

**DECEMBER 27, 2012**

**CDA RESOLUTION LIST:**

**CDA**

**Res. #21      Ratifies Execution of Agreement by the Chairman of the Town of Riverhead Community Development Agency with Insurance Auto Auctions Corp.**

**TOWN BOARD RESOLUTIONS:**

**Res. #971      Awards Bid for Insurance Brokerage Services**

**Res. #972      General Fund Police Department Budget Adjustment**

**Res. #973      Information Technology Budget – Budget Adjustment**

**Res. #974      Sewer District Budget Adjustment**

**Res. #975      Adopts a Local Law to Amend Chapter 108 Entitled “Zoning” of the Code of the Town of Riverhead**

**Res. #976      Authorizes the Supervisor to Execute a Rider Agreement for Consultant/Professional Services with Intelli-Tec Security Services, LLC**

**Res. #977      Reappoints Member to the Riverhead Industrial Development Agency (Dawn C. Thomas)**

**Res. #978      Reappoints Member to the Riverhead Industrial Development Agency (Paul Thompson)**

**Res. #979      Refers Chapter 62 Application of Justin Purchasing Corp to the Agricultural Advisory Committee**

**Res. #980      Officially Naming the Park at EPCAL Located in Calverton as “Veterans Memorial Park”**

**Res. #981      Accepts Donation from Joseph and Rosemary Czulada, Owners of Trees for Planting at East End Arts Property**

**Res. #982      Appoints Bee Ready Fishbein Hatter & Donovan, LLP as Special Counsel in the Matter of Michael Argenti v. Town of Riverhead, et. al.**

**Res. #983      Pays Bills**

12.27.12  
120021

ADOPTED

**TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY**

**Resolution # 21**

**RATIFIES EXECUTION OF AGREEMENTS BY THE CHAIRMAN OF THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY WITH INSURANCE AUTO AUCTIONS CORP.**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilman Dunleavy,

**WHEREAS**, beginning on October 29, 2012, and continuing thereafter, Hurricane Sandy brought damaging winds and severe storm surge throughout lower New York State, including the Town of Riverhead, the County of Suffolk, causing record flooding that severely devastated the aforementioned areas; and

**WHEREAS**, on November 15, 2012, the Town of Riverhead Community Development Agency (“sometimes CDA”) authorized the Chairman of the CDA to enter into an agreement with Insurance Auto Auctions Corp. (“IAA”) for the temporary storage of vehicles damaged by Hurricane Sandy on the 7,000 foot runway and associated taxiway and other paved areas at the Enterprise Park at Calverton (“EPCAL”); and

**WHEREAS**, on December 4, 2012, the CDA ratified the execution an agreement with IAA for the temporary storage of vehicles damaged by Hurricane Sandy on the 10,000 foot active runway only at EPCAL by the Chairman of the CDA; and

**WHEREAS**, IAA has acted in compliance with all state and local laws and regulations since the commencement of the aforementioned agreement; and

**WHEREAS**, IAA notified the CDA of the need of further paved areas for the temporary storage of cars damaged by Hurricane Sandy and desire to use the taxiway area adjacent to the 10,000 foot runway at EPCAL under ownership and or control of Skydive Realty, LLC, Riveredge, LLC and the CDA; and

**WHEREAS**, IAA has agreed to indemnify the CDA for any accident, loss, damage, injury, fine, fee, cost, expense or other claim as result of IAA use of the property and to provide public liability and property damage insurance with the Town of

Riverhead Community Development Agency named as an additionally named insured in a form acceptable to the Town Attorney's Office.

**NOW, THEREFORE, BE IT RESOLVED**, that in the matter of the consent agreements and the Temporary License Agreement with IAA for the use of the taxiway adjacent to the 10,000 foot runway at EPCAL the Town of Riverhead Community Development Agency hereby declares itself to be the Lead Agency and further determines the Action to be an Type I action pursuant to 6NYCRR Part 617 with no significant adverse impacts to either the natural or social environment and that a Draft Environmental Impact Statement need not be prepared; and

**BE IT FURTHER RESOLVED**, that the CDA be and hereby ratifies the execution of a the following agreement by the Chairman for the taxiway area adjacent to the 10,000 foot at a fee of three thousand two hundred dollars an acre per month: (1) Waiver and Consent Agreement to temporary license agreements between Skydive Realty LLC and IAA for 3.606 acres; (2) Waiver and Consent Agreement to temporary license agreements between Riveredge, LLC and IAA for 1.87 acres; and (3) Temporary License Agreement between CDA and IAA for 7.8 acres; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Insurance Auto Auctions, Inc., Two Westbrook Corporate Center, Suite 500, Westchester, Illinois 60154, Attention Richard Hoopis, Esq. and Skydive Long Island, 220 Pleasure Drive, Flanders, New York 11901.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

12.27.12  
120971

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 971**

**AWARDS BID FOR INSURANCE BROKERAGE SERVICES**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Board of the Town of Riverhead, by Resolution #855 adopted on November 7, 2012, authorized the issuance of a Request for Proposals for Insurance Brokerage Services; 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 November 27, 2012; and

**WHEREAS**, one (1) response to the Request for Proposals were received, opened, and read aloud on November 27, 2012 at 11:04 am in the office of the Town Clerk, 200 Howell Avenue, Riverhead, New York; and

**WHEREAS**, the Town Financial Administrator, together with the Office of the Town Attorney, did review and evaluate the proposal; and

**WHEREAS**, after serious consideration and evaluation, the Town Financial Administrator and Town Attorney determined that the sole bidder, Arthur J. Gallagher & Co. Risk Management Services, Inc., did submit a responsible bid for the above described services and recommends that the bid be awarded to Arthur J. Gallagher & Co., Risk Management Services, Inc.

**NOW THEREFORE BE IT RESOLVED**, that the bid for Insurance Brokerage Services for the Town of Riverhead be and is hereby awarded to Arthur J. Gallagher & Co., Risk Management Services, Inc.; and be it further

**RESOVLED**, that the Town Board be and does hereby authorize the Supervisor to execute an agreement in a form to be approved by the Office of the Town Attorney with Arthur J. Gallagher & Co., Risk Management Services, Inc.; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized directed to forward a copy of this resolution to Arthur J. Gallagher & Co., Risk Management Services, Inc., 2 Gannett Drive, White Plains, New York 10604; 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  -Absent

Gabrielsen  Yes  No

Wooten  Yes  No

Dunleavy  Yes  No

Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

12.27.12  
120972

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 972**

**GENERAL FUND**  
**Police Department**

**BUDGET ADJUSTMENT**

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

**WHEREAS**, the Police Department is requesting a transfer of funds to pay for costs associated with the purchase of police vehicles;

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

		<b><u>FROM</u></b>	<b><u>TO</u></b>
001.031200.541500	Motor Vehicle Expense	5,000	
	001.031200.524101 Vehicles		5,000

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

12.27.12  
120973

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 973**

**INFORMATION TECHNOLOGY BUDGET**

**BUDGET ADJUSTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, a transfer of funds is requested by the Information Technology Department to cover the cost of Phase II for Virtual Desktop project;

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

		<b><u>FROM</u></b>	<b><u>TO</u></b>
001.016800.542700	Computer Supplies	7,166.90	
001.016800.541409	Maintenance Contract	4,000.00	
001.016800.543400	Education	4,000.00	
001.016800.543900	Miscellaneous Consultants	10,109.39	
001.016800.524000	Equipment		25,276.29

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

**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 type="checkbox"/> -Absent	Gabrielsen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Thereupon Duly Declared Adopted

12.27.12  
120974

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 974**

**SEWER DISTRICT**

**BUDGET ADJUSTMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS** a transfer of funds is requested by the Riverhead Sewer District Superintendent to cover the costs of repairing a pump for the sewer plant.

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

		<b><u>FROM</u></b>	<b><u>TO</u></b>
114.000000.499999	Riverhead Sewer Fund Balance	7,400	
114.081300.541100	Building Repairs and Maintenance		7,400

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

**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 type="checkbox"/> -Absent	Gabrielsen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Thereupon Duly Declared Adopted

12.27.12  
120975

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 975**

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED  
"ZONING" OF THE CODE OF THE TOWN OF RIVERHEAD**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 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 December, 2012 at 2:05 o'clock p.m. 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 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 -Absent  
Wooten Yes No

Gabrielsen 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 the Chapter 108 entitled "Zoning" of the Riverhead Town Code, at its regular meeting held on December 27, 2012. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

CHAPTER 108

Zoning

**Article VIII Accessory Apartments (§ 108-34 - § 108-39)**

**§ 108-37. Accessory Apartment Review Board.**

- D. All applications made to the Board shall be in writing, on forms prescribed by the Board. The Accessory Apartment Review Board shall fix a reasonable time for the hearing of the application and give public notice thereof, as well as due notice to the applicant. The applicant shall mail notice of the hearing posted at least seven days prior to the date of the public hearing by either certified or registered mail, return receipt requested, to every property owner, as shown on the current Riverhead assessment rolls, owning property immediately adjacent and contiguous to that of the applicant. For purposes of this section, property separated from that of the application by a public road or right-of-way shall be deemed contiguous.

**Article XVIII Amendments and Changes (§108-79 – §108-83)**

**§ 108-80. Applications for change or amendment.**

All petitions, exclusive of a change or amendment initiated by the Town Board on its own motion, for a change or amendment to this chapter (including any part incorporated therein) shall be made by filing the original and 13 copies and shall be accompanied by 14 copies of an accurately drawn map showing the dimensions of the property to be considered, tied in by distance to the nearest recognized street intersection. A last owners' search certified by a New York State licensed attorney-at-law or title company with offices in Suffolk County, certifying the current owner of all adjoining parcels within a radius of 500 feet of the subject property, shall be filed with the Town Clerk. For the purpose of this section, "current owner" shall mean the owner of record as shown on the current Riverhead Town assessment roll. Upon application, the Town Clerk shall provide to the applicant a sign to be immediately posted at the property indicating that a change of zone application is pending before the Riverhead Town Board. Said application shall be referred to the Planning Board, which will transmit its recommendations to the Town

Board within 60 days of the date of referral. After receipt of the recommendations of the Planning Board, the Town Board shall hold a public hearing upon notice as required by § 265 of the Town Law. The Town Clerk shall forward the public hearing notice to the applicant, or his agent, by certified mail, and the applicant, or his agent, shall then fill in the date and time of the public hearing on the sign heretofore posted at the subject property. Additionally, the applicant, or his agent, shall forward a certified copy of the public hearing notice, by certified mail, to all property owners within a five-hundred-foot radius of the subject property, posted at least seven days prior to the date of the public hearing to be affected by the change of zone, and the applicant shall pay all expenses of said hearing, including but not limited to publication costs, postage and transcription of testimony. The Town Board may require the sworn testimony of such persons as it deems necessary for a full and complete hearing on the application. The Town Board may adjourn the public hearing for the purpose of taking further testimony or requiring the production of further information.

**Article XXVIA. Special Permit (§108-133.1 - §108-133.7)**

**§ 108-133.4. Application procedure.**

C. Town Board public hearing. After receipt of the recommendations of the Planning Board (in the event the application was referred to the Planning Board), the Town Board shall hold a public hearing upon public notice and other notices as required by the Town Law. The applicant or his/her representative shall forward a certified copy of the public hearing notice by certified mail to all property owners within a five-hundred-foot radius of the subject property posted at least seven days prior to the date of the public hearing, and the applicant shall pay all expenses of said hearing, including but not limited to publication costs, postage and transcription of testimony. Public notice of said hearing shall be printed in a newspaper of general circulation in the Town at least five days prior to the date thereof. All testimony at the public hearing before the Town Board shall be given under oath. The Town Board may require the sworn testimony of such persons as it deems necessary for a full and complete hearing on the application. The Town Board may adjourn the public hearing for the purpose of taking further testimony or requiring the production of further information. The Town Board shall decide upon the application within 62 days after the close of the hearing. The time within which the Town Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Town Board on the application after the close of the public hearing shall be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

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

Dated: Riverhead, New York  
December 27, 2012

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

**DIANE M. WILHELM**, Town Clerk

TOWN OF RIVERHEAD

Resolution # 976

**AUTHORIZES THE SUPERVISOR TO EXECUTE A RIDER  
AGREEMENT FOR CONSULTANT/PROFESSIONAL SERVICES WITH  
INTELLI-TEC SECURITY SERVICES, LLC**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, by Resolution #945 adopted by the Riverhead Town Board on December 20, 2011, the Supervisor was authorized to enter into a Professional Services Agreement with Intelli-Tec Security Services, LLC for fire and security alarm services at various Town facilities, which included a term period from January 1, 2012 to December 31, 2012; and

**WHEREAS**, the Riverhead Town Board wishes to extend the term period from January 1, 2013 to December 31, 2013; and

**WHEREAS**, Intelli-Tec Security Services, LLC is ready, willing and able to continue to provide fire and security alarm services at various Town facilities for a fee of \$13,345.00, the same amount in the 2012 contract.

**NOW THEREFORE BE IT RESOLVED**, that the Riverhead Town Board hereby authorizes the Supervisor to execute a Rider Agreement for Consultant/Professional Services with Intelli-Tec Security Services, LLC in substantially the same form as annexed hereto and subject to review and recommendation by the Office of the Town Attorney; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Intelli-Tec Security Services, LLC, 2000 Shames Drive, Westbury, NY 11590; 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 -Absent      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

## **RIDER AGREEMENT FOR CONSULTANT/PROFESSIONAL SERVICES**

This Rider Agreement made the \_\_\_\_\_ of \_\_\_\_\_, 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 "Town") and Intelli-Tec Security Services, LLC, a business entity existing under the laws of the State of New York with a principal place of business at 2000 Shames Drive, Westbury, NY 11590 (hereinafter referred to as "Consultant").

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

### **1. SCOPE OF SERVICES**

Town and Consultant executed an Agreement regarding fire and security alarm services at various Town facilities, which included a term period from January 1, 2012 to December 31, 2012. Town and Consultant hereby mutually agree to extend the term period of the above-referenced Agreement from January 1, 2013 to December 31, 2013 for a fee of \$13,345.00, the same amount in the 2012 contract. Town and Consultant hereby agree that all of the terms and conditions incorporated in the Agreement ending December 31, 2012 shall be extended and in effect during this Rider period from January 1, 2013 to December 31, 2013. These services are to be rendered by Consultant as an independent contractor and not as an employee of the Town.

### **2. TERM OF AGREEMENT**

This Rider Agreement shall commence on January 1, 2013 and terminate on December 31, 2013, unless terminated sooner. This Agreement may be terminated at any time and for any reason by either party upon ten (10) days written notice, via certified mail, return receipt requested. Consultant shall be entitled to payment for services rendered to the date of notice of termination which shall be deemed to be the date the notice of termination is placed within a mailbox under the care and custody of the US Postal Service. Notice shall be provided to the signatories of this Agreement at the addresses so designated in paragraph 9 of this Agreement. In addition, Town shall be entitled to a pro-rated refund for monies paid before services are rendered..

### **3. PAYMENT**

For these services, Town will pay Consultant in the amount of \$13,345.00, the same amount in the 2012 contract, in two equal installments on or about June 1, 2013 and December 1, 2013 for services rendered. The Town shall not have any liability for any other expenses or costs incurred by Consultant. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Rider Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Rider Agreement or otherwise be identified in such a manner as Town may reasonably require.

#### 4. RIGHTS TO DOCUMENTS OR DATA

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

#### 5. PUBLICITY

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

#### 6. ASSIGNMENT AND SUBCONTRACTING

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

#### 7. RECORDS

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

#### 8. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Rider Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Rider Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that the Consultant determines that a change order is required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is

agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the Town, its departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Rider Agreement or schedules annexed hereto and made a part hereof.

#### 9. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, Esq., Deputy Town Attorney, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to Paul Thompson c/o Intelli-Tec Security Services, LLC, 2000 Shames Drive, Westbury, NY 11590.

#### 10. COMPLIANCE WITH LAWS

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

#### 11. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance in the amount of two million dollars (\$2,000,000.00) per occurrence and four million dollars (\$4,000,000.00) in the aggregate and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant under this Agreement.

#### 12. CONFLICT OF INTEREST

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

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

13. DISCLOSURE

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

14. DISPUTES

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

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

TOWN OF RIVERHEAD

INTELLI-TEC SECURITY SERVICES, LLC

\_\_\_\_\_  
By: Sean M. Walter, Supervisor

\_\_\_\_\_  
By: Jeffrey Hausner, Vice-President

12.27.12  
120977

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 977**

**REAPPOINTS MEMBER TO THE  
RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY**

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

**WHEREAS**, by Town Board resolution # 932, adopted on December 20, 2011, Dawn C. Thomas was appointed to fill a vacancy which existed on the RIDA Board of Directors; and

**WHEREAS**, the term for Dawn C. Thomas on the RIDA Board of Directors expires on December 31, 2012.

**NOW THEREFORE BE IT RESOLVED** that the Town Board be and hereby appoints Dawn C. Thomas to the RIDA Board of Directors for a term ending on December 31, 2016; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Dawn C. Thomas, P.O. Box 877, Jamesport, New York 11947; and be it further

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

**THE VOTE**

Giglio -Absent  
Wooten Yes No

Gabrielsen Yes No  
Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

12.27.12  
120978

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 978**

**REAPPOINTS MEMBER TO THE  
RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, by Town Board resolution # 805, adopted on October 19, 2010, Paul Thompson was appointed to fill a vacancy which existed on the RIDA Board of Directors; and

**WHEREAS**, the term for Paul Thompson on the RIDA Board of Directors expires on December 31, 2012.

**NOW THEREFORE BE IT RESOLVED** that the Town Board be and hereby appoints Paul Thompson to the RIDA Board of Directors for a term ending on December 31, 2016; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Paul Thompson, 107 Youngs Avenue, Calverton, NY 11933; and be it further

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

**THE VOTE**

Giglio -Absent  
Dunleavy Yes No

Gabrielsen Yes No  
Wooten Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

12.27. 12  
120979

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 979**

**REFERS CHAPTER 62 APPLICATION OF JUSTIN PURCHASING CORP  
TO THE AGRICULTURAL ADVISORY COMMITTEE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, on December 24, 2012, Justin Purchasing Corp., filed an application pursuant to §62-5 of the Code of the Town of Riverhead (Town Code) for an exemption from the Riverhead Town Board to allow for the importation of approximately 125,000 to 150,000 cubic yards of wood chips onto 4166 Sound Avenue, Riverhead, New York, such property also known and described as SCTM 0600-18-1-10.1; and

**WHEREAS**, Justin Purchasing Corp. asserts that the importation of the wood chips is in connection with agricultural production currently taking place on the property; and

**WHEREAS**, the Town Board desires the recommendations of the Riverhead Agricultural Advisory Committee respecting the agricultural issues.

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk be directed to refer the petition to the Riverhead Agricultural Advisory Committee for their review and recommendation; 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 -Absent                      Gabrielsen Yes No  
Wooten Yes No                      Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

12.27.12  
120980

ADOPTED

TOWN OF RIVERHEAD

Resolution # 980

**OFFICIALLY NAMING THE PARK AT EPCAL LOCATED IN CALVERTON AS  
"VETERANS MEMORIAL PARK"**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, It is the recommendation of the Town Board to recognize and memorialize the dedication and commitment of all Veterans by naming the park in their honor;

**WHEREAS**, The Grumman Corporation occupied the now Calverton Enterprise Park as a final assembly aircraft facility for more than 40 yrs dating back to 1924;

**WHEREAS**, President Clinton signs public law 103-c337 authorizing the Secretary of the Navy to convey title to the 2900 acres of property "inside the fence" of the former naval weapons industrial reserve plant to the CDA for no cost for the purpose of economic development;

**WHEREAS**, The Riverhead Town Board and the CDA are committed to redeveloping the site to its fullest potential in order to best serve the Riverhead residents;

**WHEREAS**, It is appropriate to honor the legacy of the Calverton Enterprise Park and honor the Veterans who served our country through the creation of The Veterans Memorial park;

**NOW THEREFORE BE IT RESOLVED**, the Riverhead Town Board hereby authorizes the naming of the town park at EPCAL as the "Veterans Memorial Park"; 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 -Absent                      Gabrielsen Yes No  
Wooten Yes No                      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

12.27.12  
120981

ADOPTED

TOWN OF RIVERHEAD

Resolution # 981

**ACCEPTS DONATION FROM JOSEPH AND ROSEMARY CZULADA, OWNERS OF TREE FOR PLANTING AT EAST END ARTS PROPERTY**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, Joseph and Rosemary Czulada offered to donate a Christmas tree to the Town of Riverhead for planting at the East End Arts property which will not only add to the aesthetic of that location but will also benefit the environment; 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 the tree 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 Christmas tree from Joseph and Rosemary Czulada; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Joseph and Rosemary Czulada, 77 Sunrise Avenue, Riverhead, NY 11901 and the Town Engineer; 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 -Absent      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

12.27.12  
120982

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 982**

**APPOINTS BEE READY FISHBEIN HATTER & DONOVAN, LLP AS SPECIAL COUNSEL IN  
THE MATTER OF MICHAEL ARGENTI V. TOWN OF RIVERHEAD, ET AL.**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, an Article 78 Proceeding has been commenced by Michael Argenti, naming the Riverhead Town Highway Superintendent George Woodson as a Respondent in the Supreme Court, Suffolk County, Index No. 12-34946; and

**WHEREAS**, the Article 78 purportedly names George Woodson in his official capacity as Riverhead Town Highway Superintendent; and

**WHEREAS**, George Woodson has requested that the law firm of Bee Ready Fishbein Hatter & Donovan, LLP be retained to appear to defend or appear on behalf of George Woodson in the Article 78 Proceeding entitled Michael Argenti v. Town of Riverhead, et al. Index No. 12-34946; and

**WHEREAS**, the Town Board has determined that the law firm of Bee Ready Fishbein Hatter & Donovan, LLP is qualified to serve the Town's needs and be retained to defend or appear on behalf of George Woodson in the Article 78 Proceeding entitled Michael Argenti v. Town of Riverhead, et al. Index No. 12-34946.

**NOW THEREFORE BE IT RESOLVED**, that the law firm of Bee Ready Fishbein Hatter & Donovan, LLP, be retained as special counsel or appear on behalf of George Woodson in the Article 78 Proceeding entitled Michael Argenti v. Town of Riverhead, et al. Index No. 12-34946; and be it further

**RESOLVED**, that the Riverhead Town Board hereby approves the Supervisor executing a Retainer Agreements with Bee Ready Fishbein Hatter & Donovan, LLP in a form satisfactory to the Town Attorney and subject to the terms and conditions of this resolution; and be it further

**RESOLVED**, that Bee Ready Fishbein Hatter & Donovan, LLP be compensated at the rate of \$225.00 per hour, and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Bee Ready Fishbein Hatter & Donovan, LLP, 170 Old Country Road, Mineola, New York 11501; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Board, Town Attorney, Office of Accounting and the Personnel Dept; 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 -Absent

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

12.27.12  
120983

ADOPTED

TOWN OF RIVERHEAD

Resolution # 983

PAYS BILLS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLUTION #	ABSTRACT #12-50	December 24, 2012 (TBM 12/27/12)	
offered the following Resolution which was seconded by			
FUND NAME		Transfer	GRAND TOTALS
GENERAL FUND	1	341,237.63	341,237.63
RECREATION PROGRAM FUND	6	355.00	355.00
HIGHWAY FUND	111	60,597.90	60,597.90
WATER DISTRICT	112	23,546.71	23,546.71
RIVERHEAD SEWER DISTRICT	114	11,929.76	11,929.76
REFUSE & GARBAGE COLLECTION	115	8,077.50	8,077.50
STREET LIGHTING DISTRICT	116	526.18	526.18
AMBULANCE DISTRICT	120	5,167.73	5,167.73
RIVERHEAD SCAVANGER WASTE D	128	3,712.73	3,712.73
WORKERS' COMPENSATION FUND	173	47,763.74	47,763.74
RISK RETENTION FUND	175	14,231.29	14,231.29
MAIN STREET REHAB PROGRAM	177	214.79	214.79
TRUST & AGENCY	735	3,083,371.70	3,083,371.70
TOTAL ALL FUNDS		3,600,732.66	3,600,732.66

THE VOTE

Giglio ABSENT

Gabrielsen  Yes  No

Wooten  Yes  No

Dunleavy  Yes  No

Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted