

3/19/2013

CDA RESOLUTION LIST:

CDA

Res. #3 Authorizes the Execution of an Addendum to Agreement with VHB Engineering, Surveying and Landscape Architecture, P.C.

TOWN BOARD RESOLUTION LIST:

Res. #208 2009 Calverton Park Recreation Trail Capital Project Budget Adjustment

Res. #209 Acceptance of 2012 Justice Court Audit Report

Res. #210 General Fund Budget Adjustment

Res. #211 General Fund Grangebel Park Walkway Budget Adjustment

Res. #212 General Fund Iron Pier Sidewalk Repair Budget Adjustment

Res. #213 Highway Fund Front and Green Street Repair Budget Adjustment

Res. #214 Riverhead Sewer District Budget Adjustment

Res. #215 Stop & Shop Fuel Facility Riverhead Sewer District Capital Improvement Project Budget Adjustment

Res. #216 2013 Wading River Dredging Project Budget Adjustment

Res. #217 Water Department Budget Adjustment

Res. #218 Authorizes the Filing of an Application for New York State Assistance from the Household Hazardous Waste (HHW) State Assistance Program and Signing of the Associated State Contract Under the Appropriate Laws of New York State

Res. #219 Authorizes Town Clerk to Publish and Post the Attached Notice to Bidders for Annual Irrigation Maintenance Contract

Res. #220 Amends Resolution #149 of 2004

Res. #221 Appoints a Part-Time Court Officer (Jessica Eibs-Stankaitis)

Res. #222 Classifies Action, Declares Lead Agency and Determines Significance on Special Permit of Kroemer Avenue Holding, Inc. (Lumber Liquidators) and Calls Public Hearing

Res. #223 Authorized Attendance at the 2013 35th New York State Association of Municipal Purchasing Officials Annual Professional Development Conference

Res. #224 Ratifies an Appointment for a Call-In Recreation Aide I to the Recreation Department (Amanda Baron)

3/19/2013

- Res. #225** Appoints a Call-In Recreation Specialist - Exercise Instructor to the Recreation Department (Elizabeth Liggon)
- Res. #226** Appoints a Call-In Recreation Specialist – Art Instructor to the Recreation Department (Karen Fellows)
- Res. #227** Appoints a Call-In Recreation Specialist – Dog Obedience Instructor to the Recreation Department (Mary Andruszkiewicz)
- Res. #228** Appoints a Call-In Recreation Leader to the Recreation Department (Stephanie Heins)
- Res. #229** Extends Bid Award for Sludge Cake Removal
- Res. #230** Authorizes the Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment of Chapter 101 “Vehicles & Traffic” of the Riverhead Town Code (§101-7. Turns – Elton St. & Roanoke Ave.)
- Res. #231** Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment of Chapter 101 “Vehicles & Traffic” of the Riverhead Town Code (§101-13. Parking Time Limited. D. Three Hours)
- Res. #232** Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment of Chapter 101 “Vehicles & Traffic” of the Riverhead Town Code (§101-11. No Parking Certain Hours; School Zones. – Edgar Ave.)
- Res. #233** Authorizes the Supervisor to Execute an Agreement (Mary Hopkins- Bus Driver Refresher Training)
- Res. #234** Amends Adopted Rules and Procedures for Town Board of the Town of Riverhead
- Res. #235** Authorizes the Supervisor to Execute an Agreement with the Riverhead Fire District (Data Sharing of GIS Data)
- Res. #236** Authorizes the Supervisor to Execute an Agreement with National Fire & Safety Solutions Inc.
- Res. #237** Authorizes the Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 58 Entitled “Dogs” of the Riverhead Town Code
- Res. #238** Reduces Members on the Accessory Apartment Review Board
- Res. #239** Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 18 Entitled “Code of Ethics” of the Riverhead Town Code

3/19/2013

- Res. #240 Approves the Chapter 90 Application of St. Isidore's School (Car Show – June 2, 2013)**
- Res. #241 Establishes Date and Time of 4th Annual "Great Riverhead Cardboard Boat Race"**
- Res. #242 Awards Bid for Propane Fuel 2013**
- Res. #243 Approves Chapter 90 Application of Riverhead MTAS Inc. (Hogs and Hot Rods Fundraiser – Sunday, April 7, 2013)**
- Res. #244 Appoints Member to the Board of Assessment Review (James Kane)**
- Res. #245 Authorizes the Acceptance of a Cash Security for Saber Riverhead**
- Res. #246 Pays Bills**
- Res. #247 Declares Public Emergency Regarding Condition of Wading River Creek and Creek Road Beach Erosion**
- Res. #248 Extends Bid Contract for Removal of Household Hazardous Waste**
- Res. #249 Accepts Resignation of Town Board Coordinator (Tracey Densieski)**
- Res. #250 Authorization for Supervisor to Execute an Agreement with East End Rowing to Utilize Property at 127 McDermott Avenue**
- Res. #251 Authorizes the Supervisor to Execute a Stipulation with Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 and Authorizes the Supervisor to Enter an Agreement with an Employee Setting Terms and Conditions of Employment**
- Res. #252 Resolution to Authorize the Town of Riverhead to Enter into an Agreement with Riverhead Central School District/Key Club for Use of Town Owned Bus**

03.19.13
13003

ADOPTED

**TOWN OF RIVERHEAD
Community Development Agency**

Resolution # 3

**AUTHORIZES THE EXECUTION OF AN ADDENDUM TO AGREEMENT WITH
VHB ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURE, P.C.**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on or about February of 2011, the Town of Riverhead (hereinafter "Town"), acting as governing body of the Community Development Agency, entered into a contract for consultant/professional services with VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) for services, including, development of a revised land use plan and associated zoning, updated market assessment, preparation of subdivision plan, and assistance in the administration of the SEQRA process has agreed to assist the Town in preparing an updated Comprehensive Reuse Plan for the 2,900 acre Calverton site formerly known as the Naval Weapons Industrial Reserve Plant at Calverton; and

WHEREAS, the Town and VHB anticipated that the services identified in the contract as Tasks 1-7 would be complete within two years; and

WHEREAS, despite diligent efforts by the Town and VHB and due to circumstances beyond the control of the Town and VHB, there are tasks including completion of subdivision plan and administration of the SEQRA process have not been completed; and

WHEREAS, at this time and due to VHB's inability to provide services to potential clients in the Town of Riverhead for the past two years and likelihood that the professional services identified in the contract with the Town will require twelve to sixteen months to complete together with the likelihood that VHB will suffer significant loss of business opportunities which in turn impact the firm and all employees, VHB has requested a waiver pursuant to Chapter 18(J)(2)(b) or in the alternative, VHB shall cancel its contract with the Town; and

WHEREAS, the Town seeks to adhere to its commitment to complete the development of a revised land use plan, zoning, subdivision plan, and SEQRA process related to the updated Reuse & Revitalization Plan for the 2,900 acre Calverton site commonly referred to as EPCAL such that benefits of economic development at the site may be realized by all residents; and

NOW THEREFORE BE IT RESOLVED, that the CDA Chairman is hereby authorized to execute an Addendum to Agreement with VHB in substantially the same form annexed hereto; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Theresa Elkowitz, M.S., Principal, 2150 Joshua's Path, Suite 300, Hauppauge, New York 11788; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**ADDENDUM
CONSULTANT/PROFESSIONAL SERVICES AGREEMENT**

This Addendum made the ____ of March, 2013 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 VHB Engineering, Surveying and Landscape Architecture PC , a corporation existing under the laws of the State of New York with a principal place of business at 2150 Joshua's Path, Suite 300, Hauppauge, New York 11788 (hereinafter referred to as "CONSULTANT").

WHEREAS, on or about February of 2011, the Town of Riverhead entered into a contract for consultant/professional services with VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) for services, including, development of a revised land use plan and associated zoning, updated market assessment, preparation of subdivision plan, and assistance in the administration of the SEQRA process has agreed to assist the Town in preparing an updated Comprehensive Reuse Plan for the 2,900 acre Calverton site formerly known as the Naval Weapons Industrial Reserve Plant at Calverton; and

WHEREAS, the Town and VHB anticipated that the services identified in the contract as Tasks 1-7 would be complete within two years; and

WHEREAS, despite diligent efforts by the Town and VHB and due to circumstances beyond the control of the Town and VHB, there are tasks including completion of subdivision plan and administration of the SEQRA process have not been completed; and

WHEREAS, pursuant to the terms of the contract and Chapter 18 of the Town Code for the Town of Riverhead, VHB was required to avoid potential conflicts and from appearing on behalf of any other client before the Town or agency during the period of the contract with the Town; and

WHEREAS, at this time and due to VHB's inability to provide services to potential clients in the Town of Riverhead for the past two years and likelihood that the professional services identified in the contract with the Town will require approximately twelve to sixteen months to complete together with the likelihood that VHB will suffer significant loss of business opportunities which in turn impact the firm and all employees, VHB has requested a waiver pursuant to Chapter 18(J)(2)(b) or in the alternative, VHB shall cancel its contract with the Town; and

WHEREAS, the Town seeks to adhere to its commitment to complete the development of a revised land use plan, zoning, subdivision plan, and SEQRA process related to the updated Reuse & Revitalization Plan for the 2,900 acre Calverton site commonly referred to as EPCAL such that benefits of economic development at the site may be realized by all residents; and

NOW THEREFORE and in consideration of the mutual promises herein contained, the TOWN and CONSULTANT agree as follows:

1. The CONSULTANT and TOWN agree that all terms of the original Agreement entered into on or about February, 2011 shall remain in full force and effect, except provision 13 titled " CONFLICT OF INTEREST " shall be amended to read as follows: 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 Agreement or securing favorable treatment with respect thereto. CONSULTANT shall be permitted to represent clients before the Town or any agency provided that (1) to the extent VHB has been or is provided access to Town files, VHB must refrain from disclosure and keep confidential all such records and documents and (2) VHB shall refrain from representation or appearing on behalf of a client who has an application relating to land within the proposed subdivision plan for EPCAL.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum to the original Professional Services Agreement dated February, 2011 as of the date first above written.

TOWN OF RIVERHEAD

VHB Engineering, Surveying &
Landscape Architecture, P.C.

By: Sean Walter, Supervisor

By: Thomas Lucivero, Senior Principal

03.19.13
130208

ADOPTED

TOWN OF RIVERHEAD

Resolution #208

**2009 CALVERTON PARK RECREATION TRAIL
CAPITAL PROJECT**

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the 2009 Calverton Park Recreation Trail Capital Project #44009 requires additional funding to complete the project; and

WHEREAS, the Director of Community Development requests \$300.00, necessary to balance the project, be transferred from the Calverton Community Development Agency Repair and Maintenance appropriation.

NOW THEREFORE BE ITRESOLVED, that the Town Board hereby authorizes the Accounting Department to transfer the following funds, modify the budget and close the project:

	<u>FROM</u>	<u>TO</u>
914.069800.541203Calverton CDA Repair & Maintenance	300.00	
406.071100.523041.44009 Trail Construction		300.00

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Community Development and the 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 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

03.19.13
130209

ADOPTED

TOWN OF RIVERHEAD

Resolution # 209

**ACCEPTANCE OF 2012 JUSTICE COURT
AUDIT REPORT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead authorized Albrecht, Viggiano, Zureck & Company, P.C. to conduct the audit of the records of the Town of Riverhead Justice Court for the ended December 31, 2012; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby accepts the Justice Court Audit Report for the year ended December 31, 2012; and

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

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

THE VOTE

Giglio <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

03.19.13
130210

ADOPTED

TOWN OF RIVERHEAD

Resolution # 210

GENERAL FUND

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Engineering Department is requesting a transfer of funds to pay for uniforms originally budgeted in a supply account.

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

		<u>FROM</u>	<u>TO</u>
001.016250.542500	Supplies	4,600	
	001.016250.542400 Uniforms		4,600

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Engineering 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 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

03.19.13
130211

ADOPTED

TOWN OF RIVERHEAD

Resolution # 211

GENERAL FUND
Grangebél Park Walkway

BUDGET ADJUSTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, due to Super Storm Sandy the Engineering Department is requesting a transfer of funds to repair the walkway at Grangebél Park; and

WHEREAS, the costs associated with this cleanup will be submitted to FEMA for reimbursement;

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>
001.000000.499999	Fund Balance	9,000	
001.071100.541000	Repairs & Maintenance (Beaches)		9,000

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Engineering 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 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

03.19.13
130212

ADOPTED

TOWN OF RIVERHEAD

Resolution # 212

GENERAL FUND
Iron Pier Sidewalk Repair

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, due to Super Storm Sandy the Engineering Department is requesting a transfer of funds for sidewalk repair at Iron Pier Beach; and

WHEREAS, the costs associated with this cleanup will be submitted to FEMA for reimbursement;

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>
001.000000.499999	Fund Balance	14,000	
001.071800.541000	Repairs & Maintenance (Beaches)		14,000

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Engineering 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 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

03.19.13
130213

ADOPTED

TOWN OF RIVERHEAD

Resolution # 213

HIGHWAY FUND
Front and Green Street Repair

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, due to damage from Super Storm Sandy a transfer of funds is necessary for Engineering to implement the repair of Front Street and Green Street; and

WHEREAS, the costs associated with this repair to the roads will be submitted to FEMA for reimbursement;

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

		<u>FROM</u>	<u>TO</u>
111.000000.499999	Fund Balance	12,500	
111.051100.541310	Road Repairs & Maintenance /Floods		12,500

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Engineering, Highway 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 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

03.19.13
130214

ADOPTED

TOWN OF RIVERHEAD

Resolution # 214

RIVERHEAD SEWER DISTRICT

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Superintendent of Sewer is requesting a transfer of funds to cover the cost of purchasing a new camera system for the District's sewer lines;

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

		<u>FROM</u>	<u>TO</u>
114.081300.546203	Electricity	21,405	
114.081300.524400	Station Equipment		21,405

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

03.19.13
130215

ADOPTED

TOWN OF RIVERHEAD

Resolution # 215

**STOP & SHOP FUEL FACILITY
RIVERHEAD SEWER DISTRICT
CAPITAL IMPROVEMENT PROJECT**

BUDGET ADJUSTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, The Riverhead Sewer District and H2M, the engineer, has received additional funds from the developer to provide engineering services for the Stop & Shop fuel facility sewer relocation.

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

		<u>FROM</u>	<u>TO</u>
414.092705.421050.20037	Developer Fees	13,400	
414.081300.543504.20037	Professional Service Engineer		13,400

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

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

03.19.13
130216

ADOPTED

TOWN OF RIVERHEAD

Resolution # 216

2013 WADING RIVER DREDGING PROJECT

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Resolution #83 adopted on 2/5/13 established the Wading River Creek and Beach Erosion Project; and

WHEREAS, cost estimate for dredging has been received and the Town Engineer is requesting a budget adjustment to begin the dredge;

WHEREAS, the expenses will be submitted for reimbursement from FEMA.

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>
099.072300.493000.44029	FEMA -Aid	135,200	
099.072300.541202.44029	W.R. Creek Dredging		135,200

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

03.19.13
130217

ADOPTED

TOWN OF RIVERHEAD

Resolution # 217

WATER DEPARTMENT

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, \$10,000 has been received 2/22/13 from wireless carriers to provide engineering services associated with the oversight of antenna installations at the Route 58 tank.

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>
112.000000.218903 Deferred Revenue - Antenna Installation	10,000	
112.083200.543000 Professional Services		10,000

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting Department and the Water 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 # 218

AUTHORIZES THE FILING OF AN APPLICATION FOR NEW YORK STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the State of New York provides financial aid for hazardous waste programs; and

WHEREAS, the Town of Riverhead herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

THEREFORE, BE IT RESOLVED, by the Riverhead Town Board:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized;
2. That the Supervisor, or his designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the STATE for the STATE share of such costs;
4. That five (5) Certified Copies of this Resolution be prepared and sent to the NYSDEC together with a complete application; and
5. That this resolution shall take effect immediately.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a copy of this resolution to the Community Development Department and Sanitation Superintendent John Reeve.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

03.19.13
130219

ADOPTED

TOWN OF RIVERHEAD

Resolution # 219

AUTHORIZES TOWN CLERK TO PUBLISH AND POST THE ATTACHED NOTICE TO BIDDERS FOR ANNUAL IRRIGATION MAINTENANCE CONTRACT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for the Annual Irrigation Maintenance Contract in the March 21, 2013 issue of the News Review newspaper; and

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed proposals for the Annual Irrigation Maintenance Contract will be received by the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 4:00 pm on March 28, 2013 and will be publicly opened and read aloud at 11:00 am on April 1, 2013 in the Office of the Town Clerk.

Plans and specifications may be examined and/or obtained on or about March 21, 2013 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays or by visiting the Town of Riverhead website:

www.townofriverheadny.gov and click on Bid Requests.

Each proposal must be submitted on the form provided and must be in a sealed envelope clearly marked, "Annual Irrigation Maintenance Contract".

Please take further notice, that the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lowest bidder. Note: Bid responses must be delivered to Office of the Town Clerk at the address above. The Town may decline to accept, deem untimely and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

BY ORDER OF THE RIVERHEAD TOWN BOARD
DIANE M. WILHELM, TOWN CLERK
Riverhead, NY 11901

Dated: March 19, 2013

03.19.13
130220

ADOPTED

TOWN OF RIVERHEAD

Resolution # 220

AMENDS RESOLUTION #149 of 2004

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Resolution #149 was ratified on February 18, 2004 adopting a hospitalization buyback policy for elected officials who choose to forego membership in the Town's health insurance program; and

WHEREAS, this policy was intended to mirror the policy already in place for department heads and members of the CSEA; and

WHEREAS, this policy did not provide a buyback for those officials who are eligible for family coverage and who elect single coverage, a benefit which is offered to both department heads and members of the CSEA.

NOW, THEREFORE, BE IT RESOLVED, effective for the 2013 plan year, this Town Board hereby amends the terms of Resolution #149 of 2004 and approves a yearly cash payment of \$900.00 for any elected official who is eligible for a family plan and who elects single coverage with no other change to the terms and conditions specified in Resolution #149 of 2004.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Board of the Town of Riverhead, 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 - ABSTAIN

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

03.19.13
130221

ADOPTED

TOWN OF RIVERHEAD

Resolution # 221

APPOINTS A PART-TIME COURT OFFICER

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, a vacancy for the position of Court Officer exists at the Riverhead Town Police Department; and

WHEREAS, a recommendation has been made by the Chief of Police to appoint Jessica Eibs-Stankaitis to this part-time position.

NOW, THEREFORE, BE IT RESOLVED, pending the results of a qualifying psychological evaluation, that this Town Board hereby appoints Jessica Eibs-Stankaitis to this part-time position of Court Officer at an hourly rate of \$20.00 effective today, March 19, 2013; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Jessica Eibs-Stankaitis, the Chief of Police, 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

03.19.13
130222

ADOPTED

TOWN OF RIVERHEAD

Resolution # 222

CLASSIFIES ACTION, DECLARES LEAD AGENCY AND DETERMINES SIGNIFICANCE ON SPECIAL PERMIT OF KROEMER AVENUE HOLDINGS, INC. (LUMBER LIQUIDATORS) AND CALLS PUBLIC HEARING

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition pursuant to Article XXVIA and Section 108-274 B.(2) of the Riverhead zoning code from Jake Watral to develop a wholesale business within 6,150sq.ft. of an existing 24,080sq.ft. industrial building located on a 6.08ac. parcel zoned Industrial A (IA); such property located at 144 Kroemer Avenue, Riverhead and more particularly described as SCTM 0600-119-1-28.7, and

WHEREAS, a Full Environmental Assessment Form and supporting documentation were submitted as part of the petition, and

WHEREAS, the Riverhead Planning Department has reviewed these materials and has prepared a SEQR report identifying the petition as an Unlisted action pursuant to 6NYCRR Part 617 and further assessing the project's impacts upon the natural and social environment as well as issues pertaining to the considerations and determinations of special permits and has recommended a negative declaration be rendered, and

WHEREAS, the Town Board desires to proceed with the requisite public hearing, now

THEREFORE, BE IT RESOLVED, that the Riverhead Town Board declares itself to be the lead agency for the special permit application of Kroemer Avenue Holdings, Inc. (Lumber Liquidators) which it classifies as an Unlisted action for the purposes of SEQR compliance and further declares the action to have no significant environmental impact and that an Environmental Impact Statement need not be prepared, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Planning Department and to Jake Watral, 45 South 4th Street, Bayshore, NY 11706 and is directed to publish and post the following notice of public hearing in the March 28th, 2013 issue of the Riverhead News Review, and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

PUBLIC HEARING

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 Ave., Riverhead, New York on April 16, 2013 at 7:05 PM to consider the special use permit of Kroemer Avenue Holdings, Inc. (Lumber Liquidators) to develop a wholesale business use on a 6.08ac. parcel zoned Industrial A; such property being located at 144 Kroemer Avenue, Riverhead, New York and more particularly described as SCTM 0600-119-1-28.7

Dated: Riverhead, New York
March 19, 2013

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

03.19.13
130223

ADOPTED

TOWN OF RIVERHEAD

Resolution # 223

AUTHORIZED ATTENDANCE AT THE 2013 35TH NEW YORK STATE ASSOCIATION OF MUNICIPAL PURCHASING OFFICIALS ANNUAL PROFESSIONAL DEVELOPMENT CONFERENCE

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the New York State Association of Municipal Purchasing Officials is conducting its annual conference from May 7th through May 10th, 2013 in Lake George, NY; and

WHEREAS, the Town Purchasing Agent has requested authorization to attend said conference; and

WHEREAS, the cost to attend said conference shall not exceed \$282 (hotel accommodations);

NOW, THEREFORE, BE IT RESOLVED, that the Town Purchasing Agent is authorized to attend the New York State Association of Municipal Purchasing Officials annual conference in Lake George, NY; and

BE IT FURTHER RESOLVED, that the expenses for the lodging shall be encumbered via Purchase Order in accordance with the Town's Travel and Conference Policy.

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 # 224

RATIFIES AN APPOINTMENT FOR A CALL-IN RECREATION AIDE I TO THE RECREATION DEPARTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

NOW THEREFORE BE IT RESOLVED, that effective January 18th,2013 this Town Board hereby appoints Amanda Baron to the position of Call-in Recreation Aide I, Level 2, to be paid the rate of \$8.25 per hour and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

03.19.13
130225

ADOPTED

TOWN OF RIVERHEAD

Resolution # 225

**APPOINTS A CALL-IN RECREATION SPECIALIST- EXERCISE INSTRUCTOR TO
THE RECREATION DEPARTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, a Call-In Recreation Specialist- Exercise Instructor is needed by the Riverhead Town Recreation Department

NOW THEREFORE BE IT RESOLVED, that effective April 1, 2013, this Town Board hereby appoints Elizabeth Liggon to the position of Call-In Recreation Specialist- Exercise Instructor Level XIII to be paid the rate of \$30.45 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

03.19.13
130226

ADOPTED

TOWN OF RIVERHEAD

Resolution # 226

APPOINTS A CALL-IN RECREATION SPECIALIST- ART INSTRUCTOR TO THE RECREATION DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a Call-In Recreation Specialist- Art Instructor is needed by the Riverhead Town Recreation Department

NOW THEREFORE BE IT RESOLVED, that effective April 1, 2013, this Town Board hereby appoints Karen Fellows to the position of Call-In Recreation Specialist- Art Instructor Level IV to be paid the rate of \$23.34 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

03.19.13
130227

ADOPTED

TOWN OF RIVERHEAD

Resolution # 227

**APPOINTS A CALL-IN RECREATION SPECIALIST- DOG OBEDIENCE
INSTRUCTOR TO THE RECREATION DEPARTMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Call-In Recreation Specialist- Dog Obedience Instructor is needed by the Riverhead Town Recreation Department

NOW THEREFORE BE IT RESOLVED, that effective April 1, 2013, this Town Board hereby appoints Mary Andruszkiewicz to the position of Call-In Recreation Specialist- Dog Obedience Instructor Level VII to be paid the rate of \$25.50 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

03.19.13
130228

ADOPTED

TOWN OF RIVERHEAD

Resolution # 228

APPOINTS A CALL-IN RECREATION LEADER TO THE RECREATION DEPARTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

NOW THEREFORE BE IT RESOLVED, that effective March 19th, 2013, this Town Board hereby appoints Stephanie Heins to the position of Call-In Recreation Leader, 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

TOWN OF RIVERHEAD

Resolution # 229

EXTENDS BID AWARD FOR SLUDGE CAKE REMOVAL

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, by Resolution Number 365 adopted by this Board on May 18, 2011 Maggio Sanitation Services, Inc. was awarded the bid for Sludge Cake Removal for the Riverhead Sewer District for a period of two years, and

WHEREAS, such Bid included the specific provision “Bid term may be extended two times at 1 year intervals at the Town’s option.”

WHEREAS, the Superintendent of the Riverhead Sewer District has recommended the first one year extension.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board as governing body of the Riverhead Sewer District hereby extends the bid award for Sludge Cake Removal to Maggio Sanitation Services, Inc. previously awarded by Resolution Number 365 adopted May 18, 2011 for the period of May 18, 2013 to and including May 16, 2014, and

BE IT FURTHER RESOLVED, that copies of this resolution be provided to Michael Reichel, Sewer Superintendent, Frank Isler, Esq., and the Purchasing 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

03.19.13
130230

ADOPTED

TOWN OF RIVERHEAD

Resolution # 230

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN AMENDMENT TO CHAPTER 101 "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE (§101-7. Turns. - Elton St. & Roanoke Ave.)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby authorized to publish and post the attached public notice to consider a proposed local law to amend Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the March 28, 2013 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 16th day of April, 2013 at 7:20 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

Chapter 101
Vehicles and Traffic
ARTICLE III
Traffic Regulations

§ 101-7. Turns.

- A. Pursuant to the authority granted by §1660 of the New York State Vehicle and Traffic Law, the areas designated below restrict turns such that only right turns shall be permitted at said location and a sign "right turn only" shall be posted at the location:

Location

Elton Street westbound at Roanoke Avenue

- Underscore represents addition(s)

Dated: Riverhead, New York
March 19, 2013

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

DIANE M. WILHELM, Town Clerk

03.19.13
130231

ADOPTED

TOWN OF RIVERHEAD

Resolution # 231

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

Councilman Dunleavy 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 proposed local law to consider the amendment of Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the March 28, 2013 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 16th day of April, 2013 at 7:15 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

Chapter 101
Vehicles and Traffic
ARTICLE VII

§ 101-13. Parking time limited.

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

D. Three hours. No vehicle shall park for longer than three hours in the following designated parking lots of the Riverhead Town Parking District from the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday:

Parking Area

Peconic Riverfront
Parking Lot
(northerly portion)

Location

Sixty parking stalls
located immediately south of the
the stores that front on the
south side of East Main Street
between Cody's BBQ & Grill
and Tweeds Restaurant
extending in a southerly direction
terminating at the light posts
located in said parking lot

- Underscore represents addition(s)

Dated: Riverhead, New York
March 19, 2013

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 232

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN AMENDMENT OF CHAPTER 101 "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE (§101-11. No parking certain hours; school zones.- Edgar Ave.)

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

RESOLVED, that the Town Clerk is hereby authorized to publish and post the attached public notice to consider a proposed local law to consider the amendment of Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the March 28, 2013 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 16th day of April, 2013 at 7:25 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

Chapter 101
Vehicles and Traffic
ARTICLE V
Parking, Standing and Stopping

§ 101-11. No parking certain hours; school zones.

Parking is hereby prohibited during the hours designated upon the following described streets or portions thereof on school days:

Street	Side	Hours	Location
<u>Edgar Avenue</u>	<u>East</u>	<u>7:00 a.m. to 3:00 p.m.</u>	<u>From its intersection with the south side of Main Road (SR25) in a southerly direction to a point 900 feet from said intersection</u>

- Underscore represents addition(s)

Dated: Riverhead, New York
March 19, 2013

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

DIANE M. WILHELM, Town Clerk

03.19.13
130233

ADOPTED

TOWN OF RIVERHEAD

Resolution # 233

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Senior Citizen Department offers a wide variety of activities, programs and support services for the older residents of the Town of Riverhead, including transportation service; and

WHEREAS, it is fitting and proper that from time to time, the bus drivers receive refresher training classes; and

WHEREAS, Mary Hopkins has provided such refresher training courses to bus drivers employed by the Riverhead Central School District and has offered to provide a refresher training class to the bus drivers within the Senior Citizen Department.

NOW, THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to Execute the Agreement between the Town of Riverhead and Mary Hopkins to provide training to the Senior Citizen Department bus drivers 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 Mary Hopkins; 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



Senior Citizens Department
200 Howell Avenue
Riverhead, NY 11901
(631)722-4444

Independent Contractor Agreement

THIS AGREEMENT, made on the _____ day of March 2013 by and between the Senior Citizens Department of the TOWN OF RIVERHEAD, a municipal corporation with its principal place of business at 200 Howell Avenue, Riverhead, NY, 11901, (hereinafter to as the "Agency") and Mary Hopkins, residing at 1095 West Main Street, Riverhead, NY 11901 (hereinafter referred to as the "Contractor").

WITNESSETH

1. This agreement shall commence on or about April 1, 2013 and terminate within 30 days of the services being rendered.
2. This agreement is for Consultant services rendered to the agency by the contractor. The above consultant will provide refresher training course/classroom instruction to bus drivers employed by the Agency.
3. The parties hereto agree that the fee for such services by the contractor shall be \$21.00/hour, to be paid following the training course/classroom instruction.
4. The Contractor represents that he/she is competent by reason of training and/or experience to provide the services described in item #2 above and will furnish these services in an effective and professional manner.
5. If there are events beyond his/her control and the contractor is unable to carry out the services described in item #2, then he/she shall immediately notify the SENIOR CITIZENS DEPARTMENT. A substitute can only be used if he/she is an affiliated member of the Contractor's organization and is covered by the Liability Insurance.
6. The contractor must sign a separate Hold Harmless Agreement.
7. Failure to comply with any of the aforementioned terms and conditions will result in a cancellation of this agreement.
8. The Agency reserves the right to terminate this Agreement without notice and with no obligation to show due cause.

Independent Contractor

Senior Citizens Director

Approved By: _____ Date _____
Town Supervisor

HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

Agreement, made this ____ day of March, 2013, by and between Mary Hopkins (hereinafter "Indemnitor") and the Town of Riverhead (hereinafter "Town"), a municipal corporation authorized under the laws of the State of New York, with offices located at 200 Howell Avenue, Riverhead, NY 11901.

Whereas, Indemnitor wishes to have access to Town's property located at Town of Riverhead Senior Citizens Department building, 60 Shade Tree Lane, Riverhead, New York 11901, or any other Town location so designated, and

Whereas, Town wishes to grant access provided it is indemnified and held harmless from any acts of the Indemnitor which result in harm or injury to persons or property,

NOW, THEREFORE, it is hereby agreed as follows:

To the fullest extent permitted by law, indemnitor shall indemnify and hold harmless the Town of Riverhead from and against claims, damages, losses and expense, including but not limited to attorneys' fees, arising out of or resulting from performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including loss therefrom, but only to the extent caused in whole or part by the negligent acts or omissions of indemnitor.

By: Mary Hopkins

TOWN OF RIVERHEAD

By: Sean M. Walter, Town Supervisor

03.19.13
130234

ADOPTED

TOWN OF RIVERHEAD

Resolution # 234

AMENDS ADOPTED RULES AND PROCEDURES FOR TOWN BOARD OF THE TOWN OF RIVERHEAD

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, New York State Town Law section 63 provides that Towns may adopt rules of procedure for conducting Town Board meetings; and

WHEREAS, by Resolution # 186 of 2013, adopted on March 5, 2103, The Town Board of the Town of Riverhead adopted rules and procedures for Riverhead Town Board meetings; and

WHEREAS, The Town Board of the Town of Riverhead desires to amend the adopted rules and procedures for Riverhead Town Board meetings.

NOW THEREFORE BE IT RESOLVED that pursuant to Town Law section 63, the Town Board of the Town of Riverhead hereby amends the adopted Rules of Order for the meetings of the Town Board of the Town of Riverhead as attached; 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

RULES OF THE TOWN BOARD OF THE TOWN OF RIVERHEAD

RULE I. REGULAR MEETINGS

Unless otherwise changed, the Town Board shall meet on the first and third Tuesdays of each month alternating between a start time of 2:00 PM and 7:00 PM; except January, when the first board meeting will be either on January 2nd at 2:00 PM or at 2:00 PM the first business day following the January 1st holiday. The second board meeting in January will be the third Tuesday. In the event a board meeting falls on a holiday then the meeting will be held at the same time on the business day following. Work-session meetings will be held on Thursdays commencing at 10:00 AM

RULE II. SPECIAL MEETINGS

Special meetings shall meet at the call of the Supervisor or any of the three members of the Board. At such special meeting, no business other than that named in the notice of the meeting shall be transacted. The Supervisor shall give written notice of the date, time and place for the Special Meeting as well as a list of the items to be discussed at such Special Meeting, not later than twenty-four (24) hours prior to such meeting by fax, email or personal delivery. A Special Meeting cannot be held until each Town Board Member has been duly served with a notice of such Special Meeting.

RULE III. QUORUM

The majority of the Town Board shall constitute a quorum

RULE IV. PRESIDING OFFICER

The Supervisor shall preside as Chairman at all meetings of the Town Board, but in his absence or inability to serve, the Deputy Supervisor shall act as presiding officer, and shall so serve until the return of the Supervisor.

RULE V. THE POWERS AND DUTIES OF THE PRESIDING OFFICER

The presiding officer shall possess the following power and perform the following duties:

- A. He shall preserve order and decorum.
- B. He shall set the agenda

RULE VI. ORDER OF BUSINESS

1. Roll Call
2. Invocation
3. Pledge of Allegiance to the Flag
4. Public Presentation/Agenda Items
5. Approval of the Minutes of the preceding meeting(s)
6. Miscellaneous Communications
7. Committee Reports
8. Public Hearings
9. Public comment on Resolutions

10. Introduction of an Action Upon Local Laws and Resolutions
11. Public Comment on matters of concern to the Town
12. Adjournment

RULE VII. PERMISSION FOR PUBLIC TO SPEAK BEFORE THE TOWN BOARD

Prior to the introduction Resolutions, the Supervisor may allow any member of the audience to speak for not more than 5 minutes upon terms and conditions that the Supervisor may, from time to time, prescribe in relation to Resolutions which are on the agenda, but not scheduled for Public Hearings. Any such person may also speak at Public Hearings and at meetings of duly constituted committees of the Council at the invitation of the Chairman and upon such terms and conditions as the Chairman may, from time to time, prescribe. Members of the audience may address the Town Board on any subject during the "public comment" time just before the adjournment. No member of the public shall engage in any disruptive demonstration or otherwise disrupt the formality of a Town Board meeting. There shall be no time limit for "public comment" at Public Hearings. Speakers will be required to address their remarks exclusively to the Town Board without engaging the general public in debate. Persons addressing the Town Board shall state their name and home address, and shall state their business or question.

RULE VIII. DEBATE

The rules governing debate shall be as follows:

- A. Debate shall not begin on a Local Law, Resolution or otherwise debatable motion until it has been moved by a Town Board member and seconded by another Town Board member.
- B. The Supervisor may offer or second a resolution or a motion and need not relinquish the chair for such purpose.
- C. No member shall speak more than once on any questions until every member choosing to speak shall have spoken, nor more than twice in any case without leave of the Board.

RULE IX. DEBATABLE MOTIONS

Debatable motions shall be as follows:

- A. The Main Motion. The main motion is a motion by itself or one to adopt a Local Law or Resolution before the Town Board. It may be amended and requires a majority vote except where otherwise required by law or these rules. A motion may be withdrawn by its proposer at any time before a vote is taken.
- B. An Amendment to the Main Motion or an Amendment of Such Amendment. An amendment is a motion to change or modify the main motion or an amendment of it. An amendment shall not be amended more than once. Amendments shall be disposed of in inverse order before voting on the main motion and requires a majority vote.
- C. To Commit. This motion is used to refer a matter to committee or back to committee. The motion may be amended and requires a majority vote.

RULE X. MOTIONS WITHOUT DEBATE

The following motions are not debatable.

- A. To Table. This motion is used to postpone a subject under discussion to some time in the near future. It is not amendable and requires a majority vote. When a subject is to be reconsidered, a motion is in order to remove the matter from the table.
- B. To Adjourn. The Chairman may adjourn the meeting when all agenda items are completed. A Board member may also move to adjourn. This motion is always in order except when a speaker has the floor, during roll call or immediately after it has been voted down. It requires a majority vote.
- C. The Previous Question. This motion is used to closed debate and may be made by any Town Board member when debate has become long and drawn out. It is made in the following manner: "Mr. Supervisor, I move the previous question." Without a second, the presiding officer then asks the Town Board members, "Shall debate be closed and the question now be put?" The Clerk then calls the full roll, and if the majority of those present vote in the affirmative, the question under debate and then before the Town Board members is immediately voted upon in the usual manner without further debate.

RULE XI. PROCEDURE ON LOCAL LAWS

The passage of a LOCAL LAW requires the affirmative vote of at least a majority of all the members of the Town Board. A LOCAL LAW amended after introduction does not become a new LOCAL LAW requiring another Public Hearing unless it is ruled a substantial change by the Chairman.

RULE XII. PROCEDURE ON RESOLUTIONS

Except as otherwise provided by law, the passage of a Resolution requires the affirmative vote of a majority of the members present at the meeting which action is taken.

Any resolution to be introduced by any Town Board member at a scheduled meeting of the Town Board shall be filed in the office of the Town Clerk by 4:00 PM on the business day prior to said Town Board meeting. Any resolutions legally submitted to the Town Clerk that were not presented at work-session and that will be presented at the Town Board meeting shall be delivered to each Board Member as soon as possible after being submitted to the Town Clerk.

Furthermore, where said Town Board meeting is to commence at a time other than 2:00 PM or 7:00 PM (alternating), the said Resolutions to be introduced at the meeting shall be filed at the Office of the Town Clerk at least 24 hours in advance of said meeting.

The Rules of Order set forth above may be waived only by the majority consent of all Town Board members present at any such meeting.

Upon the affirmative vote of the five (5) members (unanimous) of the Town Board, new items may be added to the Agenda during any Regular or Special Town Board Meeting. After the agenda has been prepared, new items may be added during any Regular or Special Town Board Meeting; such new items shall be designated as "Items Proposed for Consideration upon Special Consent."

RULE XIII. CONSTITUTION OF COMMITTEES

The following standing committees consisting of three members shall be appointed by the Supervisor at the Organizational Meeting of the Town Board or as soon thereafter as may be practical.

1. Community Development Agency Finance Committee; and
2. The Community Development Agency Audit Committee.

The first named member of each committee shall be Chairman. The Supervisor shall be a non-voting ex officio member of every committee.

RULE XIV. QUORUM AND REPORTS OF COMMITTEES

Two members shall constitute a quorum. Where practical, reports of committees should be in writing and signed by at least two members.

RULE XV. COMMITTEE MEETINGS

Standing Committees shall meet at the call of their Chairman or any of the three members.

The Chairman of each Standing Committee shall have delivered to Committee members at two day notice, in writing, stating the time, the place and the purpose of the Committee meeting. Every Town Board member has the right to attend any Standing Committee meeting called whether a designated member of that Standing Committee or not.

RULE XVI. SUSPENSION OF RULES

Any rule of the Town Board except as otherwise specifically provided in such rules may be temporarily suspended by a vote of the majority of all the members present unless such rule is prescribed in by State of Local Law.

RULE XVII. AMENDMENT, MODIFICATION OR REPEAL OF RULES

Permanent amendment, modification or repeal of the rules in whole or in part may be made at any time by a Resolution of the Town Board at a regular or special meeting.

03.19.13
130235

ADOPTED

TOWN OF RIVERHEAD

Resolution # 235

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT
WITH THE RIVERHEAD FIRE DISTRICT
(Data Sharing of GIS Data)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead has developed a geographic database file in the Town;
and

WHEREAS, the Riverhead Fire District desires to utilize the Town's geographic database in its geographic information system to locate existing building structures and utilities related to its fire protection functions; and

WHEREAS, the Town desires to cooperate with the Riverhead Fire District; and

WHEREAS, the Town Board has reason to believe that entering into the agreement with the Riverhead Fire District will benefit the residents and taxpayers the Town of Riverhead.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead hereby authorizes the supervisor to execute an Agreement between the Town of Riverhead and the Riverhead Fire District; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Riverhead Fire District and 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 Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**AGREEMENT
for**

Data Sharing of GIS Data

This Agreement is made by and between the Town of Riverhead ("Town"), a municipal corporation of the State of New York, located at 200 Howell Avenue, Riverhead, New York, and the

Riverhead Fire District ("District"), a municipal corporation of the State of New York, located at 540 Roanoke Avenue, Riverhead New York.

Whereas, the Town has developed a geographic database file in the Town; and

Whereas, the District desires to use the Town's geographic database file(s) in its geographic information system ("GIS")/computer aided dispatch system (CAD) related to its fire protection functions; and

Whereas, the Town desires to cooperate with the District and provide the Town's GIS database file subject to and with the caveat that the District shall not have access to or connection with the Town's enterprise GIS systems or such other computer technology systems of the Town; and

NOW THEREFORE, for the mutual promises contained in this MOU and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Data Sharing and Data Distribution

The Town will provide to the District the following GIS data ("Data") located only within the Town boundaries in an ESRI digital shapefile on a compact disc (CD) on or about April 1, 2013 and each succeeding year of this agreement:

- a. Planimetric Features (polygon file roadways, large building footprints, sports fields etc.)
- b. Street centerlines (line file road names only. Geocoding is not entirely available)
- c. Fire hydrant locations (point file schematic Riverhead Water District locations only)
- d. Water main locations (line file schematic Riverhead Water District locations only)
- e. Pine barrens boundaries (polygon outline of said features)
- f. Points of interest (point file with common name of sites)
- g. Parks and Recreation locations (polygon file parcel boundaries)
- h. Fire District Boundaries (polygon file boundaries)
- i. Riverhead Volunteer Ambulance District Boundary (polygon file boundary)

2. Town Use of Data

- a. The Town grants to the District a non-exclusive license to use the Data in its GIS for fire protection and CAD system viewing purposes only.
- b. The District agrees that it will not transfer, distribute or sell the Data, in its original form provided by the Town or any amended version of the Data as provided by the Town or District, to the public or any other entity.

3. District Use of Data

As set forth in provision (2)(b) above, the District shall not transfer to any other entity, distribute or sell the Data for any purposes and the use of the Data is limited to use necessary to perform Fire District functions. The District shall advise the Town's Engineering/GIS Department as to any inquiries made to the District for copies of the Data. In the event the District violates this provision and provision 2(b) with respect to transfer, distribution or sale of the Data, the District shall pay the Town the sum of \$5000.00 for every breach of this provision of this agreement.

4. Severability

It is expressly agreed that if any term or provision of this MOU, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this MOU, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this MOU shall be valid and shall be enforced to the fullest extent permitted by law.

6. Merger; No Oral Changes

It is expressly agreed that this MOU represents the entire agreement of the parties, that all previous understandings are merged in this MOU. No modification of this MOU shall be valid unless written in the form of an Amendment and executed by both parties.

7. Section Titles

The section titles in this MOU are for convenience only and have no legal or contractual effect.

8. Governing Law

This MOU shall be governed by and construed in accordance with the laws of the State of New York, without regard to conflict of laws. Venues shall be designated in Suffolk County; New York or the United States District Court for the Eastern District of New York.

9. Term of MOU

The term of this MOU shall commence on April 1, 2013 and shall continue until April 1, 2015. This MOU may be terminated at the option of the Town or the District at any time. This MOU may also be extended by mutual consent of the Town and the District, by amendment to this MOU

10. Notices and Contact Persons

- a. Any communication, notice, claim for payment, report, or other submission necessary or required to be made by the parties regarding this MOU shall be in writing and shall be given to the Town or the District or their designated representative at the following addresses or at such other address that may be specified in writing by the parties and must be delivered as follows:

For the Town:

**By First Class or Certified Mail, return Receipt Requested in Postpaid Envelope
or by Courier Service or by Fax or by Email**

Town of Riverhead
Engineering Department/GIS
Att.n: Robert Hubbs, GIS Supervisor
Telephone: 631 727-3200 ext. 628

For the District:

**By First Class or Certified Mail, return Receipt Requested in Postpaid Envelope
or by Courier Service or by Fax or by Email**

Riverhead Fire District
540 Roanoke Avenue
Riverhead, New York 11901

Attn:
Tel: 631

In the event the District receives a notice or claim or becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third part defendant) to a lawsuit or any legal proceeding related to this MOU, the District shall immediately forward to the Town Attorney, at the addresses set forth above, copies of all papers filed by or against the District.

- c. Notices shall be deemed to have been duly delivered (i) if mailed, upon the seventh business day after the mailing thereof; or (ii) if by nationally recognized overnight courier service, upon the first business day subsequent to the transmittal thereof; or **(iii)** if personally, pursuant to New York Civil Practice Law and Rules Section 311; or (iv) if by fax or email, upon the transmittal thereof. "Business Day" shall be defined as any day except a Saturday, a Sunday, or any day in which commercial banks are required or authorized to close in Suffolk Town, New York.
- d. Each party shall give prompt written notice to the other party of the appointment of successor(s) to the designated contact person(s) or his or her designated successor(s).

11 No Intended Third Party Beneficiaries

This MOU is entered into solely for the benefit of Town and the District. No third party shall be deemed a beneficiary of this MOU, and no third party shall have the right to make any claim or assert any right under this MOU.

12. Limitation of Liability

The Town makes no warranties, express or implied, including, but not limited to, implied warranties of merchantability and fitness for a particular purpose. The Data was developed for governmental use by the Town. The Town makes no representations as to the accuracy, completeness, reliability, usability, or suitability for any purpose of the data or information contained or furnished in connection herewith and the Town shall be under no liability whatsoever for any use made thereof.

The Town shall not be liable for indirect, special, incidental, or consequential damages related to the District's use of the Data.

13. Entire Agreement

This MOU expresses the final agreement and understanding between the parties regarding the subject matter hereof. Any and all prior agreements, understandings, and representations are hereby terminated and cancelled in their entirety and are of no further force or effect.

in Witness Whereof, the parties have caused this MOU to be executed as of the date signed by the last party as indicated below:

Town of Riverhead

Riverhead Fire District

By: _____

By: _____

Name:

Name:

Title: Town Supervisor

Title: Chairman, Board of Commissioners

Date: _____

Date: _____

TOWN OF RIVERHEAD

Resolution # 236

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH NATIONAL FIRE & SAFETY SOLUTIONS INC.

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town of Riverhead Police Department/Justice Court Building requires continuous fire and security alarm monitoring services; and

WHEREAS, National Fire & Safety Solutions Inc., has previously installed an alarm system at the subject location and is ready, willing and able to continue to provide alarm monitoring services as desired by the Town of Riverhead at a cost of \$35.00 per month for a total annual cost of \$420.00 for fire and security alarm monitoring services at the subject location from January 1, 2013 to December 31, 2014.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute an Agreement with National Fire & Safety Solutions Inc., in substantially the same form as annexed hereto and subject to review and recommendation by the Office of the Town Attorney, regarding fire and security alarm monitoring services at the Police Department/Justice Court Building, at the cost stated above; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the _____ of March, 2013, between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the “Town”) and National Fire & Safety Solutions Inc., a corporation existing under the laws of the State of New York with a principal place of business at 211 Knickerbocker Avenue, Bohemia, New York, 11716 (hereinafter referred to as “Consultant“).

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

1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in the schedule attached hereto and made a part hereof. These services are to be rendered by Consultant as an independent contractor and not as an employee of Town.

2. TERM OF AGREEMENT

The Agreement shall commence on January 1, 2013 and terminate on December 31, 2014.

3. PAYMENT

For these services, Town will pay Consultant the sum of \$35.00 per month, for a total annual payment of \$420.00. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for herein. Consultant shall not incur any expenses in Town’s behalf except upon written consent. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: “I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement.” Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require.

4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under this 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 Agreement, except with Town’s prior written approval. Final payment shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

5. PUBLICITY

Consultant shall not, without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant.

6. TERMINATION

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

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 Agreement, have access to and the right to examine any directly pertinent books, documents, papers and records of Consultant involving transactions related to this Agreement.

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 Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made 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 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. 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to Christopher Cassidy, Vice-President of Operations, National Fire & Safety Solutions Inc., 211 Knickerbocker Avenue, Bohemia, New York, 11716.

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 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 per occurrence and four million dollars 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 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 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

Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with the decision of Town.

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

By: Sean M. Walter, Town Supervisor
Town of Riverhead

By: Christopher Cassidy, Vice-President
National Fire & Safety Solutions Inc.

DATE:

DATE:

Schedule A

1. TOWN owns an electronic security equipment system known as the "Silent Night System" and desires central office monitoring service regarding security and fire.

2. The parties agree as follows:

Monitoring customers existing Fire Alarm Control Panel with integral DACT

Service provided: Monitoring Guard Response Radio or Cellular Backup High Speed Internet Monitoring

Approximate date of installation: **Existing** Estimated date for completion: **Existing**

3. NATURE OF SERVICE

Monitoring and servicing of the communication software on a continuous basis for the term of this agreement specifically at the Police Department/Justice Court Building, 210 Howell Avenue, Riverhead, New York, 11901.

4. **CENTRAL OFFICE MONITORING:** Upon receipt of a signal from the communication software, Consultant or its designee communication center shall make every reasonable effort to notify Town and the appropriate municipal police or fire department. Town acknowledges that signals transmitted from Town's premises directly to municipal police or fire departments *are not monitored* by personnel of Consultant or Consultant's designee communication center and Consultant does not assume any responsibility for the manner in which such signals are monitored or the response, if any, to such signals.

5. Town acknowledges that signals which are transmitted over telephone lines, wire, air waves or other modes of communication pass through communication networks wholly beyond the control of Consultant and are not maintained by Consultant and, therefore, Consultant shall not be responsible for any failure which prevents transmission signals from reaching the central office monitoring center or damages arising therefrom.

Town agrees to furnish Consultant with a written list of names and telephone numbers of those persons Town wishes to receive notification of alarm signals. All changes and revisions shall be supplied to Consultant in writing. Town authorizes Consultant access the control panel to input or delete data and programming. If the equipment contains listening devices permitting central office to monitor sound then upon receipt of an alarm signal central office shall monitor sound for so long as central office in its sole discretion deems appropriate to confirm an alarm condition. If Town requests Consultant to remotely activate or deactivate the system, change combinations, openings or closings, or re-program system functions, Town shall pay Consultant \$50.00 for each such service.

6. **NO WARRANTIES OR REPRESENTATIONS: TOWN'S EXCLUSIVE REMEDY:** Consultant does not represent nor warrant that the security equipment and central office monitoring will prevent any loss, damage or injury to person or property, by reason of burglary, theft, hold-up, fire or other cause, or that the security equipment will in all cases provide the protection for which it is installed or intended. Town acknowledges that Consultant is not an insurer, and the Town assumes all risk for loss or damage to Town's premises or its contents. Consultant has made no representations or warranties, and hereby disclaims any warranty of merchantability or fitness for any particular use. Town's exclusive remedy for Consultant's default hereunder is to require Consultant to repair or replace, at Consultant's option, any equipment covered by this agreement which is non-operational.

7. **EXCULPATORY CLAUSE:** The security equipment is designed to reduce certain risks of loss, though Consultant does not guarantee that no loss will occur.

8. **CARE OF EQUIPMENT:** Subscriber agrees not to tamper with, remove or otherwise interfere with the communication software which shall remain in the same location as installed and Town agrees to bear the cost of repairs or replacement made necessary as a result of any painting, alteration, remodeling or damage, including damage caused by unauthorized intrusion to the premises, lightning or electrical surge, except for ordinary wear and tear, in which event repair or replacement shall be made by NFSS without additional charge.

9. **ALTERATION OF PREMISES FOR INSTALLATION:** Consultant is authorized to make preparations such as drilling holes, driving nails, making attachments or doing any other thing necessary in Consultant's sole discretion for the installation and service of the communication software, and NFSS shall not be responsible for any condition created thereby as a result of such installation, service, or removal of the communication software, and Town represents that the owner of the premises, if other than Town, authorizes the installation of the communication software under the terms of this agreement.

10. **TOWN'S DUTY TO SUPPLY ELECTRIC AND TELEPHONE SERVICE:** Town agrees to furnish, at Town's expense, all 110 Volt AC power, electrical outlets, receptacles, telephone hook-ups, RJ31 Block or equivalent, internet connection, high speed broadband cable or DSL and IP Address, as deemed necessary by Consultant in its sole discretion and to notify Consultant of any change in such service.

11. TESTING AND SERVICE OF COMMUNICATION SOFTWARE: The parties hereto agree that the communication software, once installed, is in the exclusive possession and control of the Town, and it is Town's sole responsibility to test the operation of the communication software and to notify Consultant if it is in need of repair. Consultant shall not be required to service the communication software unless it has received notice from Town, and upon such notice, Consultant shall service the communication software to the best of its ability within 36 hours, exclusive of Saturday, Sunday and legal holidays, during the business hours of 9 a.m. and 5 p.m. Any repair or other services provided by Consultant to Town's alarm or security equipment shall be at Consultant's option on a per call request by Town, and Town shall pay for such labor and material at time such repair or other service is performed. All such repair or other service shall be governed by the terms of this contract.

In the event Town complies with the terms of this agreement and Consultant fails to repair the communication software within 36 *hours after* notice is given, excluding Saturdays, Sundays, and legal holidays, Town agrees to send notice that the communication software is in need of repair to Consultant, in writing, by certified or registered mail, return receipt requested and Town shall not be responsible for payments due while the security equipment remains inoperable. If Consultant fails to repair the communication software within 48 hours after receipt of said notice, Town shall not be obligated to pay any amount for the communication software from date said notice is given, until the communication software is restored to working order. In any lawsuit between the parties in which the condition or operation of the communication software is in issue, the Town shall be precluded from raising the issue that the communication software was not operating unless Town can produce a post office certified or registered receipt, signed by Consultant, evidencing that service was requested by Town. Only communication and security system software is covered by service, or any other satisfactory proof of notification. It shall be Town's sole responsibility to maintain the communication hardware in working order.

12. DELAY IN INSTALLATION: Consultant shall not be liable for any damage or loss sustained by Town as a result of delay in installation of equipment, equipment failure, or for interruption of service due to electric failure, strikes, walk-outs, war, acts of God, or other causes, including NFSS's negligence in the performance of this contract. The estimated date work is to be substantially completed is not a definite completion date and time is not of the essence.

13. FULL AGREEMENT/SEVERABILITY/ CONFLICTING DOCUMENTS. This agreement constitutes the full understanding of the parties and may not be amended or modified or canceled except in writing signed by both parties, except that in the event Consultant issues a UL certificate to Lessee, Consultant will comply with Underwriters Laboratory Inc. requirements regarding items of protection provided for in this agreement. Should there arise any conflict between this agreement and Lessee's purchase order or other document, this agreement will govern, whether such purchase order or document is prior to or subsequent to this agreement. This contract shall be governed by the laws of the State of New York. Should any provision of this agreement be deemed void, all other provisions will remain in effect.

03.19.13
130237

ADOPTED

TOWN OF RIVERHEAD

Resolution # 237

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

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 58 entitled “Dogs” of the Riverhead Town Code once in the March 28, 2013 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 16th day of April, 2013 at 7:10 o'clock p.m. to amend Chapter 58 entitled "Dogs", of the Riverhead Town Code.

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

CHAPTER 58. DOGS & OTHER ANIMALS

§ 58-9. Prohibited Acts, Seizure and impounding of dogs.

- A. It shall be unlawful for any owner of any dog to permit or allow such dog ~~or other domestic animal~~ in the Town of Riverhead to:
- (1) Be at large.
 - (2) Disturb the comfort, peace or repose of any persons in the vicinity by long or frequent noise or odor.
 - (3) Destroy property or habitually trespasses in a damaging way or commits a nuisance on the property or persons other than the owner of or person harboring said dog ~~or domestic/farm animal~~.
 - (4) Shows vicious habits or molests passersby who are lawfully on a public street, public park or school ground, whether or not said dog ~~or domestic/farm animal~~ is on a public street ~~or otherwise harass any person in such a manner as reasonable to cause intimidation or to put such person in reasonable apprehension of bodily harm~~.
- B. Any Dog Control Officer, Police Officer, or any employee, officer or agent designated by the Town Board of the Town of Riverhead to apprehend and impound any dog may seize and impound any dog not under reasonable control of its owner which:
- (1) Is an unlicensed dog.
 - (2) Is running at large contrary to the provisions of this article.

- (3) Has destroyed property or habitually trespasses in a damaging way or commits a nuisance on the property or persons other than the owner of or person harboring said dog.
- (4) Shows vicious habits or molests passerby who are lawfully on a public street, public park or school ground, whether or not said dog is on a public street ~~or otherwise harass any person in such a manner as reasonable to cause intimidation or to put such person in reasonable apprehension of bodily harm.~~
- (5) At any time has attacked or bitten a person.
- (6) Habitually enters on a public highway and runs or barks at pedestrians or vehicles.

Underline represents addition(s)

Strikethrough represents deletion(s)

Dated: Riverhead, New York
March 19, 2013

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

03.19.13
130238

ADOPTED

TOWN OF RIVERHEAD

Resolution # 238

REDUCES MEMBERS ON THE ACCESSORY APARTMENT REVIEW BOARD

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, by Resolution # 157 of 2008, adopted on February 20, 2008, the Town Board amended Chapter 108 of the Town Code, amending Article VIII thereof, to allow for accessory apartments within the Town of Riverhead and to provide for the establishment of an Accessory Apartment Review Board; and

WHEREAS, section 108-37 A. provides that the Accessory Apartment Review Board shall consist of three (3) members; however the Town Board may by resolution increase the number to five (5) members; and

WHEREAS, by Resolution #312 of 2008, adopted on April 15, 2008, the Town Board appointed five (5) members to the Accessory Apartment Review Board; and

WHEREAS, there are currently two vacancies on the Accessory Apartment Review Board;and

WHEREAS, the Town Board of the Town of Riverhead finds that it is proper to reduce the number of members to the Accessory Apartment Review Board to three (3) members.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board be and hereby, reduces the number to three (3) members to serve on the Accessory Apartment Review Board; and be it further

RESOLVED, that the Clerk is hereby directed to forward a copy of this resolution to Planning Department, Building Department; Investigations Unit 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 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

03.19.13
130239

ADOPTED

TOWN OF RIVERHEAD

Resolution # 239

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE
FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 18
ENTITLED "CODE OF ETHICS" 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 once in the March 28, 2013 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 18 entitled "Code of Ethics" §18-10 to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the members of the Riverhead Town Board, Chairwoman of the Ethics Board, Director of Personnel and the Office of the Town Attorney.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
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 16th day of April, 2013 at 7:30 o'clock p.m. to consider a local law amending Chapter 18 entitled "Code of Ethics", §18-10 of the Riverhead Town Code as follows:

§18-10. Annual financial disclosure and conflict statement.

- A. Town officers and employees required to file an annual financial and conflict disclosure statement. All elected officials, all Town department heads, Planning Board members, Zoning Board of Appeals members, Architectural Review Board members, Conservation Advisory Council members, Deputy Town Supervisor, Town Attorney, Deputy Town Attorneys, persons who are certified as Code Enforcement Officials as provided by Title 19 of the New York Code of Rules and Regulations Part 434, Building Inspectors, the Ethics Board, the Board of Assessment Review, the Industrial Development Agency, the Farmland Preservation Committee, the Open Space/Park Preserve Committee, Accessory Apartment Review Board, and certain Town officers and employees and members of appointed boards and committees, as determined by the Town Board by resolution, are required to file a signed annual financial disclosure and conflict statement, which must be signed by the individual Town officer or employee.

Underline represents addition(s)

Dated: Riverhead, New York
March 19, 2013

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

03.19.13
130240

ADOPTED

TOWN OF RIVERHEAD

Resolution # 240

APPROVES THE CHAPTER 90 APPLICATION OF
ST. ISIDORE'S SCHOOL
(Car Show – June 2, 2013)

Councilman Wooten offered the following resolution,

Which was seconded by Councilman Gabrielsen

WHEREAS, on March 1, 2013, St. Isidore's School submitted a Chapter 90 Application for the purpose of conducting a car show, to be held on Sunday, June 2, 2013, having a rain date of Sunday, June 9, 2013, on their property located at 515 Marcy Avenue, Riverhead, New York, between the hours of 8:00 a.m. and 5:00 p.m.; and

WHEREAS, St. Isidore's School 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, St. Isidore's School has requested the applicable 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 St. Isidore's School for the purpose of conducting a car show to be held on Sunday, June 2, 2013, having a rain date of Sunday, June 9, 2013, on their property located at 515 Marcy Avenue, Riverhead, New York, between the hours of 8:00 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 this approval is subject to the provisions of Riverhead Town Code, Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

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

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

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee 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 St. Isidore's School, Attn: Rev. Robert Kuna, 515 Marcy 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 # 241

**ESTABLISHES DATE AND TIME OF 4th ANNUAL "GREAT RIVERHEAD
CARDBOARD BOAT RACE"**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

WHEREAS, the Riverhead Town Board and the Riverhead Business Improvement District has undertaken the task of organizing a riverfront event known as the 4th annual "Great Riverhead Cardboard Boat Race"; and

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

WHEREAS, the Riverhead Town Board encourages volunteerism; and

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

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

NOW THEREFORE BE IT RESOLVED, that the 4th annual "Great Riverhead Cardboard Boat Race" will be held on the Peconic Riverfront in downtown Riverhead at 12:00pm June 29th 2013 and thereafter annually on the last Sunday of June.

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

03.19.13
130242

ADOPTED

TOWN OF RIVERHEAD

Resolution # 242

AWARDS BID FOR PROPANE FUEL 2013

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for PROPANE FUEL for the Town of Riverhead and;

WHEREAS, 1 bid was received and opened at 11:00 am on MARCH 15, 2013 at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW THEREFORE BE IT RESOLVED, that the bid for PROPANE FUEL be and hereby is, awarded to AMERIGAS for the following delivered price. Targa @ Watkins Glen price plus +.30/per gallon.

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

03.19.13
130243

ADOPTED

TOWN OF RIVERHEAD

Resolution # 243

**APPROVES CHAPTER 90 APPLICATION OF
RIVERHEAD MTAS INC.
(Hogs and Hot Rods Fundraiser– Sunday, April 7, 2013)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on March 6, 2013, Riverhead MTAS Inc. submitted a Chapter 90 Application for the purpose of conducting a fundraiser event entitled “Hogs and Hot Rods Fundraiser” to be held at Peconic Riverfront Parking Lot, Riverhead, New York, to be held on Sunday, April 7, 2013, between the hours of 12:00 p.m. and 5:00 p.m.; and

WHEREAS, Riverhead MTAS Inc. 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, Riverhead MTAS Inc. has requested the Chapter 90 Application fee for this event be waived due to their 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 application of Riverhead MTAS Inc. for the purpose of conducting a fundraiser event entitled “Hogs and Hot Rods Fundraiser” to be held at Calverton Links located at Peconic Riverfront Parking Lot, Riverhead, New York, to be held on Sunday, April 7, 2013, between the hours of 12:00 p.m. and 5:00 p.m., is hereby approved; and be it further

RESOLVED, that the necessary tent permits must be obtained and any tent installations and all electrical work shall comply with the applicable provisions of the

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

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code Chapter 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 the applicant shall be required to stage the arrival and departure of motorcycles in such a way as to minimize to the greatest extent possible the noise impacts to surrounding neighbors, and be it further

RESOLVED, that all parking for this event shall be contained upon the Peconic River Parking Lot property; and be it further

RESOLVED, that the applicant shall advise event participants that motorcycle engines shall not be permitted to continue to run upon arrival at the event premises; and be it further

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

RESOLVED, that should the conditions of this approval be violated that the Riverhead Police Department shall have the authority to revoke the permit and require the public to vacate the premises; and be it further

RESOLVED, that 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 Riverhead MTAS Inc., P.O. Box 635, Riverhead, NY, 11901; and be it further

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

THE VOTE

Giglio 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 # 244

APPOINTS MEMBER TO THE BOARD OF ASSESSMENT REVIEW

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, a vacancy exists on the Board of Assessment Review, and,

WHEREAS, James Kane has expressed a desire to serve on said Board.

NOW, THEREFORE, BE IT RESOLVED, that James Kane is hereby appointed to fill the vacancy on the Board of Assessment Review, whose term expires on September 30, 2013, in accordance with Section 523 of the Real Property Tax Law, at the annual salary established under Town resolution #2008-625, and,

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to James Kane, PO Box 311, Aquebogue, NY 11931, the Assessor's Office, Suffolk Co. Real Property Tax Service Agency, 300 Center Drive, Riverhead NY 11901, the Personnel Office, and the Accounting Department, and,

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

03.19.13
130245

ADOPTED

TOWN OF RIVERHEAD

Resolution # 245

AUTHORIZES THE ACCEPTANCE OF A CASH SECURITY FOR SABER RIVERHEAD

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Saber-Riverhead, posted a cash security (check #5156 Signature Bank dated March 14, 2013) in the amount of Forty Thousand Five Hundred Thirty Two Dollars (\$40,532.00) for land clearing work as per resolution #124 dated February 6, 2013 for property located at 1739 Old Country Road, Riverhead, New York 11901 known and designated as Suffolk County Tax Map Number 0600 / 119.-1-7 pursuant to Section 108-133(l) of the Riverhead Town Code; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes to accept the cash security in the sum of Forty Thousand Five Hundred Thirty Two Dollars (\$40,532.00) and

RESOLVED, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Saber Riverhead LLC, Martin Berger, Managing Member, 80 Business Park Drive, Suite 100, Armonk, New York 10504, 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 # 246

PAYS BILLS

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

ABSTRACT #13-09 March 07, 2013 (TBM 3/19/13)			
FUND NAME		Ckrun Total	GRAND TOTALS
GENERAL FUND	1	1,271,350.66	1,271,350.66
POLICE ATHLETIC LEAGUE	4	5,570.00	5,570.00
RECREATION PROGRAM FUND	6	7,717.41	7,717.41
HIGHWAY FUND	111	126,472.14	126,472.14
WATER DISTRICT	112	137,638.32	137,638.32
RIVERHEAD SEWER DISTRICT	114	55,661.83	55,661.83
REFUSE & GARBAGE COLLECTION DI	115	8,601.04	8,601.04
STREET LIGHTING DISTRICT	116	50,311.89	50,311.89
PUBLIC PARKING DISTRICT	117	6,865.84	6,865.84
AMBULANCE DISTRICT	120	1,365.55	1,365.55
EAST CREEK DOCKING FACILITY FU	122	3,150.02	3,150.02
CALVERTON SEWER DISTRICT	124	5,796.23	5,796.23
RIVERHEAD SCAVANGER WASTE DIST	128	24,554.94	24,554.94
RISK RETENTION FUND	175	8,506.14	8,506.14
CDBG CONSORTIUM ACOUNT	181	921.91	921.91
TOWN HALL CAPITAL PROJECTS	406	50.00	50.00
TRUST & AGENCY	735	1,305,062.05	1,305,062.05
TOTAL ALL FUNDS		3,019,595.97	3,019,595.97

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 # 246

PAYS BILLS

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

ABSTRACT #13-10 March 14, 2013 (TBM 3/19/13)			
FUND NAME		Ckrun Total	GRAND TOTALS
GENERAL FUND	1	223,523.20	223,523.20
RECREATION PROGRAM FUND	6	477.80	477.80
MULTI YEAR OPERATING GRANT FUN	99	1,709.53	1,709.53
HIGHWAY FUND	111	276,154.78	276,154.78
WATER DISTRICT	112	55,866.05	55,866.05
RIVERHEAD SEWER DISTRICT	114	59,479.71	59,479.71
REFUSE & GARBAGE COLLECTION DI	115	1,009.66	1,009.66
STREET LIGHTING DISTRICT	116	1,677.34	1,677.34
PUBLIC PARKING DISTRICT	117	891.25	891.25
AMBULANCE DISTRICT	120	1,102.59	1,102.59
EAST CREEK DOCKING FACILITY FU	122	2,080.00	2,080.00
CALVERTON SEWER DISTRICT	124	3,745.91	3,745.91
RIVERHEAD SCAVANGER WASTE DIST	128	28,010.69	28,010.69
RISK RETENTION FUND	175	8,020.68	8,020.68
TOWN HALL CAPITAL PROJECTS	406	8,784.36	8,784.36
TRUST & AGENCY	735	139,985.48	139,985.48
TOTAL ALL FUNDS		812,519.03	812,519.03

THE VOTE

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

03.19.13
130247

ADOPTED

TOWN OF RIVERHEAD

Resolution # 247

DECLARES PUBLIC EMERGENCY REGARDING CONDITION OF WADING RIVER CREEK AND CREEK ROAD BEACH EROSION

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, in late October of 2012, the Town was plagued by Hurricane Sandy with extremely high winds causing high tides and surf which, in turn, resulted in major beach erosion and shoaling of Wading River Creek such that the creek was rendered impassable; and

WHEREAS, many area residents reported the erosion of dunes more than 6' in height in several areas along and adjacent to Wading River Creek resulting in shoaling of the waters such that the creek is no longer navigable and homes situated adjacent to and in the vicinity of the Wading River Creek have no protection and/or barrier from the high tides caused by future storms; and

WHEREAS, in addition to the above, the Wading River Creek Fire District's ability to timely respond to emergency calls is significantly affected by the shoaling conditions such that there is a need to re-open this access point to the Long Island Sound in order to protect the health, safety, and welfare of residents; and

WHEREAS, the engineers employed by Town Engineering Department inspected the creek and confirmed that Hurricane Sandy destroyed the Town's most recent dredging activity and, once again, the creek was rendered impassable; and

WHEREAS, immediately after inspection and survey of the creek, the Town made application to the NYS Department of Conservation and Army Corp of Engineers for a modification to existing permits to permit the dredging of approximately 8000 cubic yards of material and re-establish the dunes described above; and

WHEREAS, the NYS Department of Environmental Conservation and Army Corp of Engineers granted the Town's request for modification of the permits to re-dredge, however, the Town was informed that the dredging must be completed by April 1, 2013; and

WHEREAS, the Town, after careful consideration of all factors including the dune erosion which renders all homes in the vicinity of the creek vulnerable to flooding, the navigability of the creek and access/use of the creek by emergency personnel is vital to the Town's ability to protect the life, health and safety of the inhabitants of this area and, due to the time restrictions set by the Army Corp of Engineers, delay will jeopardize the

Town's ability to address the issues which are paramount to emergency response time to the detriment of the health safety, and welfare of Town residents, such that an emergency exists requiring the Town to act immediately to address and remedy the situation and the limited time to undertake the remediation; and

WHEREAS, the Town shall seek to utilize the services of Village Docks, Inc. , an entity with experience and knowledge of the past and existing shoaling conditions of Wading River Creek and equipped to undertake and complete the permitted activities within the time parameters set by the Army Corp of Engineers and NYSDEC; and

WHEREAS, the Engineering Department estimates that costs shall require the expenditure of \$135,200.00 and, to the extent possible, the Town, through the Department of Engineering, shall seek reimbursement for all costs including, but not limited to, survey, sediment and erosion control, and dredging of the Wading River Creek project from FEMA and any such other available source to address this storm related disaster.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board be and does hereby declare the conditions along the beach at Creek Road and the shoaling of Wading River Creek to be a public emergency under General Municipal Law section 103(4); and be it further

RESOLVED, that the Town Board be and does hereby authorize the expenditure of \$135,200.00; and be it further

RESOLVED, that the Town Board authorizes and directs the Engineering Department to make application for reimbursement from FEMA and any such other available source to address this storm related disaster; and be it

RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize the Financial Administrator for the Town of Riverhead to amend the budget as appropriate to reflect the authorization herein; and be it further

RESOLVED, that the Engineering Department shall secure such emergency purchase orders necessary to retain the services of Village Docks, Inc. in the amount of \$135,200.00; and be it further

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

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution #247 was TAKEN OFF THE FLOOR

YES – 5 Giglio, Gabrielsen, Wooten, Dunleavy, Walter

NO – 0

Immediately followed by the motion to ADOPT

03.19.13
130248

ADOPTED

TOWN OF RIVERHEAD

Resolution # 248

**EXTENDS BID CONTRACT FOR REMOVAL OF HOUSEHOLD HAZARDOUS
WASTE**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Sanitation Department has requested the contract with Radiac Research be extended one year; and

WHEREAS, the Sanitation Supervisor has researched current disposal costs regarding Household Hazardous Waste and recommends the Town extend the contract one year under the identical terms and conditions; and

WHEREAS, this will be the second extension; and

WHEREAS, the above named vendor has agreed to extend the contract until December 31, 2013 for the same pricing; and

WHEREAS, the Town Board has reviewed said request.

NOW, THEREFORE, BE IT RESOLVED, that the contract for REMOVAL OF HOUSEHOLD HAZARDOUS WASTE is extended until December 31, 2013 under the identical terms and conditions; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Radiac Research, the Sanitation Department and Purchasing; 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.

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution #248 was TAKEN OFF THE FLOOR

YES – 5 Giglio, Gabrielsen, Wooten, Dunleavy, Walter

NO – 0

Immediately followed by the motion to ADOPT

03.19.13
130249

ADOPTED

TOWN OF RIVERHEAD

Resolution # 249

ACCEPTS RESIGNATION OF TOWN BOARD COORDINATOR

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Tracey Densieski was appointed, by Resolution #871 adopted on November 15, 2012, to fill a vacancy in the Office of the Riverhead Town Board for a Full-Time Town Board Coordinator position effective November 19, 2012; and

WHEREAS, by letter circulated to the members of the Town Board on Monday, March 18, 2013 and filed with the Town Clerk on March 19, 2013, Tracey Densieski expressed her desire to resign from her position such that she may pursue a business opportunity; and

WHEREAS, Ms. Densieski's letter of resignation requested that the Town Board accept the resignation and make it effective March 29, 2013; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby accepts her resignation deemed effective March 29, 2013; 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.

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution #249 was TAKEN OFF THE FLOOR

YES – 5 Giglio, Gabrielsen, Wooten, Dunleavy, Walter

NO – 0

Immediately followed by the motion to ADOPT

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 # 250

**AUTHORIZATION FOR SUPERVISOR TO EXECUTE AN AGREEMENT WITH EAST
END ROWING TO UTILIZE PROPERTY AT 127 MCDERMOTT AVENUE**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead Sewer District (hereinafter "Sewer District"), after public hearing held on June 5th, 2012 and adoption of Resolution # 471 on June 19, 2012, purchased property located at 127 McDermott Avenue (hereinafter referred to as "subject property"), Riverhead, NY to increase and improve facilities of the Riverhead Sewer District, to wit: design and engineer reconstruction of the Defriest Pump Station, in order to adequately meet the needs of the Downtown Urban Renewal Area; and

WHEREAS, the Sewer District has determined that improvements to the sewer infrastructure at the subject property, which shall require demolition of the existing structure (formerly occupied as a single family residence), will not take place for some period of time and consequently seeks to enter into a license agreement for use and occupancy of the structure and premises such that licensee shall be required licensee to maintain the structure and premises, pay all utilities, and insure the premises for the benefit of the Sewer District; and

WHEREAS, the Sewer District, working in conjunction with the Town of Riverhead Community Development Agency, the governmental entity providing oversight of the Downtown Urban Renewal Area, seeks to enter into a short term license agreement with an entity or individual for no fee provided that the use and occupancy is compatible with the goals of the Downtown Urban Renewal Area; compatible with the Town's revitalization efforts and improvements along with Ammann Riverfront Park and Grangebél Park; and provides a benefit to the residents of the Sewer District and the Town of Riverhead; and

WHEREAS, East End Rowing, a not-for-profit organization has expressed interest in entering into a license agreement for use of this property for the use by its members and East End Rowing has expressed a desire to work with local schools and recreational programs to provide educational and recreational opportunities free of charge for all residents of the Town of Riverhead; and

WHEREAS, Town Law § 198 provides in pertinent part that the Town Board, as governing body of an improvement district, may sell or lease real or personal property of an improvement district if the property is not required for improvement district purposes and if such value is less than \$1000.00 dollars a public hearing shall not be required; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead, acting as governing body of the Sewer District, does hereby authorize the

Supervisor of the Town of Riverhead to execute a "License Agreement" between the Town of Riverhead Sewer District and East End Rowing to use and occupy the McDermott Street property subject to the terms identified above and in a form to be approved by the Office of the Town Attorney; and

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

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution #250 was TAKEN OFF THE FLOOR

YES – 5 Giglio, Gabrielsen, Wooten, Dunleavy, Walter

NO – 0

Immediately followed by the motion to ADOPT

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 # 251

AUTHORIZES THE SUPERVISOR TO EXECUTE A STIPULATION WITH LOCAL 1000, AFSCME, AFL-CIO, RIVERHEAD UNIT OF THE SUFFOLK LOCAL #852 AND AUTHORIZES THE SUPERVISOR TO ENTER AN AGREEMENT WITH AN EMPLOYEE SETTING TERMS AND CONDITIONS OF EMPLOYMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on October 31, 2010, Sharon Klos retired from her position in the Building Department and discontinued her membership with Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852, and

WHEREAS, the Town, in order to advance the administrative stability and continuity of services to residents, expressed a desire to re-hire Ms. Klos on a part-time basis as a part time Building Permits Coordinator with terms and conditions of employment, and

WHEREAS, by Resolution # 744 adopted on 9/21/2010 and stipulation executed on or about 9/32/2010, the Town and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 entered into a stipulation approving the re-hiring of Ms. Klos as a part-time Building Permits Coordinator subject to terms, including but not limited to, duration of Ms. Klos part-time employment; and

WHEREAS, by Resolution # 852 adopted on 11/7/12 and stipulation executed on or about 11/15/2012, the Town and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 entered into a second stipulation extending Ms. Klos' employment for an additional six months subject to certain terms and conditions; and

WHEREAS, after a series of meetings and negotiations, the Town and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 desire to enter into a third and final stipulation extending Ms. Klos' employment for six more months subject to certain terms and conditions.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby approves the annexed Stipulation and Agreement between the Town of Riverhead and Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 and Sharon Klos setting terms and conditions of part-time employment for Sharon Klos and authorizes the Town Supervisor to execute same with

his signature; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Supervisor, Matthew Hattorff, CSEA Unit President, Robert Kozakiewicz, Town Attorney and William Rothaar, Financial Administrator.

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution #251 was TAKEN OFF THE FLOOR

YES – 5 Giglio, Gabrielsen, Wooten, Dunleavy, Walter

NO – 0

Immediately followed by the motion to ADOPT

THE VOTE

Giglio Yes No
Wooten Yes No

Gabrielsen Yes No
Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

STIPULATION

This Stipulation made ___ day of March 2013, between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (Town) and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 having its principal office at 3 Garret Place, Commack, New York (CSEA),

WHEREAS, on October 31, 2010, Sharon Klos retired from her position in the Building Department and discontinued her membership with Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852, and

WHEREAS, the Town, in order to advance the administrative stability and continuity of services to residents, expressed a desire to re-hire Ms. Klos on a part time basis as a part time Building Permits Coordinator with terms and conditions of employment, and

WHEREAS, by Resolution #744 adopted on 9/21/2010 and stipulation executed on or about 9/32/2010, the Town and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 entered into a stipulation approving the re-hiring of Ms. Klos as a part time Building Permits Coordinator subject to terms, including but not limited to, duration of Ms. Klos part time employment; and

WHEREAS, by Resolution #852 adopted on 11/7/12 and stipulation executed on or about 11/15/2012, the Town and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 entered into a

second stipulation extending Ms. Klos' employment for an additional six months subject to certain terms and conditions; and

WHEREAS, after a series of meetings and negotiations, the Town and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 desire to enter into a third and final stipulation extending Ms. Klos' employment for six more months subject to certain terms and conditions; and

NOW, THEREFORE, it is mutually agreed as follows:

1. The position of Building Permits Coordinator held by Sharon Klos shall be exempt from the Union.
2. The Civil Service Job Title "Building Permits Coordinator" held by Sharon Klos shall be part time and shall be extended for a final six month period of time such that her employment shall expire on October 15, 2013.
3. The Town agrees to hire a full time Senior Building Inspector. It is intended that on or about the expiration of Ms. Klos' employment, the Town shall create a full time Senior Building Inspector position and hire an individual in the position of full time Senior Building Inspector to fill the vacancy and in place of the position held by Ms. Klos.

4. This stipulation shall not, in any way, constitute “past practice” for the Town of Riverhead or the CSEA and is and shall remain specific to this matter.

Sean M. Walter, Supervisor

Matthew E. Hattorff, for CSEA

Labor Relations Specialist, CSEA

TERMS AND CONDITIONS OF EMPLOYMENT

Agreement made and entered into the _____ day of April, 2013, between THE TOWN OF RIVERHEAD, County of Suffolk, State of New York, hereinafter referred to as the "Town", and Sharon Klos, hereinafter referred to as "Klos."

W I T N E S S E T H:

WHEREAS, Sharon Klos has been employed by the Town of Riverhead since 1993 and on or about October 31, 2010 Ms. Klos expressed her desire to retire from her employment with the Town and discontinue her membership with Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 ; and

WHEREAS, at or about the time of her retirement, the Town expressed the desire to continue Ms. Klos' employment on a part-time basis as a part-time Building Permits Coordinator subject to written terms and conditions of employment; and

WHEREAS, the Town and Klos agreed that written terms and conditions of employment were necessary to describe specifically their relationship and to serve as the basis of effective communication between them to fulfill their governance and administrative functions in the operation of the Town; and

WHEREAS, by Resolution # 744 adopted on 9/21/2010 and stipulation executed on or about 9/32/2010, the Town and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 entered into a stipulation approving the re-hiring of Ms. Klos as a part-time Building Permits Coordinator subject to terms, including but not limited to, duration of Ms. Klos part time employment; and

WHEREAS, by Resolution # 852 adopted on 11/7/12 and stipulation executed on or about 11/15/2012, the Town and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 entered into a second stipulation extending Ms. Klos' employment for an additional six months subject to certain terms and conditions; and

WHEREAS, after a series of meetings and negotiations, the Town and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 desire to enter into a third and final stipulation extending Ms. Klos' employment for six more months subject to certain terms and conditions; and

WHEREAS, this Agreement setting forth the terms and conditions of employment are intended to supersede all such other and prior agreements and mirror the term related to Ms. Klos' employment set forth in the stipulation between the Town Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 extending Ms. Klos' extending her employment for a final six month period of time; and

WHEREAS, this Agreement setting forth the terms and conditions of employment have been negotiated by the parties and said negotiations and agreements have been reduced in writing in the agreement, which cannot be, in whole or in part, amended orally by the parties.

NOW THEREFORE, in exchange of the mutual covenants and considerations, it is agreed that the terms and conditions of employment of Klos in her position as a part-time Building Permits Coordinator of the Building Department, shall be as follows:

ARTICLE I

DURATION

1. This Agreement shall be effective as of as of the date that the New York State Retirement System accepts the retirement of Klos and shall continue in full force and effect for a period of six months with the six month period commencing on April 15, 2013 and terminating on October 15, 2013.

ARTICLE II

RECOGNITION

1. The Town recognizes Klos' right to bargain for the terms and conditions of her employment with the Town. Both parties acknowledge that this Agreement is personal to Klos and shall not inure to her successor. Such recognition is for the period of this Agreement.

2. Klos affirms that she does not assert the right to strike against the Town, or to assist or participate in any such strike, picket, job action or any work slowdown.

3. The Town recognizes Klos' right to designate a representative to appear on her behalf to discuss salaries, working conditions, grievances and disputes relative to the terms and conditions of this Agreement, except as to the duration of the agreement/term of employment, and to confer with Klos during working hours. The representative's activities shall not disrupt the orderly and smooth operation of Town government.

ARTICLE III

HOURS OF WORK

1. Klos' minimum basic work week shall be seventeen and one half hours. However, Klos shall be entitled to flex her basic work week hours over each pay period. In addition, with the approval of the Supervisor, Klos shall be entitled to adjust her schedule such as he deems necessary provide Klos has arranged for adequate coverage of her duties and has adequate sick and vacation time to enable him to be paid for said time off. There shall be no maximum number of hours of work per week. Klos shall not receive additional compensation for hours worked in

excess of seventeen and one half hours. Klos is not entitled to earn, accrue, or be paid for overtime or compensatory time

2. Klos shall be entitled to the same paid holidays as set forth in the CSEA contract at the rate of one half day.

3. Funeral Leave. Klos shall be entitled to four (4) consecutive working days leave of absence computed either from the day of death or the day following death, at Klos' option, for the death of Klos' spouse, child (including adopted children), father, mother, brother, sister, parents, parents-in-law, grandparents, grandparents-in-law, grandchildren, daughter-in-law, brother-in-law, sister-in-law, son-in-law, or stepchild.

4. Jury Service. Klos will be paid her regular salary while performing jury service upon documentary proof being filed with the Supervisor. Klos shall endorse the jury salary checks to the Town. Travel allowance or mileage compensation checks for jury service are to be retained by Klos.

5. Court Appearance. Klos' absence by reason of appearance as a defendant or witness on behalf of the Town in any court action involving the Town will be approved by the Town Supervisor for the number of days necessary. Klos shall not lose any salary therefrom.

6. Parentage Leave. Klos shall receive a parentage leave as defined in the in the current CSEA contract.

ARTICLE IV

VACATIONS

1. Klos shall be entitled to six and one quarter (6.25) part-time working days' vacation (November 1 to May 31).

2. Klos, upon request, shall be paid her vacation pay prior to the vacation, providing he shall have given three (3) weeks' notice to the Supervisor.

3. Upon retirement or termination of service, except for cause, Klos shall be compensated, in cash, for any unused vacation.

ARTICLE V

SICK LEAVE

1. Sick leave is absence necessitated by Klos' illness or other physical disability. Klos shall be entitled to seven and one half (7.5) sick days per annum. In order to receive sick leave, Klos shall, when absent because of sickness for more than three (3) days, furnish the Supervisor, when requested by him/her, with a medical certificate. Failure to furnish a medical certificate

will result in loss of pay for absent days. The Town Board, in its discretion, may request a physical examination Klos before her return to work.

2. Klos, or her legal representative, upon severance, is entitled to payment for unused sick leave.

3. Klos, if she falls ill while on vacation, upon presentation of a medical certificate certifying she was confined to bed for more than five (5) working days during her vacation, may charge her illness to sick leave upon proper notification to the Supervisor and may take the same number of sick days as vacation days.

ARTICLE VI

GRIEVANCE PROCEDURE

1. Consideration of Grievance.

A grievance by Klos shall be made, in writing, to the Town Board. Upon receipt of the grievance, the Town Board may request Klos to submit any agreed statement of facts or her version of the facts, or any other documents that the Town Board may deem pertinent to the determination of the appeal.

The Town Board shall conduct a hearing within twenty (20) business days of receipt of an appeal. Within twenty (20) business days after the hearing, the Town Board shall make a decision based on its findings and advise Klos. The decision of the Town Board shall be final and all parties bound thereby.

2. Time of Hearings.

All discussions and hearings shall, so far as practicable, be conducted during working hours.

3. Representation.

Klos shall have the right at all times to representation of her choosing.

4. Limitations.

If a grievance occurs and cannot be resolved immediately, Klos shall obey all directives and shall present the grievance as soon thereafter as practicable. Grievances which are not presented within ten (10) days of the occurrence shall be deemed to have been abandoned.

5. Withdrawn Grievances.

Klos may withdraw a grievance at any point in the grievance procedure.

ARTICLE XII

MANAGEMENT RIGHTS

1. Klos recognizes that all of the functions, rights, powers, responsibilities and authority of the Town which the Town has not specifically abridged, deleted, delegated, granted or modified by her Agreement are, and shall remain, exclusively those of the Town. Klos recognizes that the Town has the responsibility to manage the Town, direct its employees, determine the number of employees it will employ, has the right to hire, suspend, discharge, discipline, promote, demote, or transfer its employees, subject, however, to the provisions of the Civil Service Law.

Klos agrees, in recognition of management's rights, not to request the Town to bargain with respect to the preceding paragraph during the term of their Agreement, except as otherwise specifically provided for herein, either as to the basic decision or as to the effect of that decision upon wages, hours and other terms and conditions of employment. Any violation of the Agreement is subject to the Grievance procedure.

2. The Town Board recognizes that Klos' title with Suffolk County Civil Service shall remain Building Permits Coordinator. Klos and the Town Board recognize that strikes and other forms of work stoppages by Civil Service employees are contrary to law and public policy. Klos and the Town Board subscribe to the principle that differences shall be resolved by peaceful and appropriate means without interruption of the normal duties necessary to the operation of the Town.

Klos, therefore, agrees that he will not engage in a strike, work stoppage, job action or concerted refusal to perform work.

ARTICLE IX

GENERAL PROVISIONS

1. The Town agrees to provide legal counsel to defend Klos in any action arising out of an assault on Klos on Town business, and the Town hereby agrees to defend, indemnify, and hold Klos harmless for any and all acts performed for the Town, its agents and employees, including but not limited to preparation, certification and sealing of plans prepared exclusively for the Town, its agents and employees, provided Klos was acting within the scope of her employment. In the event that Klos is appointed, authorized or directed by the Town or one of its agencies to represent it as a member of the board of directors of an organization or agency, then he shall be covered by the provisions of Public Officers Law Section 18 and Town Code

Sections 15-1 and 15-2 pertaining to the defense and indemnification of officers and employees of public entities, provided Klos is otherwise eligible for coverage pursuant to the terms of those provisions.

2. If Klos is injured or assaulted in the course of employment, he shall receive full salary until such time as her application for reinstatement to full duty status, or, in the event of permanent disability, her application for a disability pension be finally determined or by a physician's examination determining no further disability, whichever comes first. If Klos is injured on the job and reports the same to the Supervisor, and has to be absent from work, no days shall be deducted from her sick leave for such injury. If Klos receives a compensation check for lost time due to a compensable injury, he shall endorse her check over to the Town. The above shall apply if Klos was acting within the scope of her employment.

3. A leave of absence, without pay, may be granted to Klos in the discretion of the Town Board for a maximum of six (6) months, upon written application therefore and good cause shown.

4. If Klos is absent without leave or without due notification to the Supervisor, he shall suffer loss of pay for the days of such absence.

5. Klos shall receive a medical examination once a year and inoculations, when necessary, at the expense of the Town and by a physician selected by the Town.

6. Klos will be paid every two (2) weeks on Thursday of the latter week.

7. Upon Klos's request to examine her official employment personnel file, she may be permitted to do so at the discretion of the Town Board. Any material classified as confidential shall not be subject to duplication by Klos, but he shall have an opportunity to read said material and make a written reply, which shall be inserted in her personnel folder.

8. Klos is offered the protection of Section 75 of the Civil Service Law of the State of New York, except for conviction of a crime, upon which a hearing can be held at the discretion of the Town. The Town Board may suspend Klos without pay if he is charged with a crime. If proven innocent, he will receive full pay.

9. Safety equipment shall be furnished by the Town Board to Klos at no cost to him.

10. The Town shall make available a safe and reliable vehicle to Klos for use on Town business. The Town Board, at its discretion, may determine that Klos has responsibilities on a twenty-four (24) hour basis that require that a vehicle be provided on that basis.

11. To the extent permitted by the U.S. Internal Revenue Code and the New York State Income Tax Laws, the Town shall establish a deferred compensation plan for Klos.

12. The Town Board agrees to establishment of a chain of command. A written policy will be developed through conference and agreement of Klos and the Town Board. The establishment of a written policy detailing the chain of command will be completed within thirty (30) days of the signing of other Agreement.

ARTICLE X

WAGES

Klos shall receive the following annual salary: \$15,000.00

IN WITNESS WHEREOF, the parties hereto by their duly authorized representatives, have executed the Agreement the day and year stated above.

TOWN BOARD OF THE TOWN OF RIVERHEAD

BY: _____
SEAN M. WALTER, Town Supervisor

SHARON E. KLOS

03.19.13
130251

ADOPTED

TOWN OF RIVERHEAD

Resolution # 252

RESOLUTION TO AUTHORIZE THE TOWN OF RIVERHEAD TO ENTER INTO AN AGREEMENT WITH RIVERHEAD CENTRAL SCHOOL DISTRICT/KEY CLUB FOR USE OF TOWN OWNED BUS

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Key Club is an organization of young adults (high school students) from the Riverhead School District, sponsored but not part of Kiwanis Club of Greater Riverhead, with a focus toward community service and objectives which include development of initiative and leadership, service to the school and community, prepare for useful citizenship with the motto “Caring-Our Way of Life”; and

WHEREAS, for the past several years, as part of a statewide initiative, the Key Club (also commonly referred to as “Riverhead High School Key Club”), has actively undertaken projects designed to educate all Riverhead residents regarding the importance of recycling and encouraged the “Going Green” effort and notably the Riverhead High School Key Club won an award for the “Going Green” program in 2011; and

WHEREAS, on August 21, 2012, the Town Board, as part of its efforts to implement recommendations made by the New York State Department of Environmental Conservation regarding the Town’s Solid Waste Management Plan (“SWMP”), adopted Resolution #671 to authorize the Town of Riverhead to donate money to Riverhead High School Key Club for recycling education programs; and

WHEREAS, the Riverhead High School’s Key Club has participated and competed in the Key Club Leadership Training Conference in Albany, New York for several years and earned awards for its “Going Green” programs; and

WHEREAS, the Board of Education of the Riverhead Central School District, by Resolution adopted on March 12, 2013, approved the overnight Key Club Leadership Training Conference (10-12 students) scheduled for March 22, 2013 to March 24, 2013 in Albany, New York; and

WHEREAS, the Key Club did not receive funding for transportation and has inadequate funds to arrange for transportation to the Leadership Training Conference, hence, the Key Clubs seeks the Town’s assistance for transportation to and from Albany so the members may participate and compete at the conference; and

WHEREAS, the Town owns a bus able to accommodate and transport the 10-12 students approved to attend the conference and such other Key Club administrators and chaperones required to travel to Albany; and

WHEREAS, the Town has confirmed that the bus is not required for Town related use or events during the period of time March 22, 2013 to March 24, 2013; and

NOW THEREFOR BE IT RESOLVED, that the Town Board of the Town of Riverhead approves the use of the Town owned bus subject to an inter-municipal agreement with the Riverhead Central School District which shall include that the Riverhead Central School District/Key Club shall be required to pay all costs and expenses regarding use of the vehicle (i.e. gas, tolls...); a hold harmless and defense and indemnification provision in favor of the Town of Riverhead; certificate of insurance naming the Town as an additional insured; and subject to such other conditions determined appropriate and approved by the Office of the Town Attorney; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute an inter-municipal agreement with the Riverhead Central School District 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 Riverhead High School Key Club; Town Board; and Bill Rothaar, Financial Administrator for the Town of Riverhead; 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.

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution #252 was TAKEN OFF THE FLOOR

YES – 5 Giglio, Gabrielsen, Wooten, Dunleavy, Walter

NO – 0

Immediately followed by the motion to ADOPT

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted