed a Special Events Large Gathering Application together with a Short Environmental Assessment Form in accordance with 6 NYCRR 617.6(b); and

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

**WHEREAS**, due to its not-for-profit status, the Riverhead Country Fair Committee has requested the Chapter 90 Application fee for this event be waived; and

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

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

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

**RESOLVED** that the Chapter 90 Application of Riverhead Country Fair Committee for the purpose of conducting their annual Country Fair to be held on Main Street, Peconic Riverfront parking area and Peconic Avenue, Riverhead, New York on Sunday, October 7, 2012, having a rain date of Monday, October 8, 2012, between the hours of 10:00 a.m. and 5:00 p.m., is hereby approved; and be it further

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

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

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

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

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

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

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

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Country Fair Committee, 200 Howell Avenue, Riverhead, NY, 11901, Attn: Tara McLaughlin; 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  Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 490

ESTABLISHES LOCATION FOR FARMERS' MARKET FOR 2012 SEASON

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town of Riverhead provides space within the downtown riverfront parking area for the Farmers' Market on a seasonal basis; and

**WHEREAS**, the Farmers' Market utilized the area located behind SCTM#0600 129-1-11, 12 and 13 on property owned by the Town of Riverhead in 2011 and found the location to be acceptable.

**THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the Farmers' Market to be located on said property on each Thursday beginning June 21, 2012 for the 2012 season.

**BE IT FURTHER RESOLVED**, that Town Clerk shall forward a certified copy of this resolution to Bob Gammon, 70 Woodside Lane, Laurel, NY 11948, and Suffolk County Dept. of Health Services (WIC Administrative Office), H. Lee Dennison Building 100 Veterans Memorial Hwy., PO Box 6100, Hauppauge, NY 11788, and an electronic copy to the Community Development Department.

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

THE VOTE

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

The Resolution Was  Thereupon Duly Declared Adopted

06.19.12  
120491

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 491**

**PAYS BILLS**

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

ABSTRACT #12-22 June 07, 2012 (TBM 6/19/12)				
FUND NAME			6/7/2012	GRAND TOTALS
GENERAL FUND	1		257,482.66	257,482.66
RECREATION PROGRAM FUND	6		750.00	750.00
MULTI YEAR OPERATING GRANT FUN	99		398.18	398.18
HIGHWAY FUND	111		126,566.07	126,566.07
WATER DISTRICT	112		396,911.32	396,911.32
RIVERHEAD SEWER DISTRICT	114		13,652.24	13,652.24
REFUSE & GARBAGE COLLECTION DI	115		1,725.18	1,725.18
REET LIGHTING DISTRICT	116		1,204.06	1,204.06
AMBULANCE DISTRICT	120		230,916.25	230,916.25
EAST CREEK DOCKING FACILITY FU	122		457.34	457.34
CALVERTON SEWER DISTRICT	124		141.93	141.93
RIVERHEAD SCAVANGER WASTE DIST	128		5,904.13	5,904.13
CDBG CONSORTIUM ACOUNT	181		79.68	79.68
GENERAL FUND DEBT SERVICE	384		232,751.75	232,751.75
TOWN HALL CAPITAL PROJECTS	406		57,854.00	57,854.00
RIVERHEAD SEWER CAPITAL PROJEC	414		4,325.44	4,325.44
CALVERTON SEWER CAPITAL PROJEC	424		2,339.94	2,339.94
TRUST & AGENCY	735		13,986,078.00	13,986,078.00
COMMUNITY PRESERVATION FUND	737		6,909.25	6,909.25
CALVERTON PARK - C.D.A.	914		16,303.00	16,303.00
TOTAL ALL FUNDS			15,342,750.42	15,342,750.42

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

06.19.12  
120491

ADOPTED

TOWN OF RIVERHEAD

Resolution # 491

PAYS BILLS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

FUND NAME			6/14/2012	GRAND TOTALS
ABSTRACT #12-23 June 14, 2012 (TBM 6/19/12)				
GENERAL FUND	1		1,864,940.20	1,864,940.20
RECREATION PROGRAM FUND	6		5,545.26	5,545.26
CHILD CARE CENTER BUILDING FUN	9		51.33	51.33
ECONOMIC DEVELOPMENT ZONE FUND	30		52.01	52.01
HIGHWAY FUND	111		515,168.85	515,168.85
WATER DISTRICT	112		120,855.07	120,855.07
RIVERHEAD SEWER DISTRICT	114		75,399.96	75,399.96
REFUSE & GARBAGE COLLECTION DI	115		6,627.23	6,627.23
STREET LIGHTING DISTRICT	116		11,981.64	11,981.64
PUBLIC PARKING DISTRICT	117		1,816.27	1,816.27
BUSINESS IMPROVEMENT DISTRICT	118		28,839.12	28,839.12
AMBULANCE DISTRICT	120		1,232.92	1,232.92
EAST CREEK DOCKING FACILITY FU	122		406.00	406.00
CALVERTON SEWER DISTRICT	124		8,768.47	8,768.47
RIVERHEAD SCAVANGER WASTE DIST	128		40,813.96	40,813.96
RISK RETENTION FUND	175		256.85	256.85
CDBG CONSORTIUM ACOUNT	181		717.87	717.87
TOWN HALL CAPITAL PROJECTS	406		285,297.10	285,297.10
TRUST & AGENCY	735		3,251,628.98	3,251,628.98
SPECIAL TRUST	736		55,000.00	55,000.00
CALVERTON PARK - C.D.A.	914		25.31	25.31
TOTAL ALL FUNDS			6,275,424.40	6,275,424.40

THE VOTE

Giglio  Yes  No Gabrielsen  Yes  No

Wooten  Yes  No Dunleavy  Yes  No

Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

06.19.12  
120492

ADOPTED

TOWN OF RIVERHEAD

Resolution # 492

GENERAL FUND TRANSFER  
BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Superintendent of Recreation is requesting a transfer of funds to Highway for work at the new Dog Park;

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

		<u>FROM</u>	<u>TO</u>
001.070200.542600	Printing	5,000	
111.051100.541301	Blacktop, Road Oil and Patch		5,000

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

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

THE VOTE

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

The Resolution Was  Thereupon Duly Declared Adopted

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution #492 was TAKEN OFF THE FLOOR

THE VOTE:

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

TOWN OF RIVERHEAD

Resolution # 493

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN ADDENDUM TO THE AGREEMENT WITH BLACK BOX TO AUDIT TELEPHONE BILLING FOR THE TOWN OF RIVERHEAD**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, Black Box Network Services (hereinafter referred to as "Black Box") is a company specializing in comprehensive voice communications and data infrastructure solutions; and

**WHEREAS**, the Town Board, by Resolution # 62 adopted on January 18, 2012, authorized the supervisor to execute a professional services agreement with Black Box to perform a historical audit (review and complete analysis of past telephone billing, including rate and function of equipment) with the goal of recoupage of refunds due from telephone carrier related to overbilling or failure to deliver contracted services, development of cost saving plan, assistance in technical conversion to an improved plan; and

**WHEREAS**, pursuant to the terms of the Professional Services Agreement between the Town and Black Box, a fee for services was contingent upon Black Box's success in obtaining a refund or credit to the Town; and

**WHEREAS**, Black Box completed review and complete analysis of past telephone billing, including rate and function of equipment, and reported to the Town that there existed numerous charges for lines and circuits no longer operable or used by the Town such that Black Box seeks to direct removal and discontinuance of the lines and circuits and demand a \$75,000.00 credit from Verizon; and

**WHEREAS**, the Information Technology Department and Engineering Department, seek to re-review the lines and circuits prior to disconnection and demand for refund to make certain that the lines and circuits to be disconnected are not necessary for the functions of Town government to avoid an error as any error in the determination of the lines or circuits to be disconnected would require the Town to incur considerable expense for re-connection; and

**WHEREAS**, Black Box has agreed to enter into an Addendum to the original Professional Services Agreement to delay payment for a forty five day period to make certain all lines and circuits that are deemed obsolete or otherwise not necessary for the function of Town government are not subject to error and reconnection charge and

Black Box has also agreed to forego any fees related to lines and circuits taken down in error and subject to reconnection fee; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Riverhead authorizes the Supervisor to execute an Addendum to the original Professional Services Agreement between the Town and Black Box in substantially the same form as annexed hereto which includes a provision that the Information Technology Department and Engineering Department shall confirm that the lines and circuits identified by Black Box are obsolete and subject to disconnection to enable Black Box to move forward with the demand for refund/credit owned to the Town by Verizon; and

**RESOLVED**, the Town Clerk shall provide a copy of this resolution to: Black Box at 1 Huntington Quadrangle, Suite 2NO1, Melville, NY 11747, Information Technology Department and Engineering Department; and

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution #493 was TAKEN OFF THE FLOOR

**THE VOTE:**

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

**ADDENDUM TO THE  
CONSULTANT/PROFESSIONAL SERVICES AGREEMENT BETWEEN TOWN OF  
RIVERHEAD AND BLACK BOX**

This Agreement made the \_\_\_\_\_ of June, 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 Black Box Network Services, Inc., a corporation existing under the laws of the State of New York with a principal place of business at 1 Huntington Quadrangle, Suite 2N01, Melville, NY 11747 (hereinafter referred to as "Consultant").

WHEREAS, the Town Board, by Resolution # 62 adopted on January 18, 2012, authorized the supervisor to execute a professional services agreement with Black Box to perform a historical audit (review and complete analysis of past telephone billing, including rate and function of equipment) with the goal of recoupment of refunds due from telephone carrier related to overbilling or failure to delivery contracted services, development of cost saving plan, assistance in technical conversion to an improved plan; and

WHEREAS, pursuant to the terms of the Professional Services Agreement between the Town and Black Box, a fee for services was contingent upon Black Box's success in obtaining a refund or credit to the Town; and

WHEREAS, Black Box completed review and complete analysis of past telephone billing, including rate and function of equipment, and reported to the Town that there existed numerous charges for lines and circuits no longer operable or used by the Town such that Black Box seeks to direct removal and discontinuance of the lines and circuits and demand a \$75,000.00 credit from Verizon; and

WHEREAS, the Information Technology Department and Engineering Department, seek to re-review the lines and circuits prior to disconnection and demand for refund to make certain that the lines and circuits to be disconnected are not necessary for the functions of Town government to avoid an error as any error in the determination of the lines or circuits to be disconnected would require the Town to incur considerable expense for re-connection; and

WHEREAS, Black Box has agreed to enter into an Addendum to the original Professional Services Agreement to delay payment for a forty five day period to make certain all lines and circuits that are deemed obsolete or otherwise not necessary for the function of Town government are not subject to error and reconnection charge and Black Box has also agreed to forego any fees related to lines and circuits taken down in error and subject to reconnection fee; and

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

1. The Town, by the Information Technology Department and Engineering Department, shall confirm, in writing, that the lines and circuits identified by Black Box are obsolete and subject to disconnection to enable Black Box to move forward with the demand for refund/credit owned to the Town by Verizon within five days from the date of this agreement or such other time as required and necessary to preserve the Town's ability to obtain a refund/credit for charges related to obsolete, inoperable, defunct lines and circuits; and
2. Consultant agrees to delay payment and receipt of any fee due Consultant for a forty five day period to afford the Town to make certain all lines and circuits identified in paragraph 1 above are in fact obsolete or otherwise not necessary for the function of Town government to avoid penalty or reconnection fees; and
3. Consultant agrees that the fee provision set forth in paragraph three of the original agreement which stated "For these services Town of Riverhead will pay Consultant 50% of the amount of past overcharges credited to and collected by the Town of Riverhead..." be amended to reflect that Consultant shall not be entitled to any fees related to lines and circuits taken down in error and subject to reconnection fee; and
4. Town and Consultant agree that all other terms and conditions set forth in the original professional services agreement shall remain in full force and effect.

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

TOWN OF RIVERHEAD

BLACK BOX NETWORK SERVICES

By: Sean Walter, Supervisor  
President

By: John, J. Coyne, Sr. Vice

06.19.12  
120494

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 494**

**AUTHORIZES DOWNTOWN SOLID WASTE COLLECTION SITE AGREEMENT  
BETWEEN THE TOWN OF RIVERHEAD, TOWN OF RIVERHEAD PARKING  
DISTRICT, AND SUFFOLK COUNTY COMMUNITY COLLEGE CULINARY ARTS  
AND HOSPITALITY CENTER, HAIKU, BLUE AGAVE MEXICAN GRILL AND  
BARTH'S PHARMACY**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, The Suffolk County Community College Culinary Arts and Hospitality Center, located at 20 East Main Street, Riverhead, NY; Haiku, located at 40 E. Main St Riverhead, NY; Blue Agave Mexican Grill, located at 40 E. Main St Riverhead, NY and Barth's Pharmacy, located at 32 East Main Street, Riverhead, NY (hereinafter collectively referred to as "Downtown Northside Business Owners") all operate businesses located in Downtown Riverhead Business District on the north side of Main Street, Riverhead, NY; and

**WHEREAS**, the Downtown Northside Business Owners seek to improve the downtown business area and remove dumpsters for the collection of solid waste and recyclables from their respective properties and instead consolidate the dumpsters and locate same to a location central and convenient to all of the above named Downtown Northside Business Owners; and

**WHEREAS**, the Downtown Northside Business Owners seek to locate a dumpster (s) for the collection of solid waste and recyclables on land owned by the Town of Riverhead Parking District; and

**WHEREAS**, the Town and Town of Riverhead Parking District seeks to improve the general downtown area and seeks to support efforts of property and business owners to improve the aesthetic quality of downtown, limit or reduce truck traffic used for the collection of solid waste, support recycling efforts which comply with chapter 103 of the Code of the Town of Riverhead.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement with the Downtown Northside Business Owners in substantially the same form as annexed hereto; and

**BE IT FURTHER RESOLVED**, that the Town Board, as governing body of the Town of Riverhead Parking District, hereby authorizes the Supervisor to execute an agreement with the Downtown Northside Business Owners in substantially the same form as annexed hereto; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to The Suffolk County Community College Culinary Arts and Hospitality Center, 20 East Main Street, Riverhead, NY; Haiku, 40 E. Main St Riverhead, NY; Blue Agave Mexican Grill, 40 E. Main St Riverhead, NY and Barth's Pharmacy, 32 East Main Street, Riverhead, NY, Town Planning Department and the Office of the Town Attorney; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution #494 was TAKEN OFF THE FLOOR

**THE VOTE:**

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

**DOWNTOWN SOLID WASTE COLLECTION SITE**  
**AGREEMENT WITH WAIVER AND HOLD HARMLESS**  
**IN FAVOR OF THE TOWN OF RIVERHEAD and TOWN OF RIVERHEAD**  
**PARKING DISTRICT**

**AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2012 between The Suffolk County Community College Culinary Arts and Hospitality Center, located at 20 East Main Street, Riverhead, NY; Haiku, located at 40 E. Main St Riverhead NY; Blue Agave Mexican Grill, located at 40 E. Main St Riverhead NY; and Barth's Pharmacy, located at 32 East Main Street, Riverhead, NY (hereinafter collectively referred to as "Downtown Northside Business Owners") and TOWN OF RIVERHEAD (hereinafter "TOWN"), a municipal corporation of the State of New York, and TOWN OF RIVERHEAD PARKING DISTRICT, a special improvement district, both located at 200 Howell Avenue, Riverhead, NY 11901

**WHEREAS**, The Suffolk County Community College Culinary Arts and Hospitality Center, located at 20 East Main Street, Riverhead, NY; Haiku, located at 40 E. Main St Riverhead NY; Blue Agave Mexican Grill, located at 40 E. Main St Riverhead NY and Barth's Pharmacy, located at 32 East Main Street, Riverhead, NY (hereinafter collectively referred to as "Downtown Northside Business Owners") all operate businesses located in Downtown Riverhead Business District on the north side of Main Street, Riverhead, NY; and

**WHEREAS**, the Downtown Northside Business Owners seek to improve the downtown business area and remove dumpsters for the collection of solid waste and recyclables from their respective properties and instead consolidate the dumpsters and locate same to a location central and convenient to all of the above named Downtown Northside Business Owners as described and depicted on Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as "Solid Waste Collection Site"); and

**WHEREAS**, the Downtown Northside Business Owners seek to locate a dumpster for the collection of solid waste and recyclables on land owned by the TOWN OF RIVERHEAD PARKING DISTRICT; and

**WHEREAS**, the TOWN and TOWN OF RIVERHEAD PARKING DISTRICT seek to improve the general downtown area and seeks to support efforts of property and business owners to improve the aesthetic quality of downtown, limit or reduce truck traffic used for the collection of solid waste, support recycling efforts which comply with chapter 103 of the Code of the Town of Riverhead; and

**NOW THEREFORE**, the parties agree as follows:

1. The Downtown Northside Business Owners are owners of adjacent property in the Town of Riverhead. The parties agree to share responsibility for use, operation and maintenance of commercial dumpster(s), to be picked up on a regular basis by a collector of solid waste in compliance with Chapter 103 of the Town Code of the Town of Riverhead. The dumpsters shall be located and maintained pursuant to the provisions of the Town Code of the Town of

Riverhead and pursuant to Planning Memorandum dated \_\_\_\_\_ (describing location and improvements required for the dumpster enclosure, to wit: screening, landscape/plantings...) dated \_\_\_\_\_ at the location depicted in Exhibit "A".

2. The Downtown Northside Business Owners parties agree that at the time of this agreement the dumpsters shall be picked up a minimum of two time(s) per week. This pick up schedule may be revised if necessary as determined by the Sanitation Department.
3. The Downtown Northside Business Owners shall be bound by the provisions of the Town Code for the Town of Riverhead and notice of any violation of the Code, including but not limited to, dumping of toxic, hazardous or dangerous materials, congested dumpster bin area, and improper dumpster maintenance shall be deemed sufficient if served on one of the Downtown Northside Business Owners listed above.
4. The cost of relocating, constructing and improving the dumpster enclosure and any necessary or desirable repair or rebuild the whole or any part of the dumpster enclosure, shall be the sole responsibility of the Downtown Southside Business Owners, except that the TOWN OF RIVERHEAD PARKING DISTRICT agrees to pay costs related to the construction of a concrete platform and any fees or charges related to relocation or modification of water and sewer pipes/service lines. Any repair of damages, maintenance, general repairing or rebuilding of the dumpster enclosure shall be on the same location and of the same size as the original enclosure or portion thereof, and of the same or similar material of the same quality as that used in the original enclosure or portion thereof, unless specifically authorized in writing by the Sanitation Department.
5. The Agreement is effective as of the date specified in paragraph 1. In the event, the Downtown Northside Business Owners seek to modify any of the terms of this agreement or terminate the agreement to consolidate and share costs and responsibilities related to collection of solid waste as and between the Downtown Southside Business Owners, one or more of the Downtown Southside Business Owners shall notify the Town Board of the Town of Riverhead and the Town of Riverhead Parking District, in writing, and obtain Town Board and Parking District approval prior to any such modification or termination.
6. Any notices by the Town to the Downtown Northside Business Owners related to the location, improvement, collection of solid waste or the terms of this Agreement shall be deemed effectuated by service on one of the Downtown Northside Business Owners at the business location identified above.
7. The Downtown Northside Business Owners agree to release, indemnify, defend, and hold harmless the TOWN and TOWN OF RIVERHEAD PARKING DISTRICT from and against any claims whatsoever related to an agreement by and between the individual Downtown Southside Business Owners related to their respective duties and responsibilities for costs, fees, maintenance, use of the solid waste collection site and the Downtown Southside Business Owners agree to release, indemnify, defend, and hold harmless the TOWN and TOWN OF RIVERHEAD PARKING DISTRICT from and against any claims whatsoever for damages to property and injury to persons (including death) that arise out of the use of the solid waste collection site by the above named parties and/or their officers, employee, agents, etc. and including acts related to the failure of the above named parties to design, construct, or maintain the dumpsters in accordance with the Town's standards. The indemnification contained in this paragraph shall apply regardless of whether a contributing factor to such damages or injury was the negligent acts or omissions of the above named parties or their respective officers, employees, or agents.

In witness whereof, each party to this agreement has caused it to be executed at Town of Riverhead, on the date indicated above.

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The Suffolk County Community College  
Culinary Arts and Hospitality Center  
BY:  
20 East Main Street, Riverhead, NY

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Haiku  
BY:  
40 E. Main St Riverhead NY

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Blue Agave Mexican Grill  
BY:  
40 E. Main St Riverhead NY

---

Barth's Pharmacy  
BY:  
32 East Main Street, Riverhead, NY

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

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Town of Riverhead Parking District  
  
200 Howell Avenue  
Riverhead, New York 11901  
By: Sean Walter, Supervisor pursuant to  
Authority of Town Board acting as  
governing body of the Parking District

Dated:

06.19.12  
120495

ADOPTED

TOWN OF RIVERHEAD

Resolution # 495

**AUTHORIZES DOWNTOWN SOLID WASTE COLLECTION SITE AGREEMENT  
BETWEEN THE TOWN OF RIVERHEAD, TOWN OF RIVERHEAD PARKING  
DISTRICT AND CODY'S BBQ & GRILL, ROBERT JAMES SALON & SPA, THE  
ATHENS GRILL, TWEEDS RESTAURANT & BUFFALO BAR, RIVERHEAD  
VACUUM & SEWING CENTER  
AND DARK HORSE RESTAURANT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, Cody's BBQ & Grill, located at 65 East Main Street, Riverhead, NY; Robert James Salon & Spa located at 49 East Main Street, Riverhead, NY; The Athens Grill, located at 33 East Main Street, Riverhead, NY; Tweeds Restaurant & Buffalo Bar, located at 17 East Main Street, Riverhead, NY; Riverhead Vacuum & Sewing Center, located at 31 East Main Street, Riverhead, NY; and Dark Horse Restaurant, located at 1 East Main Street, Riverhead, NY (hereinafter collectively referred to as "Downtown Southside Business Owners") all operate businesses located in Downtown Riverhead Business District on the south side of Main Street, Riverhead, NY; and

**WHEREAS**, the Downtown Southside Business Owners seek to improve the downtown business area and remove dumpsters for the collection of solid waste and recyclables from their respective properties and instead consolidate the dumpsters and locate same to a location central and convenient to all of the above named Downtown Southside Business Owners; and

**WHEREAS**, the Downtown Southside Business Owners seek to locate a dumpster and compactor for the collection of solid waste and a second compactor for the collection of cardboard on property owned by the Town and located within the Town of Riverhead Parking District; and

**WHEREAS**, the Town and Town of Riverhead Parking District seek to improve the general downtown area and seeks to support efforts of property and business owners to improve the aesthetic quality of downtown, limit or reduce truck traffic used for the collection of solid waste, support recycling efforts which comply with chapter 103 of the Code of the Town of Riverhead.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement with the Downtown Southside Business Owners in substantially the same form as annexed hereto; and

**BE IT FURTHER RESOLVED**, that the Town Board, as governing body of the Town of Riverhead Parking District, hereby authorizes the Supervisor to execute an agreement with the Downtown Southside Business Owners in substantially the same form as annexed hereto; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Cody's BBQ & Grill, 65 East Main Street, Riverhead, NY; Robert James Salon & Spa, 49 East Main Street, Riverhead, NY; The Athens Grill, 33 East Main Street, Riverhead, NY; Tweeds Restaurant & Buffalo Bar, 17 East Main Street, Riverhead, NY; Riverhead Vacuum & Sewing Center, 31 East Main Street, Riverhead, NY; and Dark Horse Restaurant, 1 East Main Street, Riverhead, NY; Town Planning Department and 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

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution #495 was TAKEN OFF THE FLOOR

**THE VOTE:**

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

**DOWNTOWN SOLID WASTE COLLECTION SITE**  
**AGREEMENT WITH WAIVER AND HOLD HARMLESS**  
**IN FAVOR OF THE TOWN OF RIVERHEAD and TOWN OF**  
**RIVERHEAD PARKING DISTRICT**

**AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2012 between Cody's BBQ & Grill, located at 65 East Main Street, Riverhead, New York; Robert James Salon & Spa located at 49 East Main Street, Riverhead, New York; The Athens Grill, 33 East Main Street, Riverhead, New York; Tweeds Restaurant & Buffalo Bar, 17 East Main Street, Riverhead, New York; Riverhead Vacuum & Sewing Center, 31 East Main Street, Riverhead, New York; and Dark Horse Restaurant, 1 East Main Street, Riverhead, New York (hereinafter collectively referred to as "Downtown Southside Business Owners") and TOWN OF RIVERHEAD (hereinafter "TOWN"), a municipal corporation of the State of New York, and TOWN OF RIVERHEAD PARKING DISTRICT, a special improvement district, both located at 200 Howell Avenue, Riverhead, NY 11901

**WHEREAS**, Cody's BBQ & Grill, located at 65 East Main Street, Riverhead, New York; Robert James Salon & Spa located at 49 East Main Street, Riverhead, New York; The Athens Grill, 33 East Main Street, Riverhead, New York; Tweeds Restaurant & Buffalo Bar, 17 East Main Street, Riverhead, New York; Riverhead Vacuum & Sewing Center, 31 East Main Street, Riverhead, New York; and Dark Horse Restaurant, 1 East Main Street, Riverhead, New York (hereinafter collectively referred to as "Downtown Southside Business Owners") all operate businesses located in Downtown Riverhead Business District on the south side of Main Street, Riverhead, NY; and

**WHEREAS**, the Downtown Southside Business Owners seek to improve the downtown business area and remove dumpsters for the collection of solid waste and recyclables from their respective properties and instead consolidate the dumpsters and locate same to a location central and convenient to all of the above named Downtown Southside Business Owners as described and depicted on Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as "Solid Waste Collection Site"); and

**WHEREAS**, the Downtown Southside Business Owners seek to locate a dumpster and compactor for the collection of solid waste and a second compactor for the collection of cardboard on land owned by the TOWN and located within the TOWN OF RIVERHEAD PARKING DISTRICT; and

**WHEREAS**, the TOWN and TOWN OF RIVERHEAD PARKING DISTRICT seeks to improve the general downtown area and seeks to support efforts of property and business owners to improve the aesthetic quality of downtown, limit or reduce truck traffic used for the collection of solid waste, support recycling efforts which comply with chapter 103 of the Code of the Town of Riverhead; and

**NOW THEREFORE**, the parties agree as follows:

1. The Downtown Southside Business Owners are owners of adjacent property in the Town of Riverhead. The parties agree to share responsibility for use, operation and maintenance

of two (2) commercial dumpster/compactors, to be picked up on a regular basis by a collector of solid waste in compliance with Chapter 103 of the Town Code of the Town of Riverhead. The dumpsters shall be located and maintained pursuant to the provisions of the Town Code of the Town of Riverhead and pursuant to Planning Memorandum dated \_\_\_\_\_ (describing location and improvements required for the dumpster enclosure, to wit: screening, landscape/plantings...) at the location depicted in Exhibit "A".

2. The Downtown Southside Business Owners parties agree that at the time of this agreement the dumpsters shall be picked up a minimum of two time(s) per week. This pick up schedule may be revised if necessary as determined by the Sanitation Department.
3. The Downtown Southside Business Owners shall be bound by the provisions of the Town Code for the Town of Riverhead and notice of any violation of the Code, including but not limited to, dumping of toxic, hazardous or dangerous materials, congested dumpster bin area, and improper dumpster maintenance shall be deemed sufficient if served on one of the Downtown Southside Business Owners listed above.
4. The cost of relocating, constructing and improving the dumpster enclosure and any necessary or desirable repair or rebuild the whole or any part of the dumpster enclosure, shall be the sole responsibility of the Downtown Southside Business Owners, except that the TOWN OF RIVERHEAD PARKING DISTRICT agrees to pay costs related to the construction of a concrete platform and any fees or charges related to relocation or modification of water and sewer pipes/service lines. Any repair of damages, maintenance, general repairing or rebuilding of the dumpster enclosure shall be on the same location and of the same size as the original enclosure or portion thereof, and of the same or similar material of the same quality as that used in the original enclosure or portion thereof, unless specifically authorized in writing by the Sanitation Department.
5. The Agreement is effective as of the date specified in paragraph 1. In the event, the Downtown Southside Business Owners seek to modify any of the terms of this agreement or terminate the agreement to consolidate and share costs and responsibilities related to collection of solid waste as and between the Downtown Southside Business Owners, one or more of the Downtown Southside Business Owners shall notify the Town Board of the Town of Riverhead and the Town of Riverhead Parking District, in writing, and obtain Town Board and Parking District approval prior to any such modification or termination.
6. Any notices by the Town to the Downtown Southside Business Owners related to the location, improvement, collection of solid waste or the terms of this Agreement shall be deemed effectuated by service on one of the Downtown Southside Business Owners at the business location identified above.
7. The Downtown Southside Business Owners agree to release, indemnify, defend, and hold harmless the TOWN and TOWN OF RIVERHEAD PARKING DISTRICT from and against any claims whatsoever related to an agreement by and between the individual Downtown Southside Business Owners related to their respective duties and responsibilities for costs, fees, maintenance, use of the solid waste collection site and the Downtown Southside Business Owners agree to release, indemnify, defend, and hold

harmless the TOWN and TOWN OF RIVERHEAD PARKING DISTRICT from and against any claims whatsoever for damages to property and injury to persons (including death) that arise out of the use of the solid waste collection site by the above named parties and/or their officers, employee, agents, etc. and including acts related to the failure of the above named parties to design, construct, or maintain the dumpsters in accordance with the Town's standards. The indemnification contained in this paragraph shall apply regardless of whether a contributing factor to such damages or injury was the negligent acts or omissions of the above named parties or their respective officers, employees, or agents.

In witness whereof, each party to this agreement has caused it to be executed at Town of Riverhead, on the date indicated above.

\_\_\_\_\_  
Cody's BBQ & Grill

BY:

65 East Main Street, Riverhead, New York

\_\_\_\_\_  
Robert James Salon & Spa

BY:

49 East Main Street, Riverhead, New York

\_\_\_\_\_  
The Athens Grill

BY:

3 East Main Street, Riverhead, New York

\_\_\_\_\_  
Tweeds Restaurant & Buffalo Bar

BY:

17 East Main Street, Riverhead, New York

\_\_\_\_\_  
Riverhead Vacuum & Sewing Center

BY:

31 East Main Street, Riverhead, New York

\_\_\_\_\_  
Dark Horse Restaurant

BY:

1 East Main Street, Riverhead, New York

\_\_\_\_\_  
Town of Riverhead

200 Howell Avenue

Riverhead, New York 11901

By: Sean Walter, Supervisor

\_\_\_\_\_  
Town of Riverhead Parking District

200 Howell Avenue

Riverhead, New York 11901

By: Sean Walter, Supervisor pursuant to  
Authority of Town Board acting as  
governing body of the Parking District

Dated:

06.05.12 TABLED  
06.19.12 UNTABLED  
06.19.12 ADOPTED

06.05.12  
120432

**TOWN OF RIVERHEAD**

**Resolution # 432**

**AWARDS BID FOR AUTOMATED VEHICLE LOCATION AND MONITORING (AVLM)  
FOR TOWN OF RIVERHEAD HIGHWAY DEPARTMENT FLEET**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town Board of the Town of Riverhead, by Resolution #110 adopted on February 7, 2012, authorized the issuance of a Request for Proposals for Automated Vehicle Location and Monitoring (AVLM) for Town of Riverhead Highway Department Fleet; and

**WHEREAS**, pursuant to the terms of the Request for Proposals, each proposal must comply with the instructions in the Notice to Bidders and required that all proposals be submitted on or before 11:00 am on March 15, 2012; and

**WHEREAS**, five (5) responses to the Request for Proposals were received, opened and read aloud on March 15, 2012 at 11:00 am in the office of the Town Clerk, 200 Howell Avenue, Riverhead, New York; and

**WHEREAS**, the Town Highway Superintendent together with Town Information Technology personnel and the Office of the Town Attorney, did review and evaluate all proposals; and

**WHEREAS**, after serious consideration and evaluation, the Town Highway Superintendent, Town Information Technology personnel and the Office of the Town Attorney determined that Vehicle Tracking Solutions was the lowest responsible bidder and recommend that the bid be awarded to Vehicle Tracking Solutions.

**NOW THEREFORE BE IT RESOLVED**, that the bid for the Automated Vehicle Location and Monitoring (AVLM) for Town of Riverhead Highway Department Fleet (approximately 62 vehicles) be and is hereby awarded to Vehicle Tracking Solutions (VTS) in the amount not to exceed: \$26.99 per month for each vehicle (includes lease of GPS equipment, installation, cellular service); a reduction of fee for each vehicle placed on "limited real time" (monthly fee reduced to \$5.00 per vehicle placed on "limited real time", unlimited training, free service calls and upload all data quarterly at no charge and GPS transfers by VTS limited to billing at \$65.00 per hour (approx 1 hour) and/or

free training from VTS technician such that transfers may be completed by town personnel; and be it further

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

**RESOVLED**, that the Town Board be and does hereby authorize the Town Highway Superintendent to execute a professional services agreement which has been prepared and approved by the Office of Town Attorney, and thereafter secure a purchase order from the Town Purchasing Department in the amount reflected in the professional services agreement; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized directed to forward a copy of this resolution to John M. Cunningham Jr., President/CEO, Vehicle Tracking Solutions, 10 E. 5<sup>th</sup> Street, Deer Park, NY 11729, Town Highway Department, Town Accounting Department and Town Purchasing Department; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared **TABLED**

06.19.12

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution #432 was **UNTABLED**

**THE VOTE:**

YES – 3      Giglio, yes; Wooten, yes; Dunleavy, yes;  
NO – 2      Gabrielsen, no; Walter, no

Immediately thereafter, on a motion by Councilwoman Giglio, seconded by Councilman Dunleavy, resolution #432 was **ADOPTED**

**THE VOTE:**

YES – 3      Giglio, yes; Wooten, yes; Dunleavy, yes;  
NO – 2      Gabrielsen, no; Walter, no