

May 2, 2013
SPECIAL TOWN BOARD MEETING

RESOLUTION LIST

- Res. #334 Authorizes Supervisor to Issue a Letter to the Suffolk County Department of Health Services Allowing the Use of Pine Barrens Credits Originated from Property Located in Riverhead
- Res. #335 Approves Chapter 90 Application of The Survival Race, LLC
- Res. #336 Authorizes The Supervisor To Execute An Agreement With The Survival Race, LLC (Utilize Police Personnel And Police Cars)
- Res. #337 Authorizes the Town to Support Applications for Economic and Community Development Assistance through the National Grid Hurricane Sandy Relief

TOWN OF RIVERHEAD

Resolution # 334

AUTHORIZES THE SUPERVISOR TO ISSUE A LETTER TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES ALLOWING THE USE OF PINE BARRENS CREDITS ORIGINATED FROM PROPERTY LOCATED IN RIVERHEAD

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Pine Barrens credits issued by the Central Pine Barrens Joint Planning and Policy Commission from properties within the Towns of Brookhaven, Riverhead and Southampton may be used interchangeably within the Towns provided that both Towns authorize said use; and

WHEREAS, Hauppauge Office Park Associates wishes to increase the available sanitary density for premises in the Town of Islip by using Pine Barrens credits originating from property located in the Town of Riverhead (Suffolk County Tax Map #0600-075.00-03.00-010.003); and

WHEREAS, the Town of Islip has authorized said transfer.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to issue a letter in substantially the same form as attached to the Suffolk County Department of Health Services approving the use of said Riverhead Pine Barrens credit(s) on premises located at #898 Veterans Memorial Highway, Hauppauge, New York, further described as Suffolk County Tax Map No. 0500-014.00-03.00-026.004; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Farrell Fritz, P.C., 100 Motor Parkway, Suite 138, Hauppauge, New York 11778; the Planning Department 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

Resolution # 335

APPROVES CHAPTER 90 APPLICATION OF THE SURVIVAL RACE, LLC
(May 4th and 5th, 2013)

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on March 19, 2013, James Villepigue of Survival Race, LLC, submitted a Chapter 90 Application for the purpose of conducting a family focused 5K Run, obstacle course and Mud Run to be held at the Cornell Cooperative Extension of Nassau County property a/k/a 4-H Camp, located at 3186 Sound Avenue, Riverhead, New York, on Saturday, May 4, 2013 and Sunday, May 5, 2013, between the hours of 9:00 a.m. and 3:00 p.m.; and

WHEREAS, James Villepigue has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

WHEREAS, the applicant has paid the applicable Chapter 90 Fee; and

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

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

NOW THEREFORE BE IT RESOLVED, that Town Board 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 James Vullepigue of Survival Race, LLC for the purpose of conducting a family focused 5K Run, obstacle course and Mud Run to be held at the Cornell Cooperative Extension of Nassau County property a/k/a 4-H Camp, located at 3186 Sound Avenue, Riverhead, New York, on Saturday, May 4, 2013 and Sunday, May 5, 2013, between the hours of 9:00 a.m. and 3:00 p.m., is hereby approved; and be it further

RESOLVED, that **this approval is subject to receipt of a Certificate of Insurance evidencing adequate liquor liability limits, to be approved by the Town**

Attorney, no later than the close of business (4:30 o'clock p.m.) on Friday, May 3, 2013; 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 any necessary tent permit(s) must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State and the Building Code of New York State; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to James Villepigue, 3080 Route 112, Suite D, Medford, New York, 11763; 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

Wooten Yes No

Gabrielsen Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 336

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE
SURVIVAL RACE, LLC**

(Utilize police personnel and police cars)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to execute a License Agreement (copy attached herewith) between the Town of Riverhead and The Survival Race, LLC in connection with the utilization of Town of Riverhead police personnel and police vehicles for Survival Race and Zombie Race being held on May 4, 2013 and May 5, 2013, respectively; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to The Survival Race LLC., 3080 Route 112, Unit D, Medford, NY 11763-1450; 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

**AGREEMENT BETWEEN TOWN OF RIVERHEAD AND
THE SURVIVAL RACE LLC FOR UTILIZATION OF TOWN POLICE
PERSONNEL AND VEHICLES**

This Agreement is made and entered into as of this _____ day of May, 2013 by and between The Survival Race LLC, a limited liability company existing under laws of the State of New York, having a principal place of business at 3080 Route 112, Unit D, Medford, New York 11763 and the Town of Riverhead, a municipal corporation with offices located at 200 Howell Avenue, County of Suffolk and State of New York:

WHEREAS, The Survival Race LLC, wishes to utilize the Town of Riverhead Police Department for the purposes of hosting a 5-K Survival Race and a Zombie Race (collectively the “events”) at 3180 Sound Avenue, Riverhead, New York on the dates of May 4, 2013 and May 5, 2013 (the “events”); and

WHEREAS, the Town of Riverhead has agreed to permit the utilization of police personnel and vehicles for the events on May 4, 2013 and May 5, 2013; and

WHEREAS, The Survival Race LLC, agreed to terms under which it will be granted the use of said personnel and vehicles of the Riverhead Police Department for traffic control.

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

1. Use of Property: the Town of Riverhead hereby grants The Survival Race, LLC permission to utilize two (2) uniformed police officers and two police vehicles to provide traffic control for the events commencing at 9:00 a.m. and ending at 3:00 p.m. on May 4, 2013 and May 5, 2013.

The Survival Race, LLC may not use any images of the police personnel and/or the police vehicles.

2. Cleanup: The Survival Race LLC agrees to provide cleanup and removal of any debris or props deposited by reason of its actions in connection with the agreement.

3. Compliance With Laws: The Survival Race LLC, agrees at all times comply with all applicable federal, state, county and municipal laws, regulations, ordinances, codes and restrictions, including, without limitation, compliance with Article 28 of the New York State Tax Law and applicable regulations thereunder, and will secure any and all permits or licenses required for its activities and operations carried out at the Property.

4. Compensation: In exchange for police personnel and/or the police vehicles as set forth above, The Survival Race LLC, as required, will pay the Town \$146.06 per hour for the utilization of each police officer and \$10.00 per hour for the utilization of each police vehicle. The Survival Race LLC shall pay a sum of \$3,745.44 for utilization of two (2) police officers and two (2) police vehicles for a period commencing at 9:00 a.m. and continuing to 3:00 p.m. on May 4, 2013 and May 5, 2013. This sum shall be made payable to the Town of Riverhead and shall be paid at the time The Survival Race LLC signs this Agreement. On the dates of the events, The Survival Race LLC may request assistance from the police officers beyond 3:00 p.m. for the hourlyrate listed above and the Town of Riverhead will use its best efforts to provide such assistance. Any additional sums payable by The Survival Race LLC under this Agreement shall be made within 30 days of the date hereof.

5. Responsibilities of The Survival Race LLC: Subject to the terms of this Agreement, The Survival Race LLC, will be responsible for carrying out and shall have exclusive control of all operations associated with the events and related activities occurring upon the premises at 3180 Sound Avenue, Riverhead, New York. The Survival Race LLC, shall diligently and continuously engage in such cleanup efforts, if any, upon Sound Avenue so that the entrance/exit area to the events remains completely clean and free of clutter and debris.

6. Insurance and Indemnification: The Survival Race LLC, will be responsible for providing commercial general liability insurance in the amount of not less than \$2,000,000.00 with a company or companies reasonably satisfactory to the Town. The Survival Race LLC shall provide certificate(s) of the foregoing insurance, showing the Town of Riverhead as additional insured to the extent of their interest. Finally, The Survival Race LLC agrees to indemnify and hold the Town of Riverhead and their respective officers, employees, agents, representatives and officials from any and all loss or liability associated with the events and related activities described herein, including actions, lawsuits, claims, liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by The Survival Race LLC and its employees, agents, representatives and concessionaires, except to the extent caused by the negligence or willful misconduct by the Town of Riverhead. With respect to any suit or claim by Town of Riverhead whether under this indemnification provision or otherwise, The Survival Race LLC for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable outside

attorneys fees incurred by the Town securing compliance with the provision of this indemnification agreement.

7. Successors and Assigns: This agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the parties; provided, however, that nothing herein shall be deemed to permit the assignment of this Agreement by either party without the express written consent of the other party.

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

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

In Witness Whereof, The Survival Race LLC has caused this instrument to be signed in its corporate name and Town of Riverhead has caused this instrument to be signed in its municipal name by Sean M. Walter, its Supervisor, hereunto duly authorized, as of the day and the year first above written.

The Survival Race LLC

By: _____
Name:

The Town of Riverhead

By: _____
Name: Sean M. Walter, Supervisor

TOWN OF RIVERHEAD

Resolution # 337

**AUTHORIZES THE TOWN TO SUPPORT APPLICATIONS FOR ECONOMIC AND
COMMUNITY DEVELOPMENT ASSISTANCE THROUGH
THE NATIONAL GRID HURRICANE SANDY RELIEF**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, thousands of National Grid's gas customers and communities, including communities on the east end of Long Island experienced unprecedented devastation as a result of Hurricane Sandy and the nor'easter that struck days later; and

WHEREAS, the National Grid Hurricane Sandy Relief Tier 3: Economic and Community Development Assistance Program is designed to provide assistance to communities and customers most impacted by the hurricane and flooding; and

WHEREAS, the National Grid Hurricane Sandy Relief Tier 3: Economic and Community Development Assistance Program provides emergency grants of up to \$250,000 to commercial, industrial and multi-family housing customers in the most heavily impacted areas, to help offset the costs of reconstructing buildings and restoring business activity and the program funds can be used for energy infrastructure repair and/or replacement, construction, renovation and rehabilitation of eligible buildings; and

WHEREAS, National Grid's funding consideration will be based on documented financial need and impact to the community and grant amounts will be determined using criteria including, but not limited to: total project costs, square footage of facility, jobs retained and type of business; and

WHEREAS, while National Grid has the sole responsibility for selecting grant recipients, the National Grid Hurricane Sandy Relief Tier 3: Economic and Community Development Assistance Program requires customer applications to be reviewed and endorsed by a state, regional or local economic development agency that is familiar with both the customer's application and National Grid's program requirements; and

WHEREAS, the Town of Riverhead seeks to support National Grid customers located within the Town of Riverhead who may be deemed eligible to receive funding assistance consistent with the National Grid Hurricane Sandy Relief Tier 3: Economic and Community Development Assistance Program.

NOW, THEREFORE, BE IT RESOLVED,the Town Board of the Town of Riverhead supports the National Grid Hurricane Sandy Relief Tier 3: Economic and Community Development Assistance Program; and be it further

RESOLVED, under the terms of the program, the Town of Riverhead, by and through its Building Department, shall visit the site that is the subject of the application for the purpose of documenting the storm damage or, in the alternative and to the extent repairs have been completed, a report shall issue outlining prior inspection and/or permitting processes for repairs related to the storm events; and be it further

RESOLVED, that upon the Building Department's completion of the task identified above, the Supervisor is authorized to sign the project endorsement on behalf of the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Town Building Department and the Office of the Town Supervisor; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted