

5/7/2013

CDA RESOLUTION LIST:

CDA

Res. #5 Authorizes the Town Board, on Behalf of the Town of Riverhead and Community Development Agency, to Adopt a Development Plan for EPCAL Including Proposed Subdivision Map, Full Environmental Assessment Form, Draft Scope of Issues for the Anticipated Supplemental Generic Environmental Impact Statement and Authorizes the Supervisor to Execute all Such Documents Required to Effectuate the Commencement and Preparation of Supplemental Generic Impact for Purposes of Study of Potential Environmental Impacts

TOWN BOARD RESOLUTION LIST:

Res. #338 2013 Chips Curbing and Resurfacing Road Improvement Project Budget Adoption

Res. #339 General Fund Animal Shelter Budget Adjustment

Res. #340 Calverton Recreation Park Capital Project Budget Adjustment

Res. #341 Donation Received Weeping Willow Open Space Improvement Project Budget Adjustment

Res. #342 Highway Department Budget Adjustment

Res. #343 Recreation Fund Budget Adjustment

Res. #344 General Town Senior Center Donation Budget Adjustment

Res. #345 Authorizes Release of Developer Money Stoneleigh Woods at Riverhead Phase II

Res. #346 Establishes Location for Farmers' Market for 2013 Season

Res. #347 Re-Appoints Members to Suffolk County/Town of Riverhead Empire Zone Administrative Board

Res. #348 Sets the Salary of the Chief of Police

Res. #349 Appoints a Public Safety Dispatcher to the Police Department (Christine Miloscia)

Res. #350 Awards Bid for 2013 Fertilizer & Law Chemicals

5/7/2013

- Res. #351** Extends Bid Contract for Lubricant Items
- Res. #352** Authorization to Publish Advertisement for Work Clothes for the Town of Riverhead
- Res. #353** Appoints a Seasonal Assistant Beach Manager to the Recreation Department (Amelia Czelatka)
- Res. #354** Appoints Seasonal Beach Attendants to the Recreation Department
- Res. #355** Appoints a Seasonal Senior Lifeguard to the Recreation Department (Johanna Imwalle)
- Res. #356** Appoints Seasonal Lifeguards to the Recreation Department
- Res. #357** Appoints a Seasonal Beach Manager to the Recreation Department (Elizabeth Flood)
- Res. #358** Authorizes Execution of Contract with Seed Clam Administrator
- Res. #359** Authorizes the Town Board, on Behalf of the Town of Riverhead and Community Development Agency, to Adopt a Development Plan for EPCAL Including Proposed Subdivision Map, Market Study with Plan for Rezone and Amendment of Comprehensive Plan Consistent with Market Study and Authorizes the Supervisor to Execute all Such Documents Required to Effectuate the Commencement and Preparation of Supplemental Generic Impact Statement for Purposes of Study of Potential Environmental Impacts
- Res. #360** Adopts a Local Law to Amend Chapter 101 Entitled “Vehicles and Traffic” of the Riverhead Town Code (§101-7. Turns – Elton Street & Roanoke Avenue)
- Res. #361** Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Local Law to Amend Chapter 101 Entitled “Vehicles and Traffic” of the Riverhead Town Code (§101-8. Weight Limit of Eight Tons)
- Res. #362** Adopts a Local Law to Amend Chapter 101 Entitled “Vehicles & Traffic” of the Riverhead Town Code (§101-11. No parking certain hours; school zones – Edgar Ave.)
- Res. #363** Adopts a Local Law to Amend Chapter 101 Entitled “Vehicles & Traffic” of the Riverhead Town Code (§101-13. Parking time limited. D. Three hours.)

5/7/2013

- Res. #364** Adopts a Local Law Amending Chapter 18 Entitled “Code of Ethics” of the Riverhead Town Code
- Res. #365** Appoints the Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP to Act as Special Counsel and Authorizes the Supervisor to Execute a Retainer Agreement
- Res. #366** Authorizes the Acceptance of Donation for Painting the George Young Community Center
- Res. #367** Authorizes the Supervisor to Execute Agreement with UCLA Lakretz Center for California Conservation Science to Conduct Field and Genetic Studies Related to Tiger Salamanders at EPCAL
- Res. #368** Approves the Chapter 90 Application of Martha Clara Vineyards, LLC (Overflow Tent – June 25th, 2013 through August 20th, 2013)
- Res. #369** Approves the Defense and Indemnification for George Bartunek
- Res. #370** Approves the Defense and Indemnification for Richard W. Downs
- Res. #371** Approves the Defense and Indemnification for Philip Cardinale
- Res. #372** Approves the Chapter 90 Application of East End Rowing Institute Ltd. (Sunday, November 10, 2013)
- Res. #373** Approves the Chapter 90 Application of Hallockville Inc. (Country Style Fair – May 18th and 19th, 2013)
- Res. #374** Offers Support to New York State Legislature to Amend Chapter 399 of the Laws of 2008 Relating to Giving the Riverhead Town Board the Discretion to Change Speed Limits (Senate Bill #S.4577)
- Res. #375** Authorizes Amendment to Agreement with Mary Hopkins
- Res. #376** Approves Chapter 90 Application of Jamesport Fire Department (5K & 10K Race – Sunday, August 25, 2013)
- Res. #377** Terminates a Maintenance Mechanic III in the Riverhead Sewer District/Riverhead Scavenger Waste District
- Res. #378** Authorizes the Naming of the Roadway that Runs Along the Peconic River in Downtown Riverhead to “Heidi Behr Way”

5/7/2013

- Res. #379 Approves Chapter 90 Application of PC Richard & Son (Tent Sale – May 22nd through May 28th, 2013)**
- Res. #380 Approves Chapter 90 Application of Peconic Bay Region of the Antique Automobile Club of America (To Benefit the Wounded Warrior Project – May 25, 2013)**
- Res. #381 Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article XXVI, Site Plan Review)**
- Res. #382 Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 62 Entitled “Excavations” of the Riverhead Town Code**
- Res. #383 Ratifies the Reappointment of Member to the Riverhead Landmarks Preservation Commission (Gary Jacquemin)**
- Res. #384 Ratifies the Reappointment of Member to the Riverhead Landmarks Preservation Commission (Georgette Keller)**
- Res. #385 Ratifies the Reappointment of Member to the Riverhead Landmarks Preservation Commission (Richard Wines)**
- Res. #386 Ratifies the Reappointment of Members to the Riverhead Landmarks Preservation Commission (Stephanie Bail, Peter Lucas)**
- Res. #387 Ratifies the Accounting Department to Proffer Payment of \$49,300.00 to the Riverhead Business Improvement District Management Association, Inc., Regarding 2013 Calendar Year Events and Services**
- Res. #388 Approves Chapter 90 Application of Railroad Museum of Long Island (“Toy Train Play Days” – October 12th and 13th, 2013)**
- Res. #389 Approves Chapter 90 Application of Railroad Museum of Long Island (Riverhead Railroad Festival 2013 – August 24th& 25th, 2013)**
- Res. #390 Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article VIII. Accessory Apartments)**
- Res. #391 Authorizes the 10% Foundation Security of Saber-Riverhead LLC to be Applied in its Entirety Towards the Building Permit Fee**
- Res. #392 Waives the Showmobile Application Fee for Riverhead Central School District (Phillips Avenue Elementary School)**

5/7/2013

- Res. #393** Authorizes Supervisor to Execute Planned Maintenance Agreement with Cummins Power Systems, LLC, for Generator Maintenance for the Riverhead Water District
- Res. #394** Rejects Bids and Authorizes Town Clerk to Republish and Repost Notice to Bidders for Annual Diesel/Generator Maintenance
- Res. #395** Increases Rates for the Riverhead Water District
- Res. #396** Authorizes the Chief of Police to Submit a Grant Application
- Res. #397** Awards Bid for 2013 Annual Irrigation and Maintenance Contract
- Res. #398** Pays Bills
- Res. #399** Authorization to Publish Notice of the Public Presentation of the Town of Riverhead's Annual MS4 Stormwater Certification Report

05.07.13
13005

ADOPTED

**TOWN OF RIVERHEAD
Community Development Agency**

Resolution # 5

AUTHORIZES THE TOWN BOARD, ON BEHALF OF THE TOWN OF RIVERHEAD AND COMMUNITY DEVELOPMENT AGENCY, TO ADOPT A DEVELOPMENT PLAN FOR EPCAL INCLUDING PROPOSED SUBDIVISION MAP, FULL ENVIRONMENTAL ASSESSMENT FORM, DRAFT SCOPE OF ISSUES FOR THE ANTICIPATED SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT AND AUTHORIZES THE SUPERVISOR TO EXECUTE ALL SUCH DOCUMENTS REQUIRED TO EFFECTUATE THE COMMENCEMENT AND PREPARATION OF SUPPLEMENTAL GENERIC IMPACT FOR PURPOSES OF STUDY OF POTENTIAL ENVIRONMENTAL IMPACTS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, as described more fully below, the Town of Riverhead, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York duly organized and existing pursuant to the laws of the State of New York, and the Town of Riverhead Community Development Agency, a New York Public Benefit Corporation dedicated to promoting, sponsoring and overseeing economic development within the Town, have spent considerable time and effort to develop a revised land use plan, associated zoning, updated market assessment, and subdivision plan for the former Calverton Naval Weapons Industrial Reserve Plant (hereinafter "EPCAL"); and

WHEREAS, the EPCAL property consisting of approximately 2900 acres was once part of the former Calverton Naval Weapons Industrial Reserve Plant was formerly owned by the Navy and leased by the Grumman Corporation; and

WHEREAS, in 1998, after Grumman chose not to renew its lease for the site, the Navy, pursuant to Public Law 103-c337, conveyed the entire twenty-nine hundred (2,900) acre site to the Town of Riverhead Community Development Agency (CDA) for no consideration, conditioned upon the Town's reuse of the property for economic development; and

WHEREAS, in anticipation of the transfer of the ownership of the land from the Navy to the Town of Riverhead conditioned upon the economic redevelopment of the property, the Town of Riverhead and Community Development Agency, commissioned the firm of Hamilton, Rabinowitz&Alschuler to complete a comprehensive reuse planning study of the site (The "H, R & A Study"); and

WHEREAS, the alternative land use scenarios analyzed included three redevelopment plans which were intended to promote the economic development of the site, namely; 1) industrial development of the entire site, 2) age restricted (senior) development, and 3) a hybrid of industrial land use and regional recreational development; and

WHEREAS, the H, R & A Study recommendations were a “significant departure” from those outlined in the Town’s 1973 Comprehensive Master Plan, pursuant to Town Law 272-a, consequently the Town was required to amend its Master Plan; and

WHEREAS, as a result of the need to amend the Master Plan, the Town determined that the amendment to the Comprehensive Master Plan was a Type I action pursuant to NYCRR 617.4 and it was determined that a Generic Environmental Impact Statement assessing the environmental impacts to the natural and social environments by the proposed development as outlined in the H, R & A Study would be required; and

WHEREAS, the United States Navy completed this study prior to conveyance to the Community Development Agency; and

WHEREAS, the Town, pursuant to the requirements of Town Law 265, referred the proposed amendment to the Town’s Comprehensive Master Plan to the Suffolk County Planning Commission as required by General Municipal Law §239-m and the Suffolk County Planning Commission issued a determination recommending approval of the amendment; and

WHEREAS, after completion of the Environmental Impact Statement and the Suffolk County Planning Commission approval, by Resolution 849 of 1998, the Town of Riverhead adopted land use alternative three (the hybrid of industrial and regional recreational uses) as contained in the H, R & A Study as an amendment to the Comprehensive Master Plan of the Town of Riverhead; and

WHEREAS, in order to implement the recommendations of the H, R & A Study, the Town of Riverhead proposed the adoption of two new zoning use districts for the EPCAL site, to wit: Planned Industrial Park (PIP) Zoning Use District (encompassing the bulk of the former Grumman facilities sometimes referred to as the “Industrial Core”) and the balance of the property was rezoned to Planned Recreational Park (PRP) Zoning Use District; and

WHEREAS, the Town held the requisite public hearings on the inclusion of the PIP and PRP Zoning Use Districts in the Riverhead Town Code on December 15, 1998 and June 15, 1999, respectively and thereafter, both the PIP and PRP Zoning Use Districts were referred to the Riverhead Planning Board for its report and recommendations; and

WHEREAS, the Planning Board recommended approval of the proposed zoning use districts and map amendments and pursuant to General Municipal Law §239-m, the

proposed zoning districts and zoning map amendments were forwarded to the Suffolk County Planning Commission for its report and recommendation as required by General Municipal Law §239-m; and

WHEREAS, on September 1, 1999, the Suffolk County Planning Commission also recommended approval of the amendments; and

WHEREAS, following receipt of the Planning Commission's recommendation, pursuant to Resolution #830 of 1999, the Town Board, reciting in its resolution; the SEQRA record, the comments made at the numerous public hearings, the report of the Town Planning Department, the SEQRA findings statement attending the Comprehensive Master Plan amendment, the report of the Town Planning Board, the report of the Suffolk County Planning Commission, the prevalent Pine Barrens overlay district, together with any other pertinent planning, zoning or environmental information available, adopted the proposed zoning code and zoning use district map amendments; and

WHEREAS, since the transfer of title to the Town of Riverhead Community Development Agency in 1998, the Calverton site "EPCAL" has seen limited redevelopment, to wit: the Town sold the site's existing industrial buildings, which contain approximately one million square feet, on 490 acres of land in the PIP zoning district, to a private developer in 2001 and two additional parcels were also sold, one for the development of a water park and the other to Stony Brook University for use of the site as an incubator, with no other sales in the past decade or more; and

WHEREAS, due to the evolution of market, economic, and site conditions since the adoption and implementation of the original comprehensive reuse plan, the Town and CDA, embarked on a plan to update, develop and implement a reuse plan to bring to fruition economic development to the Town of Riverhead; and

WHEREAS, the CDA, by Resolution #4 adopted on February 1, 2011, acting with and for benefit of the Town, retained the services of VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) to assist the Town and CDA and provide services related to an updated Comprehensive Reuse Plan, including but not limited to, development of a revised land use plan, associated zoning, updated market assessment, preparation of subdivision plan, and assistance in the administration of the SEQRA process; and

WHEREAS, related to and made part of the services provided by VHB, VHB prepared the requests for proposals related to the update of the 1996 Reuse Plan (also described as market study); and

WHEREAS, the Town Board of the Town of Riverhead authorized the issuance of a Request for Proposals for an Updated Market Study for Reuse and Revitalization of the Former Naval Weapons Industrial Reserve Plant ("NWIRP/EPCAL") by Resolution #246 adopted on April 5, 2011; and

WHEREAS, Town Board awarded RKG Associates, Inc. the contract to prepare, complete and present an updated comprehensive market study for reuse of the former Naval Weapons Industrial Reserve Plant (“NWIRP/EPCAL”); and

WHEREAS, on December 8, 2011, RKG presented, during an open and public session of the Town Board, an updated market study which identified the economic and real estate conditions influencing development on the subject site and recommended uses most compatible and viable with site conditions and market demand; uses with potential growth and sustainability; and uses that could compete within the regional market; and

WHEREAS, on December 8, 2011, VHB presented, during an open and public session of the Town Board, a plan for development and an alternate plan for development (hereinafter referred to as development plan “B”) incorporating the recommendations and findings of the market study prepared by RKG and the Town Board, by Resolution #937 of 12/20/11, accepted and adopted the findings and recommendations for EPCAL redevelopment prepared by RKG Associates (RKG) and also having authorized VHB Engineering, Surveying and Landscaping Architecture, P.C. (VHB) to proceed towards the requisite State Environmental Quality Review (SEQR) of their alternative plans for development; and

WHEREAS, since December of 2011 to the present, the Town, CDA, and VHB have met with numerous regional, state, and local agencies and interest groups regarding the proposed development plan and, as a result of and in an effort to address all comments and concerns, the Town, with the assistance of VHB, has redesigned and reconfigured the plan for development as reflected in Alternative Subdivision Sketch C annexed hereto and made a part hereof; and

WHEREAS, the VHB has prepared and recommends that, Town Board, acting as governing body of the Town of Riverhead Community Development Agency, accept for SEQR purposes the Full Environmental Assessment Form (EAF) Part I, the Alternative Subdivision Sketch C for Enterprise Park at Calverton dated April 26, 2013 and the draft scope of issues necessary for the anticipated Supplemental Generic Environmental Impact Statement (SGEIS); amendment of existing zoning including Light Industrial, Planned Recreational Park, Calverton Office, and performance criteria in all such districts; amendment to the comprehensive master plan for that portion of land within EPCAL owned by the CDA; and

NOW THEREFORE BE IT RESOLVED, that the Town Board, acting as governing body of the Town of Riverhead Community Development Agency, hereby accepts for SEQR purposes the Full Environmental Assessment Form (EAF) Part I; the Alternative Subdivision Sketch C for Enterprise Park at Calverton dated April 26, 2013; and draft scope of issues for the anticipated Supplemental Generic Environmental Impact Statement (SGEIS) prepared by VHB and the documents recited above shall be circulated among involved and interested agencies for coordinated review of the comprehensive plan for subdivision, rezoning, amendment to master plan and

development of the Town of Riverhead Community Development Agency land at EPCAL; and be it further

RESOLVED, that the Supervisor is authorized to execute all correspondence, documents, forms with involved or interested agencies and/or file with the Town Clerk all such documents required to effectuate the commencement and preparation of supplemental generic impact for purposes of study of potential environmental impacts, including but not limited to and to the extent required, application for subdivision approval and letters for coordinated review; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to RKG Associates, Inc. 634 Central Avenue, Dover, NY 03820 and VHB Engineering, Surveying and Landscaping Architecture, P.C., 2150 Joshua’s Path, Suite 300, Hauppauge, NY 11788 and a copy to Christine Kempner, CDA Director, Rick Hanley, Planning Director, Jefferson Murphree, Building and Planning Administrator and Anne Marie Prudenti, Deputy Town Attorney, and be it further

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

On a motion by Councilman Wooten, seconded by Councilman Gabrielsen, CDA resolution #5 was **TAKEN OFF THE FLOOR**

THE VOTE:

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

05.07.13
130338

ADOPTED

TOWN OF RIVERHEAD

Resolution # 338

**2013 CHIPS CURBING AND RESURFACING
ROAD IMPROVEMENT PROJECT
BUDGET ADOPTION**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, State funds are available through the Consolidated Local Street and Highway Improvement Program (CHIPS) and the Superintendent intends to install curbing and resurface various Town roads.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board authorize the Accounting Department to establish the following budget adoption:

	<u>FROM</u>	<u>TO</u>
406.053501.492500.45119 CHIPS Aid	368,000	
406.051100.523030.45119 CHIPS - Road Resurfacing		345,000
406.051100.523001.45119 Curbs		23,000

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

05.07.13
130339

ADOPTED

TOWN OF RIVERHEAD

Resolution # 339

GENERAL FUND
ANIMAL SHELTER
BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Resolution #957 adopted 12/18/2012 authorized the execution of an agreement between the Town of Riverhead and North Fork Animal Welfare League for operation of the Riverhead Town Animal Shelter; and

WHEREAS, the General Fund requires a budget adjustment for 2013 moving the remaining funds into Professional Services Animal Shelter

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>
001.035100.511100	Personal Service	92,302.08	
001.035100.512100	Overtime	1,876.00	
001.035100.513100	Longevity Uniform	2,000.00	
001.035100.514800	Health Insurance Buyback	1,700.00	
001.035100.524000	Equipment	1,200.00	
001.035100.541500	Auto Repairs	4,791.50	
001.035100.542251	Dog Food Expense	6,299.90	
001.035100.542400	Uniforms	1,000.00	
001.035100.542504	Cleaning Supplies	1,000.00	
001.035100.543220	Vet Care	13,346.68	
001.035100.545210	Rents & Leases, Copy Machine	57.61	
001.035100.545260	Rents & Leases, Cell Phones	936.31	
001.035100.546100	Telephone	1,147.45	
001.035100.546303	Gasoline	4,570.60	
001.035100.549000	Miscellaneous	712.00	
001.090300.582500	Non Uniform FICA	7,400.00	
001.090100.581500	NYS Retirement	14,000.00	
001.090600.584500	Non Uniform Dental, Hosp & Opt	31,605.67	
001.035100.543250	Professional Services, Animal Shelter		185,945.80

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

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

05.07.13
130340

ADOPTED

TOWN OF RIVERHEAD

Resolution # 340

CALVERTON RECREATION PARK
CAPITAL PROJECT

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Calverton Recreation Park Capital Project #70015 requires additional funding; and

WHEREAS, the Parks and Recreation Superintendent requests a transfer from the Park and Recreation Fee Account for the additional funds.

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

	<u>FROM</u>	<u>TO</u>
406.095031.481736 Transfer from Special Trust	\$29,000	
406.071100.523039.70015 Infrastructure Improvements		\$ 27,000
406.071100.543150.70015 Professional Services - Engineers		\$ 2,000

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

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

THE VOTE

Giglio <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

05.07.13
130341

ADOPTED

TOWN OF RIVERHEAD

Resolution # 341

DONATION RECEIVED
WEeping WILLOW OPEN SPACE IMPROVEMENT PROJECT

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Monies have been received by Cornell Cooperative Extension of Suffolk County to cover costs associated with Weeping Willow Open Space Capital Project for picnic tables, trash receptacles and other supplies.

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead accept the donation for supplies utilized at the Weeping Willow Open Space Park Improvement Project; and

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

		<u>FROM</u>	<u>TO</u>
406.092705.471000.42068	Gifts & Donations	841.57	
406.071100.523004.42068	Improvements		841.57

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

05.07.13
130342

ADOPTED

TOWN OF RIVERHEAD

Resolution # 342

HIGHWAY DEPARTMENT

BUDGET ADJUSTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Superintendent of Highway is requesting a transfer of funds to cover costs associated with emergency services during the blizzard of February 2013.

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>
111.051420.540000	Snow Removal	3,885	
111.051100.541310	Roads Repair & Maintenance, Floods		3,885

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

05.07.13
130343

ADOPTED

TOWN OF RIVERHEAD

Resolution # 343

RECREATION FUND

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, a transfer of funds from the Special Trust Park and Recreation Fees Account to the Recreation Program Equipment Account is necessary for the purchase of bleachers at ball fields.

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

	<u>FROM</u>	<u>TO</u>
406.095031.481736 Transfer from Special Trust	19,964.97	
006.073100.520000 Equipment & Capital Outlay		19,964.97

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

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

THE VOTE

Giglio <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

05.07.13
130344

ADOPTED

TOWN OF RIVERHEAD

Resolution # 344

GENERAL TOWN
SENIOR CENTER DONATION

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, monies have been received in memory of Helen Bischoff as Gifts and Donations for Fun Friday Festivities at the Senior Center.

NOW THEREFORE BE ITRESOLVED, that the Town of Riverhead accept such donations to be used in memory of Helen Bischoff for Fun Friday Festivities.

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

		<u>FROM</u>	<u>TO</u>
001.092705.471000	Gifts & Donations	350	
001.067720.542000	Supplies		350

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

05.07.13
130345

ADOPTED

TOWN OF RIVERHEAD

Resolution # 345

**AUTHORIZES RELEASE OF DEVELOPER MONEY
STONELEIGH WOODS AT RIVERHEAD PHASE II**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Stoneleigh Woods @ Riverhead Phase II, deposited monies for expansion of the Riverhead Water District, Capital Project 30105, with the Town of Riverhead on November 5, 2010 (K-30915) and April 20, 2011 (L-11013) totaling One Hundred Sixty One Thousand Eight Hundred Ten Dollars (\$161,810.00)

WHEREAS, Holzmacher, McLendon & Murrell, P.C. (H2M) and the Riverhead Water District has determined that all work for this extension has been completed and the developer is due back a refund of Seventeen Thousand Four Hundred Sixty Dollars and Twenty Four Cents (\$17,460.24).

WHEREAS, that the Town of Riverhead Administration fee should be released to General Town (\$5,085.46) and to the Riverhead Water District (\$3,814.54) in the total amount of Eight Thousand Nine Hundred Dollars (\$8,900.00)

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Accounting Department to release said monies in the sum of Seventeen Thousand Four Hundred Sixty Dollars and Twenty Four Cents (\$17,460.24) to Stoneleigh Woods @ Riverhead; and Five Thousand Eighty Five Dollars and Forty Six Cents (\$5,085.46) to General Town Administration Fee; and Three Thousand Eight Hundred Fourteen Dollars and Fifty Four Cents (\$3,814.54) to the Water District Administration Fee; and

BE IT FURTHER RESOLVED, that the Accounting Department Close the Project #30105 Stoneleigh Woods @ Riverhead, Phase II and modify the budget.

RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a copy of this Resolution to H2M Group, 575 Broad Hollow Road, Melville, NY 11747; Riverhead Water District and the Accounting Department.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

05.07.13
130346

ADOPTED

TOWN OF RIVERHEAD

Resolution # 346

ESTABLISHES LOCATION FOR FARMERS' MARKET FOR 2013 SEASON

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

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

WHEREAS, the Farmers' Market utilized the area located behind SCTM#0600 129 1 11, 12 and 13 on property owned by the Town of Riverhead in 2012 and found the location to be acceptable.

THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Farmers' Market to be located on said property on each Thursday beginning July 11, 2013 for the 2013 season.

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

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

05.07.13
130347

ADOPTED

TOWN OF RIVERHEAD

Resolution # 347

**RE-APPOINTS MEMBERS TO SUFFOLK COUNTY/TOWN OF
RIVERHEAD EMPIRE ZONE ADMINISTRATIVE BOARD**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town of Riverhead, by Resolution Number 805-1997, authorized submission of an application to the State of New York Empire State Development Corporation for designation of the Calverton Enterprise Park as an Economic Development Zone, now known as Development Zone; and

WHEREAS, on June 3, 1998, Governor George Pataki did announce the designation of new zones to include the Calverton Enterprise Park in the Town of Riverhead, Suffolk County; and

WHEREAS, the Empire Zone program sunset to new certifications but requires certain actions by the municipality including the continued administration mandated by the state of a Zone Administrative Board to be responsible for the operation of the zone and its maintenance; and

WHEREAS, the Zone Administrative Board includes a representative of a local business, organized labor, community group organization, financial institution, education institution, local utility representative and zone area residents, as well as the Town Supervisor, Community Development Agency Director, the Suffolk County Executive; and

WHEREAS, members of the Zone Administrative Board must be appointed as their terms expire or to fill a vacancy, and the terms representing financial institution, educational institution organized labor, utility representative, area resident and EPCAL representative did expire; and

WHEREAS, it is the desire of the Town Board of the Town of Riverhead to re-appoint Mario Mattera representing a organized labor, George Tvelia representing an educational institution, Vincent Frigeria, representing utility provider, and Stephen Patterson, representing EPCAL, and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead hereby re-appoints Mario Mattera, George Tvelia, Vincent Frigeria, and Stephen Patterson as members of the Suffolk County/Town of Riverhead Empire Zone

Administrative Board for a term of three years until January 2016 or until reappointment or replaced by the Riverhead Town Board; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Carolyn Fahey at the Office of Suffolk County Executive Steve Bellone, Mario Mattera, care of U.A. Plumbers Local Union No. 200, George Tvelia, care of Suffolk Community College; Vincent Frigeria, care of NYPA and Stephen Patterson; the Town of Riverhead Attorney's Office; Randy Coburn, care of Empire State Development, and Tracy Stark-James, the Empire Zone Coordinator.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

05.07.13
130348

TABLED

TOWN OF RIVERHEAD

Resolution # 348

SETS THE SALARY OF THE CHIEF OF POLICE

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

NOW, THEREFORE, BE IT RESOLVED, that in consideration of the recently negotiated contract between the Town of Riverhead and the Superior Officers Association for the years 2012-2015, this Town Board hereby sets the annual salary of Chief of Police David Hegermiller to the following amount:

Effective 1/1/2013 \$169,721.55

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared **TABLED**

TOWN OF RIVERHEAD

Resolution # 349

APPOINTS A PUBLIC SAFETY DISPATCHER TO THE POLICE DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the need for a Public Safety Dispatcher I exists in the Police Department; and,

WHEREAS, the Suffolk County Department of Civil Service established List #12DC446 on November 13, 2009; and,

WHEREAS, extensive background investigations and personal interviews were conducted by the Suffolk County and Riverhead Town Police Departments to establish one (1) individual eligible for hire by the Town of Riverhead Police Department.

NOW, THEREFORE, BE IT RESOLVED, effective May 13, 2013, the Town Board hereby appoints Christine Miloscia to the position of Public Safety Dispatcher I at an annual salary set forth in Group 1, Step P of the Public Safety Dispatcher salary schedule outlined in the CSEA contract; 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 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

05.07.13
130350

ADOPTED

TOWN OF RIVERHEAD

Resolution # 350

AWARDS BID FOR 2013 FERTILIZER & LAWN CHEMICALS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for FERTILIZER & LAWN CHEMICALS for the Town of Riverhead and;

WHEREAS, 5 bids were 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 FERTILIZER & LAWN CHEMICALS be and hereby is, awarded to ALL PRO HORTICULTURE, JOHN DEERE LANDSCAPES, LONG ISLAND CAULIFLOWER ASSOCIATION & VIGLIOTI'S GREAT GARDENS for prices on the attached pages;

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

ITEM	DESCRIPTION	UNIT COST	ALL PRO	VIGLIOTTI	JOHN DEERE	LIC
1	METRO MIX 20-90-250 50# BAGS	52.00			XXXX	
2	RAZOR PRO-GAL 2X2.5 GAL CASECASE**	88.00 CS	XXXX			
3	ROUNDUP – GAL – 2X2.5 GAL CASE	104.00 case	XXXX			
4	BAYLETON 1% G-11.25 LB BAG	38.50 (15#BAG)				
5	PELLETIZED LIME 40 LB BAG	3.85 BAG		XXXX		
6	PEAT MOSS 3.8 CU FT. BALE	10.60 BALE		XXXX		
7	SCOTTS 19-0-7 26% SCU .9% PENDIMETHALIN CRABGRASS CONTROL 46 LB BAG **	14.90 bag	XXXX			
8	LEBANON 20-0-7 25% RENEX	16.95 BAG				XX
9	LEBANON 15-0-5 W/2% MERIT 50# BAG	24.25				XX
10	24-0-11 40% PSCU 50 LB BAG	19.15			XXXX	
11	4-2-3 BIOBASIC ORGANIC 50 LB BAG	18.45/25# bag			XXXX	
12	ROOTS 15-3-8 ORGANIC 50 LB BAG	36.60 BAG	XXXX			
13	STARTER 10-20-10 50 LB BAG	15.00 BAG				XX
14	ACCLAIM EXTRA 2.5 GAL CONTAINER **	489.50 GAL.				XX
15	WATER SOLUBLE 20-20-20 25 LB BAG	30.65 BAG			XXXX	
16	OSMACOTE 15-9-12 5-6 MONTHS 40# BAG	69.94 BAG		XXXX		
17	TURFACE PRO LEAGUE SOIL CONDITIONER (REC. DEPT.)	9.99 BAG				XX
18	GUIDE LIME IN 50# BAGS (REC.)	4.85 BAG	XXXX			
19	MOUND CLAY BLOCKS (312/PALLET)	398.00		XXXX		
20	TURFACE RED MOUND CLAY (50#BAG)	13.40 BAG				XX
21	PHC TERRA SORB MED.GRADE HYDRUGEL 1# JAR	10.75	XXXX			

05.07.13
130351

ADOPTED

TOWN OF RIVERHEAD

Resolution # 351

EXTENDS BID CONTRACT FOR LUBRICANT ITEMS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Purchasing Department has requested that the contract with GRADE A PETROLEUM originally awarded by Resolution #120279 adopted APRIL 17, 2012 that expired APRIL 17, 2013 be extended for one year until APRIL 17, 2014.

WHEREAS, this will be the first extension of three extensions allowed according to the bid contract;

WHEREAS, GRADE A PETROLEUM PRODUCTS has agreed to extend the contract until APRIL 17, 2014 for the original prices as 2012;; and

WHEREAS, the Town Board has reviewed said request.

NOW THEREFORE BE IT RESOLVED, that the bid contract for LUBRICANT ITEMS be and is hereby extended to APRIL 17, 2014; and be it further

RESOLVED, that the Town Clerk be directed to forward a certified copy of this resolution to GRADE A PETROLEUM PRODUCTS;

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

05.07.13
130352

ADOPTED

TOWN OF RIVERHEAD

Resolution # 352

**AUTHORIZATION TO PUBLISH AND POST ADVERTISEMENT FOR WORK
CLOTHES FOR THE TOWN OF RIVERHEAD**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for WORK CLOTHES FOR THE TOWN OF RIVERHEAD and;

WHEREAS, the Town Clerk is hereby authorized to publish and post the following public notice in the MAY 16, 2013 issue of the News Review and;

NOW THEREFORE BE IT 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 bids for the purchase of WORK CLOTHES for the use in the Town of Riverhead, Riverhead, New York will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:05 am on MAY 30, 2013 at which time they will be publicly opened and read aloud.

Specifications may be examined and/or obtained on MAY 16, 2013 on the Town of Riverhead website at www.townofriverheadny.gov, click on bid requests or at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked WORK CLOTHES 2013. Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and attached to the bid form.

The Town board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

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

Diane M. Wilhelm, Town Clerk

05.07.13
130353

ADOPTED

TOWN OF RIVERHEAD

Resolution # 353

**APPOINTS A SEASONAL ASSISTANT BEACH MANAGER TO THE
RECREATION DEPARTMENT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a Seasonal Assistant Beach Manager is needed by the Riverhead Town Recreation Department,

NOW THEREFORE BE IT RESOLVED, that effective May 15, 2013, through and including September 15, 2013, this Town Board hereby appoints Amelia Czelatka to the position of Seasonal Assistant Beach Manager, Level 5, to be paid the rate of \$12.65 per hour and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

05.07.13
130354

ADOPTED

TOWN OF RIVERHEAD

Resolution # 354

APPOINTS SEASONAL BEACH ATTENDANTS TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Beach Attendants are needed by the Riverhead Town Recreation Department for seasonal work at the Town Beaches

NOW THEREFORE BE IT RESOLVED, that effective May 15, 2013 through and including September 15, 2013, this Town Board hereby appoints the attached list of Beach Attendants to the Recreation 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

**RECREATION DEPARTMENT APPOINTMENTS
5/7/13 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start</u>	<u>End</u>	<u>Salary</u>
Bell	Ashley	Beach Attendant	II	5/15/13	9/15/13	\$9.60
Carroll	Matthew	Beach Attendant	I	5/15/13	9/15/13	\$8.70
Czelatka	Amelia	Beach Attendant	V	5/15/13	9/15/13	\$10.50
Fox	Kevan	Beach Attendant	II	5/15/13	9/15/13	\$9.60
Giannico	Kristianna	Beach Attendant	II	5/15/13	9/15/13	\$9.60
Inzalaco	Joseph	Beach Attendant	I	5/15/13	9/15/13	\$8.70
Kerr-Smith	Rebecca	Beach Attendant	III	5/15/13	9/15/13	\$9.90
O'Neill	Patrick	Beach Attendant	V	5/15/13	9/15/13	\$10.50
Peters	Bethany	Beach Attendant	II	5/15/13	9/15/13	\$9.60
Rachubka	Jessica	Beach Attendant	III	5/15/13	9/15/13	\$9.90
Sendlewski	Jason	Beach Attendant	I	5/15/13	9/15/13	\$8.70
Stimpfel	Nicholas	Beach Attendant	II	5/15/13	9/15/13	\$9.60
Testa	Jessica	Beach Attendant	II	5/15/13	9/15/13	\$9.60
Thieme	Devin	Beach Attendant	I	5/15/13	9/15/13	\$8.70

05.07.13
130355

ADOPTED

TOWN OF RIVERHEAD

Resolution # 355

APPOINTS A SEASONAL SENIOR LIFEGUARD TO THE RECREATION DEPARTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, a Seasonal Senior Lifeguard is needed by the Riverhead Town Recreation Department,

NOW THEREFORE BE IT RESOLVED, that effective May 15, 2013, through and including September 15, 2013, this Town Board hereby appoints Johanna Imwalle to the position of Seasonal Senior Lifeguard, Level 4, to be paid the rate of \$15.75 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

05.07.13
130356

ADOPTED

TOWN OF RIVERHEAD

Resolution # 356

APPOINTS SEASONAL LIFEGUARDS TO THE RECREATION DEPARTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Lifeguards are needed by the Riverhead Town Recreation Department for seasonal work at the Town Beaches

NOW THEREFORE BE IT RESOLVED, that effective May 15, 2013 through and including September 15, 2013, this Town Board hereby appoints the attached list of Lifeguards to the Recreation 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

**RECREATION DEPARTMENT APPOINTMENTS
5/7/13 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Andrejack	Kristin	Lifeguard	III	5/15/13	9/15/13	\$12.45
Badalian	Melaina	Lifeguard	III	5/15/13	9/15/13	\$12.45
Behr	Michelle	Lifeguard	I	5/15/13	9/15/13	\$11.00
Boccafola	Janine	Lifeguard	V	5/15/13	9/15/13	\$13.25
Boccafola	Kristin	Lifeguard	I	5/15/13	9/15/13	\$11.00
DelliCarpini	Emma	Lifeguard	IV	5/15/13	9/15/13	\$12.85
DelliCarpini	Rebecca	Lifeguard	VII	5/15/13	9/15/13	\$14.00
Fernandes	Alana	Lifeguard	III	5/15/13	9/15/13	\$12.45
Fernandes	Cara	Lifeguard	III	5/15/13	9/15/13	\$12.45
Hegermiller	Anna	Lifeguard	V	5/15/13	9/15/13	\$13.25
Hegermiller	Emma	Lifeguard	I	5/15/13	9/15/13	\$11.00
Hegermiller	Gilbert	Lifeguard	III	5/15/13	9/15/13	\$12.45
Iannacchino	Paul	Lifeguard	III	5/15/13	9/15/13	\$12.45
Imwalle	Johanna	Lifeguard	IV	5/15/13	9/15/13	\$12.85
Kollmer	Charles	Lifeguard	II	5/15/13	9/15/13	\$12.10
Kollmer	Zachary	Lifeguard	III	5/15/13	9/15/13	\$12.45
Loesch	Lawrence IV	Lifeguard	II	5/15/13	9/15/13	\$12.10
Loesch	Morgan	Lifeguard	III	5/15/13	9/15/13	\$12.45
McCabe	Danielle	Lifeguard	III	5/15/13	9/15/13	\$12.45
McCoy	Colin	Lifeguard	V	5/15/13	9/15/13	\$13.25
Thomas	C. Patrick	Lifeguard	III	5/15/13	9/15/13	\$12.45
Vail	John	Lifeguard	III	5/15/13	9/15/13	\$12.45
Vail	Timothy	Lifeguard	I	5/15/13	9/15/13	\$11.00

05.07.13
130357

ADOPTED

TOWN OF RIVERHEAD

Resolution # 357

APPOINTS A SEASONAL BEACH MANAGER TO THE RECREATION DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a Seasonal Beach Manager is needed by the Riverhead Town Recreation Department,

NOW THEREFORE BE IT RESOLVED, that effective May 15, 2013, through and including September 15, 2013, this Town Board hereby appoints Elizabeth Flood to the position of Seasonal Beach Manager, Level IV, to be paid the rate of \$16.69 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

05.07.13
130358

ADOPTED

TOWN OF RIVERHEAD

Resolution # 358

**AUTHORIZES EXECUTION OF CONTRACT
WITH SEED CLAM ADMINISTRATOR**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the TOWN, in connection with its Municipal Operations, requires services consisting of the following: Seed Clam Administrator – Year 2013

AND

WHEREAS, David Lessard, Contractor, is willing to provide the following services to the Town:

Description of Services: Administration of Seed Clam Program

Date(s) and Hour(s) of Services: Year 2013

NOW, THEREFORE, BE IT RESOLVED that David Lessard is appointed Administrator of the Town of Riverhead Seed Clam Program – Year 2013.

AND BE IT FURTHER RESOLVED that the Supervisor be and is hereby authorized to execute the attached Agreement in connection with the administration services of the aforementioned individual 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

BETWEEN The TOWN OF RIVERHEAD, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as "TOWN" and DAVID LESSARD, a partnership/corporation/limited liability partnership, with offices at P.O. Box 139, Jamesport, New York, Vendor Number 029027, hereinafter referred to as "CONTRACTOR".

WITNESSETH

WHEREAS, the TOWN, in connection with its municipal operations, requires services consisting of the following: Seed Clam Administrator – Year 2013; and

WHEREAS, the CONTRACTOR is willing to provide the following services to the Town:

Description of Services: Administration of Seed Clam Program

Date(s) and Hour(s) of Services Year 2013

IT IS HEREBY AGREED by the TOWN and CONTRACTOR as follows:

1. That CONTRACTOR shall provide and fully perform, to the TOWN'S satisfaction, the aforementioned services to the TOWN on the date(s) and time(s) stated above.
2. In return for CONTRACTOR'S services, the TOWN shall pay CONTRACTOR as follows: The sum of Five Thousand (\$5,000.00) Dollars payable in half-payments of Two Thousand Five Hundred (\$2,500.00) Dollars each in April, 2013 and September, 2013.
3. Administration shall include the bidding process and oversight of facilities to provide seed. The TOWN is responsible for the cost of repair and materials of their rafts, which contain the clams.

DATED: Riverhead, New York
March ____, 2013

TOWN OF RIVERHEAD

BY: _____
SEAN WALTER
Town Supervisor

CONTRACTOR

BY: _____
DAVID LESSARD

05.07.13
130359

WITHDRAWN

TOWN OF RIVERHEAD

Resolution # 359

AUTHORIZES THE TOWN BOARD, ON BEHALF OF THE TOWN OF RIVERHEAD AND COMMUNITY DEVELOPMENT AGENCY, TO ADOPT A DEVELOPMENT PLAN FOR EPCAL INCLUDING PROPOSED SUBDIVISION MAP, MARKET STUDY WITH PLAN FOR REZONE AND AMENDMENT OF COMPREHENSIVE PLAN CONSISTENT WITH MARKET STUDY AND AUTHORIZES THE SUPERVISOR TO EXECUTE ALL SUCH DOCUMENTS REQUIRED TO EFFECTUATE THE COMMENCEMENT AND PREPARATION OF SUPPLEMENTAL GENERIC IMPACT STATEMENT FOR PURPOSES OF STUDY OF POTENTIAL ENVIRONMENTAL IMPACTS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, as described more fully below, the Town of Riverhead, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York duly organized and existing pursuant to the laws of the State of New York, and the Town of Riverhead Community Development Agency, a New York Public Benefit Corporation dedicated to promoting, sponsoring and overseeing economic development within the Town, have spent considerable time and effort to develop a revised land use plan, associated zoning, updated market assessment, and subdivision plan for the former Calverton Naval Weapons Industrial Reserve Plant (hereinafter "EPCAL"); and

WHEREAS, the EPCAL property consisting of approximately 2900 acres was once part of the former Calverton Naval Weapons Industrial Reserve Plant was formerly owned by the Navy and leased by the Grumman Corporation; and

WHEREAS, in 1998, after Grumman chose not to renew its lease for the site, the Navy, pursuant to Public Law 103-c337, conveyed the entire twenty-nine hundred (2,900) acre site to the Town of Riverhead Community Development Agency (CDA) for no consideration, conditioned upon the Town's reuse of the property for economic development; and

WHEREAS, in anticipation of the transfer of the ownership of the land from the Navy to the Town of Riverhead, conditioned upon the economic redevelopment of the property, the Town of Riverhead commissioned the firm of Hamilton, Rabinowitz & Alschuler to complete a comprehensive reuse planning study of the site (The "H, R & A Study"); and

WHEREAS, the alternative land use scenarios analyzed included three redevelopment plans which were intended to promote the economic development of the site, namely; 1) industrial development of the entire site, 2) age restricted (senior) development, and 3) a hybrid of industrial land use and regional recreational development; and

WHEREAS, the H, R & A Study recommendations were a “significant departure” from those outlined in the Town’s 1973 Comprehensive Master Plan, pursuant to Town Law 272-a, consequently the Town was required to amend its Master Plan; and

WHEREAS, as a result of the need to amend the Master Plan, the Town determined that the amendment to the Comprehensive Master Plan was a Type I action pursuant to NYCRR 617.4 and it was determined that a Generic Environmental Impact Statement assessing the environmental impacts to the natural and social environments by the proposed development as outlined in the H, R & A Study would be required; and

WHEREAS, the United States Navy completed this study prior to conveyance to the Community Development Agency; and

WHEREAS, the Town, pursuant to the requirements of Town Law 265, referred the proposed amendment to the Town’s Comprehensive Master Plan to the Suffolk County Planning Commission as required by General Municipal Law §239-m and the Suffolk County Planning Commission issued a determination recommending approval of the amendment; and

WHEREAS, after completion of the Environmental Impact Statement and the Suffolk County Planning Commission approval, by Resolution 849 of 1998, the Town of Riverhead adopted land use alternative three (the hybrid of industrial and regional recreational uses) as contained in the H, R & A Study as an amendment to the Comprehensive Master Plan of the Town of Riverhead; and

WHEREAS, in order to implement the recommendations of the H, R & A Study, the Town of Riverhead proposed the adoption of two new zoning use districts for the EPCAL site, to wit: Planned Industrial Park (PIP) Zoning Use District (encompassing the bulk of the former Grumman facilities sometimes referred to as the “Industrial Core”) and the balance of the property was rezoned to Planned Recreational Park (PRP) Zoning Use District; and

WHEREAS, the Town held the requisite public hearings on the inclusion of the PIP and PRP Zoning Use Districts in the Riverhead Town Code on December 15, 1998 and June 15, 1999, respectively and thereafter, both the PIP and PRP Zoning Use Districts were referred to the Riverhead Planning Board for its report and recommendations; and

WHEREAS, the Planning Board recommended approval of the proposed zoning use districts and map amendments and pursuant to General Municipal Law §239-m, the

proposed zoning districts and zoning map amendments were forwarded to the Suffolk County Planning Commission for its report and recommendation as required by General Municipal Law §239-m; and

WHEREAS, on September 1, 1999, the Suffolk County Planning Commission also recommended approval of the amendments; and

WHEREAS, following receipt of the Planning Commission's recommendation, pursuant to Resolution #830 of 1999, the Town Board, reciting in its resolution; the SEQRA record, the comments made at the numerous public hearings, the report of the Town Planning Department, the SEQRA findings statement attending the Comprehensive Master Plan amendment, the report of the Town Planning Board, the report of the Suffolk County Planning Commission, the prevalent Pine Barrens overlay district, together with any other pertinent planning, zoning or environmental information available, adopted the proposed zoning code and zoning use district map amendments; and

WHEREAS, since the transfer of title to the Town of Riverhead Community Development Agency in 1998, the Calverton site "EPCAL" has seen limited redevelopment, to wit: the Town sold the site's existing industrial buildings, which contain approximately one million square feet, on 490 acres of land in the PIP zoning district, to a private developer in 2001 and two additional parcels were also sold, one for the development of a water park and the other to Stony Brook University for use of the site as an incubator, with no other sales in the past decade or more; and

WHEREAS, due to the evolution of market, economic, and site conditions since the adoption and implementation of the original comprehensive reuse plan, the Town and CDA, embarked on a plan to update, develop and implement a reuse plan to bring to fruition economic development to the Town of Riverhead; and

WHEREAS, the CDA, by Resolution #4 adopted on February 1, 2011, acting with and for benefit of the Town, retained the services of VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) to assist the Town and CDA and provide services related to an updated Comprehensive Reuse Plan, including but not limited to, development of a revised land use plan, associated zoning, updated market assessment, preparation of subdivision plan, and assistance in the administration of the SEQRA process; and

WHEREAS, related to and made part of the services provided by VHB, VHB prepared the requests for proposals related to the update of the 1996 Reuse Plan (also described as market study); and

WHEREAS, the Town Board of the Town of Riverhead authorized the issuance of a Request for Proposals for an Updated Market Study for Reuse and Revitalization of the Former Naval Weapons Industrial Reserve Plant ("NWIRP/EPCAL") by Resolution #246 adopted on April 5, 2011; and

WHEREAS, Town Board awarded RKG Associates, Inc. the contract to prepare, complete and present an updated comprehensive market study for reuse of the former Naval Weapons Industrial Reserve Plant (“NWIRP/EPCAL”); and

WHEREAS, on December 8, 2011, RKG presented, during an open and public session of the Town Board, an updated market study which identified the economic and real estate conditions influencing development on the subject site and recommended uses most compatible and viable with site conditions and market demand; uses with potential growth and sustainability; and uses that could compete within the regional market; and

WHEREAS, on December 8, 2011, VHB presented, during an open and public session of the Town Board, a plan for development and an alternate plan for development (hereinafter referred to as development plan “B”) incorporating the recommendations and findings of the market study prepared by RKG and the Town Board, by Resolution #937 of 12/20/11, accepted and adopted the findings and recommendations for EPCAL redevelopment prepared by RKG Associates (RKG) and also having authorized VHB Engineering, Surveying and Landscaping Architecture, P.C. (VHB) to proceed towards the requisite State Environmental Quality Review (SEQR) of their alternative plans for development; and

WHEREAS, since December of 2011 to the present, the Town, CDA, and VHB have met with numerous regional, state, and local agencies and interest groups regarding the proposed development plan and, as a result of and in an effort to address all comments and concerns, the Town, with the assistance of VHB, has redesigned and reconfigured the plan for development as reflected in Alternative Subdivision Sketch C annexed hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby accepts for SEQR purposes the Full Environmental Assessment Form (EAF) Part I, the Alternative Subdivision Sketch C for Enterprise Park at Calverton dated March 5, 2013 and the draft scope of issues for the anticipated Supplemental Generic Environmental Impact Statement (SGEIS) prepared by VHB and the Real Estate Market Assessment Calverton Enterprise Park by RKG dated December 8, 2011 as the documents to be circulated among involved and interested agencies for coordinated review of the comprehensive plan for subdivision, rezoning and development of the Town of Riverhead Community Development Agency land at EPCAL; and be it further

RESOLVED, that the Supervisor is authorized to execute and/or file with the Town Clerk all such documents required to effectuate the commencement and preparation of supplemental generic impact for purposes of study of potential environmental impacts, including but not limited to and to the extent required, application for subdivision approval and letters for coordinated review; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to RKG Associates, Inc. 634 Central Avenue, Dover, NY 03820 and VHB Engineering, Surveying and Landscaping Architecture, P.C., 2150 Joshua's Path, Suite 300, Hauppauge, NY 11788 and a copy to Christine Kempner, CDA Director, Rick Hanley, Planning Director, Jefferson Murphree, Building and Planning Administrator and Anne Marie Prudenti, Deputy Town Attorney, and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared **WITHDRAWN**

05.07.13
130360

ADOPTED

TOWN OF RIVERHEAD

Resolution # 360

ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES AND TRAFFIC" OF THE RIVERHEAD TOWN CODE
(\$101-7. Turns. - Elton St. & Roanoke Ave.)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 16th of April, 2013 at 7:20 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code at its regular meeting held on May 7, 2013 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
May 7, 2013

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 361

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES AND TRAFFIC" OF THE RIVERHEAD TOWN CODE (§101-8. Weight limit of eight tons.)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

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 May 16, 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 22nd day of May, 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 108
VEHICLES AND TRAFFIC
ARTICLE III
Traffic Regulations

§ 101-8. Weight limit of eight tons.

No person shall operate a motor vehicle of a total weight of greater than 16,000 pounds (eight tons) upon the following designated town highways or part thereof, except local deliveries.

Street

Location

Marcy Avenue

In its entirety commencing from the intersection of ~~West Main Street~~ Pulaski Street in a northerly direction to the intersection of Osborn Avenue

- Overstrike represents deletion(s)

Dated: Riverhead, New York
May 7, 2013

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 362

ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE
(§101-11. No parking certain hours; school zones.- Edgar Ave.)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 16th day of April, 2013 at 7:25 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code at its regular meeting held on May 7, 2013. **Be it enacted** by the Town Board of the Town of Riverhead 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
May 7, 2013

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

DIANE M. WILHELM, Town Clerk

05.07.13
130363

ADOPTED

TOWN OF RIVERHEAD

Resolution #363

ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE
(§101-13. Parking time limited. D. Three hours.)

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 16th day of April, 2013 at 7:15 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code at its regular meeting held on May 7, 2013. **Be it enacted** by the Town Board of the Town of Riverhead 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 property now known as
SCTM # 0600-128-6-77 and
property now known as SCTM
#0600-128-6-71 extending in a
southerly direction terminating at
the light posts located in said
parking lot

- Underscore represents addition(s)

Dated: Riverhead, New York
May 7, 2013

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

DIANE M. WILHELM, Town Clerk

05.07.13
130364

ADOPTED

TOWN OF RIVERHEAD

Resolution # 364

**ADOPTS A LOCAL LAW AMENDING CHAPTER 18 ENTITLED
“CODE OF ETHICS” OF THE RIVERHEAD TOWN CODE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 18 entitled “Code of Ethics” of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 16th day of April 2013 at 7:30 o’clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 18 entitled “Code of Ethics” of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 18 entitled "Code of Ethics", of the Riverhead Town Code at its meeting held on May 7, 2013. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 18
CODE OF ETHICS**

§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
May 7, 2013

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

**TOWN OF RIVERHEAD
Resolution # 365**

**APPOINTS THE LAW FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER AND
YAKABOSKI, LLP TO ACT AS SPECIAL COUNSEL AND AUTHORIZES THE
SUPERVISOR TO EXECUTE A RETAINER AGREEMENT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a law suit has been commenced by Laurence Oxman, as Plaintiff naming Richard W. Downs, Philip Cardinale, George Bartunek and the Town of Riverhead, as Defendants in the Eastern District Court of New York under Civil Action No. CV-13 1741; and

WHEREAS, the Town Board has determined that the law firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP is qualified and be retained to defend or appear on behalf of Richard W. Downs, Philip Cardinale, George Bartunek and the Town of Riverhead, as Defendants in the Eastern District Court of New York under Civil Action No. CV-13 1741.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby appoints Law Firm of Smith, Finkelstein, Lundberg, Isler, and Yakaboski, LLP to act as legal counsel in connection with the aforementioned matter; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to execute a Retainer Agreement acceptable to the Town Attorney; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Law Firm of Smith, Finkelstein, Lundberg, Isler, and Yakaboski, LLP; and be it further

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

THE VOTE

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

05.07.13
130366

ADOPTED

TOWN OF RIVERHEAD

Resolution # 366

**AUTHORIZES THE ACCEPTANCE OF DONATION FOR PAINTING THE GEORGE
YOUNG COMMUNITY CENTER**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Helen Duryea has expressed a desire to bestow upon the Town of Riverhead a gift, in the form of painting services to be performed by Aliperti Brothers Painting in the amount of \$11,850.00, for the express purpose of painting the George Young Community Center, including copula and gold dome on the copula ; and

WHEREAS, pursuant to Article 13 of the General Municipal Law §242, the Town board is vested with the authority to equip, operate playgrounds and neighborhood recreation centers; and

WHEREAS, pursuant to Article 13 of the General Municipal Law §244-a, the Town Board may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation to be applied principal or income for either temporary or permanent use for playground or recreation purposes; and

WHEREAS, pursuant to Town Law, § 64(8) the Town Board is expressly authorized to accept a gift “. . . for any public use, upon such terms or conditions as may be prescribed by the grantor or donor and accepted by said town, and provide for the proper administration of the same”; and

WHEREAS, it is anticipated that total cost for power wash, spot prime all raw wood, application of exterior paints to the George Young Community Center, including copula and gold dome on the copula, inclusive of all labor and materials, will cost a total of \$15,350.00, requiring the Town to contribute \$3500.00 towards the restoration project; and

WHEREAS, the Superintendent of Recreation has represented to the Town Board that there exists funds within the Recreation Department budget to contribute \$3500.00 towards the restoration project; and

WHEREAS, the cost of the proposed public works project is below the threshold that would require this project to be competitively bid pursuant to General Municipal Law

§103, however, the provisions of Labor Law § 220 et. seq. which requires public work contractors and subcontractors to pay laborers, workers or mechanics employed in the performance of a public work contract not less than the prevailing rate of wage and to provide supplements (fringe benefits) in accordance with prevailing practices is applicable and must be adhered to be it a donation or otherwise.

NOW, THEREFORE, BE IT RESOLVED, the Town of Riverhead accepts the donation under the following term and conditions: (1) Helen Duryea shall make and bear all responsibility for payment in the amount of \$11,850.00 to contractor Aliperti Brothers Painting; (2) Aliperti Brothers Painting shall perform all services outlined in the proposal in an amount not to exceed \$15,350.00; (3) Aliperti Brothers Painting shall seek payment from Helen Duryea for the amount of \$11,850.00 and shall only seek payment from the Town in the amount of \$3500.00; (4) Aliperti Brothers Painting shall execute an agreement with the Town which includes a provision to indemnify and hold the Town harmless for any cause of action or claim related to the services outlined in the proposal, compliance with all provisions of Labor Law §220 et. seq. (prevailing wage) and requirement for certificate of insurance naming Town as additional insured, together with proof of workers compensation insurance for all employees to perform work related to the project all prior to the commencement of work on the project and in such form as approved by the Office of the Town Attorney; and be it further

RESOLVED, the Town Board authorizes the Financial Administrator to create a budget from Recreation Department funds of \$3,500.00 as and for the Town's contribution to the project; 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

PROFESSIONAL SERVICES AGREEMENT

This Agreement made the _____ of _____, 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 Aliperti Brothers Painting, 18 Meryl Lane, Nesconset, NY 11767 (hereinafter referred to as "Consultant").

WHEREAS, Ms. Helen Duryea has expressed a desire to bestow upon the Town of Riverhead a gift, in the form of painting services to be performed by Aliperti Brothers Painting in the amount of \$11,850.00, for the express purpose of painting the George Young Community Center, including the copula and gold dome on the copula; and

WHEREAS, pursuant to Article 13 of the General Municipal Law §242, the Town board is vested with the authority to equip, operate playgrounds and neighborhood recreation centers; and

WHEREAS, pursuant to Article 13 of the General Municipal Law §244-a, the Town board may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation to be applied principal or income for either temporary or permanent use for playground or recreation purposes; and

WHEREAS, pursuant to Town Law, § 64(8) the Town Board is expressly authorized to accept a gift ". . . for any public use, upon such terms or conditions as may be prescribed by the grantor or donor and accepted by said town, and provide for the proper administration of the same"; and

WHEREAS, it is anticipated that total cost for power wash, spot prime all raw wood, application of exterior paints to the George Young Community Center, including copula and gold dome on the copula, inclusive of all labor and materials, will cost a total of \$15,350, requiring the Town to contribute \$3500.00 towards the restoration project; and

WHEREAS, the cost of the proposed public works project is below the threshold that would require this project to be competitively bid pursuant to General Municipal Law §103, however, the provisions of Labor Law § 220 et. Seq. which requires public work contractors and subcontractors to pay laborers, workers or mechanics employed in the performance of a public work contract not less than the prevailing rate of wage and to provide supplements (fringe benefits) in accordance with prevailing practices is applicable and must be adhered to be it a donation or otherwise; and

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 (the "Services") and deliverables (the "Deliverables") set forth in the schedule labeled "Exhibit A" attached hereto and made a part hereof. These Services and Deliverables are to be rendered by Consultant as an independent contractor and not as an employee of Town. No other relationship to the Town nor the retirement system is implied or intended. Consultant shall not be deemed to be a "named fiduciary" or "plan administrator" as these terms are defined under ERISA or any similar or successor law. The services identified in this Professional Services Agreement and Exhibit A describe work and services related to the power wash, spot prime all raw wood, application of exterior paints to copula and gold dome affixed to the George Young Community Center.

2. TERM OF AGREEMENT

The Agreement shall commence immediately upon execution of this agreement by the respective parties and terminate after completion of all services identified in this agreement are complete.

3. PAYMENT

For these Services, Town will pay Consultant a flat fee of \$3,500.00. Consultant shall seek the additional monies of \$11,850.00 from Helen Duryea and Consultant shall relieve and hold harmless the Town for any and all responsibility and liability for payment over the flat fee of \$3500.00. Consultant agrees that Consultant shall comply and adhere to all provisions of Labor Law 200 et. seq. which requires public work contractors and subcontractors to pay laborers, workers or mechanics employed in the performance of a public work contract not less than the prevailing rate of wage and to provide supplements (fringe benefits) in accordance with prevailing practices and if so demanded by the Town, Consultant shall provide proof of compliance with said provision of the Labor Law. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in this Agreement or authorized by the Town subsequent to the execution of this Agreement. Invoices for Services 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." Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require. All invoices are payable within 30 days of receipt.

4. RIGHTS TO DOCUMENTS OR DATA

To the extent applicable, Consultant shall keep all Town Property in confidence and not disclose or use Town Property for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any Town Property generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such Town Property. Final payment shall not be due hereunder until after receipt by Town of completed Deliverables. These obligations shall survive the termination of this Agreement.

5. LIMITATION OF LIABILITY

Consultant will perform all services in accordance with applicable professional standards. The parties agree that Town shall not be liable for any claim or cause of action related to the

services to be performed by Consultant. Consultant agrees to indemnify, defend and hold the Town harmless to the full extent allowed by law for any and all damages, incidental or consequential, including reasonable attorneys fees incurred by the Town as a result of services performed by Consultant set forth in the Agreement.

6. ASSIGNMENT AND SUBCONTRACTING

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

7. 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, request additional services or direct the omission of services covered by this Agreement. Promptly after receipt of a Change Request, the parties shall discuss in good faith the availability of personnel and resources to fulfill such Change Request and the resulting adjustments to the Agreement. Consultant or Town, as applicable, shall have no obligation to commence work in connection with any Change Request until it is executed and delivered by both parties. If such changes increase or decrease either the cost or time required to perform the services, then the parties will mutually agree to an equitable adjustment to the price and/or the time to perform the Service. In the event that 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 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 when actually received when mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Bill Rothaar, Financial Administrator for the Town of Riverhead, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant when actually received when mailed by certified mail, postage prepaid to Aliperti Brothers Painting, 18 Meryl Lane, Nesconset, NY 11767.

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, including but not limited to Labor Law 220 et seq. Consultant will notify Town promptly 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.

11. CHOICE OF LAW

The construction, interpretation, and enforcement of this Agreement shall be governed by the substantive contract law of the State of New York without regard to its conflict of laws provisions. In the event any provision of this Agreement is unenforceable as a matter of law, that provision will be deemed to be restated to reflect as nearly as possible the original intent of the parties in accordance with applicable law and the remaining provisions will stay in full force and effect.

12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance and, if applicable, worker's compensation insurance. Consultant hereby indemnifies, defends and holds the Town, its departments, officers, agents and employees, harmless against any and all third party claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including reasonable counsel fees, to the extent arising out of the grossly negligent acts or omissions of Consultant under this Agreement.

13. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead 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.

14. DISCLOSURE

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

15. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. In the event of any dispute arising under this agreement which is not settled by the parties, the parties agree that they shall attempt in good faith to resolve the dispute by mediation. In such mediation, the parties thereto will choose a

mutually acceptable mediator with a background in insurance, actuarial science or law. If such mediation fails after a good-faith effort has occurred, only then may a party institute litigation. If a party files a lawsuit, and both a state and a federal court have subject matter jurisdiction over all of the claims to be filed, then the party shall file such suit in federal district court. Both parties agree to waive the right to a trial by jury. The execution of this agreement shall impose no personal liability on the directors, officers or employees of either party and in the event of breach, non-performance or other default, the parties agree not to seek personal judgment against the officers, directors or employees of the other but to look to the assets of the Town or Consultant respectively, for satisfaction of any claim hereunder.

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

TOWN OF RIVERHEAD

ALIPERTI BROTHERS PAINTING

By: Sean M. Walter, Supervisor

By:

05.07.13
130367

ADOPTED

TOWN OF RIVERHEAD

Resolution # 367

**AUTHORIZES THE SUPERVISOR TO EXECUTE AGREEMENT WITH UCLA
LA KRETZ CENTER FOR CALIFORNIA CONSERVATION SCIENCE TO CONDUCT
FIELD AND GENETIC STUDIES RELATED TO TIGER SALAMANDERS AT EPCAL**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Andrew E. Sabin, a precious-metals dealer, amateur naturalist and preservationist, requested that the Town Board permit UCLA La Kretz Center for California Conservation Science, a not for profit 501(c)3 organization, to conduct field and genetic studies related to tiger salamanders at EPCAL; and

WHEREAS, Andrew E. Sabin acknowledged the Town's plan for subdivision and development of the EPCAL property and represented that the study was not related to the proposed development plan but instead the purpose of the study is to track population, gene flow between breeding pools, habitat features, including vegetation types, roads, or other human made or natural features that may inhibit or promote movements of salamanders between breeding sites; and

WHEREAS, Andrew E. Sabin described the field studies, to wit: access to the pond sites located within EPCAL for a two day period during the late larval season in 2013 for the purpose of collecting tissue samples of approximately 30 larvae from each pond and a repeat sampling in 2014 necessary to complete the study; and

WHEREAS, Andrew E. Sabin estimated that the costs of the study shall be approximately \$50,000.00 and he shall assume all responsibility for payment such that the Town shall have no liability for payment of any fees, costs or expenses related to the study; and

WHEREAS, upon completion of the study, UCLA shall provide the Town with a copy of all study documents; and

WHEREAS, the Town is desirous of supporting education and research projects in the field of ecology and conservation; and

WHEREAS, Andrew E. Sabin, by and through UCLA, has presented the Town with a unique opportunity to assist in a unique educational and ecological endeavor

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute an Agreement with UCLA La Kretz Center for California Conservation Science, in substantially the form annexed hereto, 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

**SITE ACCESS AGREEMENT
BETWEEN
TOWN OF RIVERHEAD
AND
UCLA LA KRETZ CENTER FOR CALIFORNIA CONSERVATION SCIENCE**

This Site Access Agreement made the _____ of _____, 2013 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of State of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and UCLA LA KRETZ CENTER FOR CALIFORNIA CONSERVATION SCIENCE, a 501(c)3 organization, organized and existing under the laws of California, with its office located at University of California, Los Angeles, La Kretz Hall, Suite 300, Box 951496, 619 Charles E. Young Drive East, Las Angeles, CA 90095-1496 USA (hereinafter referred to as "UCLA").

WHEREAS, Andrew E. Sabin, a precious-metals dealer, amateur naturalist and preservationist, requested that the Town Board permit UCLA La Kretz Center for California Conservation Science, a not for profit 501(c)3 organization, to conduct field and genetic studies related to tiger salamanders at EPCAL; and

WHEREAS, Andrew E. Sabin acknowledged the Town's plan for subdivision and development of the EPCAL property and represented that the study was not related to the proposed development plan but instead the purpose of the study is to track population, gene flow between breeding pools, habitat features, including vegetation types, roads, or other human made or natural features that may inhibit or promote movements of salamanders between breeding sites; and

WHEREAS, Andrew E. Sabin described the field studies, to wit: access to the pond sites located within EPCAL for a two day period during the late larval season in 2013 for the purpose of collecting tissue samples of approximately 30 larvae from each pond and a repeat sampling in 2014 necessary to complete the study; and

WHEREAS, Andrew E. Sabin estimated that the costs of the study shall be approximately \$50,000.00 and he shall assume all responsibility for payment such that the Town shall have no liability for payment of any fees, costs or expenses related to the study; and

WHEREAS, upon completion of the study, UCLA shall provide the Town with a copy of all study documents; and

WHEREAS, the Town is desirous of supporting education and research projects in the field of ecology and conservation; and

WHEREAS, Andrew E. Sabin, by and through UCLA, has presented the Town with a unique opportunity to assist in a unique educational and ecological endeavor; and

NOW THEREFORE and in consideration of the mutual promises herein contained, Town of Riverhead and UCLA LA KRETZ CENTER FOR CALIFORNIA CONSERVATION SCIENCE, agree as follows:

1. The Town of Riverhead, by and through the Community Development Agency, as the owner of property commonly referred to as EPCAL and depicted on the map annexed hereto as Exhibit A, consents to allow officers, employees and authorized representatives of UCLA LA KRETZ CENTER FOR CALIFORNIA CONSERVATION SCIENCE, to enter and have access to the subject property in order to study is to track population, gene flow between breeding pools, habitat features, including vegetation types, roads, or other human made or natural features that may inhibit or promote movements of salamanders between breeding sites for a two day period during the late larval season in 2013 for the purpose of collecting tissue samples of approximately 30 larvae from each pond and a repeat two day sampling in 2014 subject to the following terms and conditions:
 - a. UCLA shall comply with all applicable federal, state and local laws, rules and regulations in the performance of its activities described above and UCLA shall obtain all required permits and/or licenses from regional, state, local government agencies that may be required to perform the study prior to commencement of the study and provide the Town with a copy of all such permits and/or licenses; and
 - b. UCLA shall notify the Chief Engineer for the Town of Riverhead of the date and times that UCLA shall enter and remain on the subject property at least 24 hours prior to the desired date and time UCLA seeks to access the subject property; and
 - c. UCLA shall limit access to those areas of the subject property required to conduct and complete the study, to wit: pond areas and paths to and from each pond site and UCLA shall be required to obtain permission from such other owners of adjacent property as may be required to study the paths to and from each pond site. (See Exhibit A annexed hereto depicting EPCAL and path to/from pond sites).
2. The Town acknowledges that the performance of such activities described above may require some disturbance to the subject property and UCLA agrees to minimize any disturbance as much as possible and that areas of disturbance will be restored to prior conditions by UCLA.
3. The Town and UCLA agree that UCLA is an independent contractor and not an employee of Town.
4. UCLA shall be required to maintain comprehensive vehicle liability insurance and comprehensive general liability insurance for bodily injury, death and loss or damage to property arising from the activities of its officers, employees, agents and contractors and that such insurance shall be maintained at all times that UCLA is conducting activities on the subject property. In addition, if applicable, UCLA shall carry worker's compensation insurance for all officers, employees, agents and representatives conducting work related to the study.

5. The parties agree that Town shall not be liable for any fee or expense related to the performance of the study and instead UCLA shall seek payment directly from Andrew E. Sabin and UCLA agrees to hold the Town harmless related to fees or expenses related to the performance of the study.
6. The parties agree that Town shall not be liable for any claim or cause of action related to the performance of the study. UCLA agrees to indemnify, defend and hold the Town harmless to the full extent allowed by law for any and all damages, incidental or consequential, including reasonable attorneys fees incurred by the Town as a result of activities related to performance of the study as more fully described above.
7. UCLA hereby indemnifies, defends and holds the Town, its departments, officers, agents and employees, harmless against any and all third party claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including reasonable counsel fees, to the extent arising out of the grossly negligent acts or omissions of UCLA under this Agreement.
8. UCLA shall not subcontract, assign, permit any entity or individual access to the subject property or perform the study, the prior written consent of at least three members of the Town Board or by resolution of the Town Board.
9. UCAL represents and The Town consents to UCLA releasing to the analytical results of any samples that UCLA and it's representatives collect or have collected from the subject property and UCLA agrees to provide the Town will a copy of all data and reports related to the study subject to the following terms and conditions:
 - a. UCLA acknowledges that the Town has spent considerable time and effort, together with considerable sums of money evaluating the environmental, marketing, economic and zoning of EPCAL and meeting with federal, state, local government agencies to develop a reuse and revitalization plan and subdivision plan/map to effectuate economic development at EPCAL and UCLA agrees that in no event shall UCLA, its directors, employees, agents, or other representatives, inadvertently or otherwise, disclose the information obtained from the study to any person or entity who is directly or indirectly engaged or who is planning to directly or indirectly engage in efforts, activities or litigation to thwart the Town's efforts to proceed with the reuse & revitalization plan and subdivision. UCLA acknowledges that irreparable injury and damage will result from use of and disclosure to third parties for the purpose of interfering, frustrating or delaying the Town's efforts to proceed with the reuse & revitalization plan and subdivision. Based upon the above, UCLA shall use all reasonable precautions, consistent with the above and consistent with UCLA's treatment of its own confidential information of a similar nature, to prevent the unauthorized disclosure of the information, including, without limitation, protection of documents from theft, unauthorized duplication and discovery of contents, and restrictions on access by other persons, i.e.

confidentiality agreement, non disclosure agreement, as may be required to adhere to the above. UCLA agrees to indemnify the Town against any loss or liability resulting from, or arising in connection with, unauthorized use or disclosure of the information by UCLA or its directors, employees or other representatives.

10. The Town and UCLA agree that the construction, interpretation, and enforcement of this Agreement shall be governed by the substantive contract law of the State of New York without regard to its conflict of law provisions. In the event any provision of this Agreement is unenforceable as a matter of law, that provision will be deemed to be restated to reflect as nearly as possible the original intent of the parties in accordance with applicable law and the remaining provisions will stay in full force and effect.

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

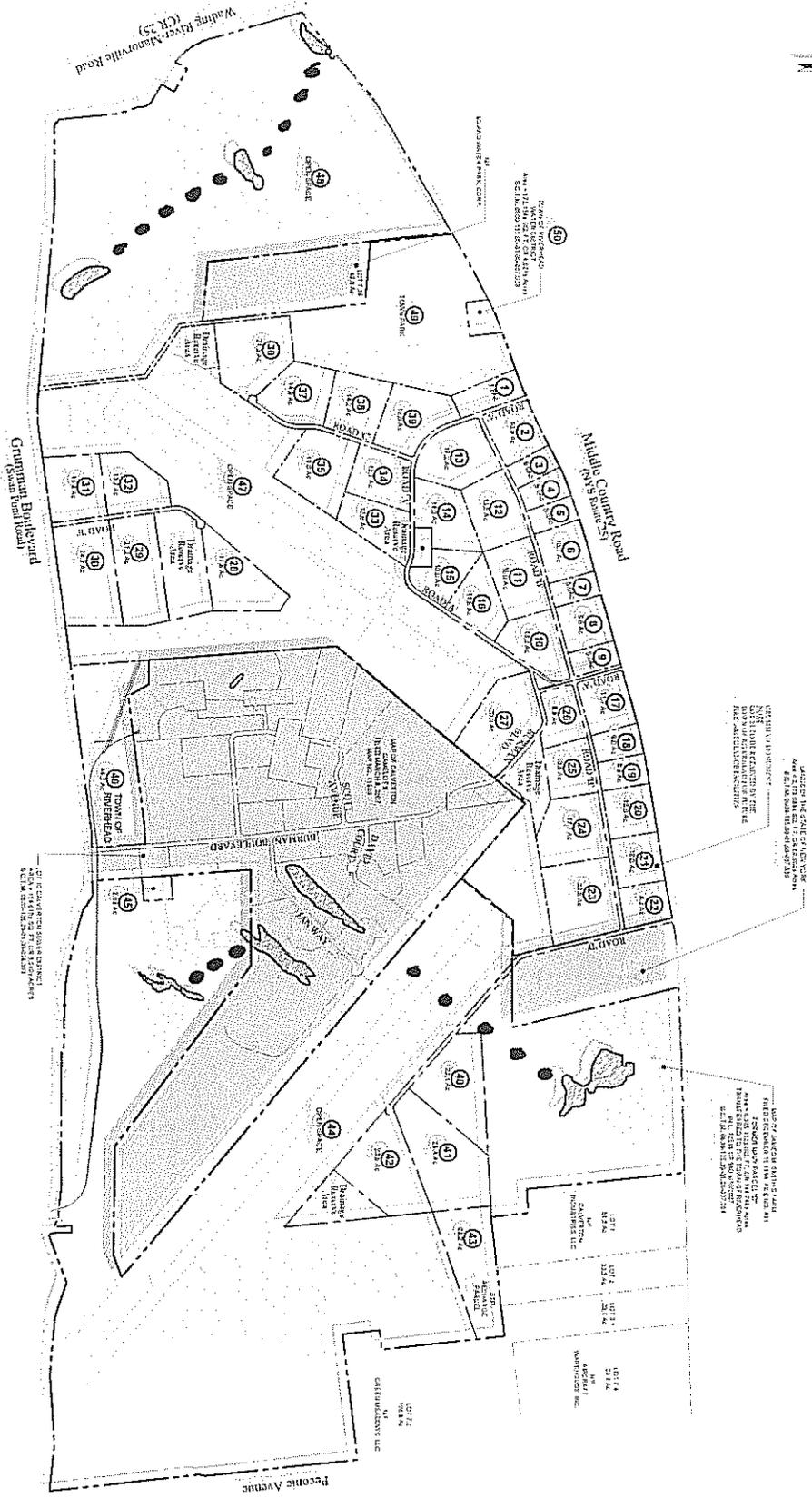
TOWN OF RIVERHEAD

UCLA A KRETZ CENTER FOR CALIFORNIA
CONSERVATION SCIENCE

By: Sean M. Walter, Town Supervisor

By:

Exhibit A



STUDY
Path b/w Roads

VEEB
 Engineering, Surveying
 & Landscape Architecture, PC
 Transportation
 Land Development
 Environmental Services
 2150 Joshua's Park, Suite 308
 Hempstead, New York 11788
 631.234.3444 • FAX 631.234.3477

LEGEND

[Pattern]	PROPOSED DEVELOPMENT AREAS
[Pattern]	PRIVATELY HELD
[Pattern]	OPEN SPACE

ALT. SUBDIVISION
 SKETCH C
 for
 ENTERPRISE PARK
 at
 CALVERTON
 March 5, 2013

TOWN OF RIVERHEAD
 SUFFOLK COUNTY, NEW YORK
 December 18, 2012
 District 100th, Section 17E, Block 1
 Lots 7.1, 7.2, 7.29, 7.31, A, 7.4

05.07.13
130368

ADOPTED

TOWN OF RIVERHEAD

Resolution # 368

APPROVES THE CHAPTER 90 APPLICATION OF
MARTHA CLARA VINEYARDS, LLC
(Overflow Tent – June 25th, 2013 through August 20th, 2013)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on April 19, 2013, Martha Clara Vineyards, LLC submitted a Chapter 90 Application for the purpose of accommodating the tasting room overflow to be held under a tent at 6025 Sound Avenue, Riverhead, New York, on June 25th, 2013 through August 20th, 2013, between the hours of 11:00 a.m. and 7:00 p.m.; and

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

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

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

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

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

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

RESOLVED, that the Chapter 90 Application of Martha Clara Vineyards, LLC for the purpose of accommodating the tasting room overflow to be held under a tent at 2065 Sound Avenue, Riverhead, New York, on June 25th, 2013 through August 20th, 2013, between the hours of 11:00 a.m. and 7:00 p.m. is hereby approved; and be it further

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

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

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

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

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution #370

**APPROVES THE DEFENSE AND INDEMNIFICATION
FOR RICHARD W. DOWNS**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten,

WHEREAS, a law suit has been filed by Laurence Oxman, as plaintiffs naming Richard W. Downs, Philip Cardinale, George Bartunek and the Town of Riverhead as defendants under Civil Action number CV –13 1741 in the United States District Court of the Eastern District for the State of New York; and

WHEREAS, the law suit purportedly names Richard W. Downs, individually;
and

WHEREAS, section 15-2 of the Code of the Town of Riverhead provides, as follows:“The town shall provide for the defense of any town officer or employee in any civil action or proceeding arising out of any alleged act or omission in which it is alleged that the officer or employee has violated the civil rights of the claimant, petitioner or plaintiff under Sections 1981 and 1983 of the United States Civil Rights Act. The town shall indemnify and save harmless such officer or employee in the amount of any judgment or settlement of claim obtained against such officer or employee. Such legal defense and indemnification shall be provided where the officer or employee at the time of such alleged act or omission was acting in good faith and within the scope of this public employment, powers or duties.”

NOW, THEREFORE, BE IT RESOLVED, that the Town Board be and hereby determines that the conduct complained about in the aforementioned civil action involves alleged acts or omissions which were carried out by Richard W. Downs in good faith and within the scope of his public employment such that legal defense and indemnification be provided; and be it further

RESOLVED, that the Town Board pursuant to Town Law directs and authorizes the Town to defend and indemnify Richard W. Downs for all purposes in the cause of action under case number CV 13 1741, and be it further

RESOLVED, that the Town Clerk is hereby directed to deliver a copy of this resolution to Richard W. Downs, the Town Board, Town Attorney, Office of Accounting and the Personnel Dept.

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 # 371

**APPROVES THE DEFENSE AND INDEMNIFICATION
FOR PHILIP CARDINALE**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen,

WHEREAS, a law suit has been filed by Laurence Oxman, as plaintiffs naming Richard W. Downs, Philip Cardinale, George Bartunek and the Town of Riverhead as defendants under Civil Action number CV –13 1741 in the United States District Court of the Eastern District for the State of New York; and

WHEREAS, the law suit purportedly names Philip Cardinale, individually; and

WHEREAS, section 15-2 of the Code of the Town of Riverhead provides, as follows:“The town shall provide for the defense of any town officer or employee in any civil action or proceeding arising out of any alleged act or omission in which it is alleged that the officer or employee has violated the civil rights of the claimant, petitioner or plaintiff under Sections 1981 and 1983 of the United States Civil Rights Act. The town shall indemnify and save harmless such officer or employee in the amount of any judgment or settlement of claim obtained against such officer or employee. Such legal defense and indemnification shall be provided where the officer or employee at the time of such alleged act or omission was acting in good faith and within the scope of this public employment, powers or duties.”

NOW, THEREFORE, BE IT RESOLVED, that the Town Board be and hereby determines that the conduct complained about in the aforementioned civil action involves alleged acts or omissions which were carried out by Philip Cardinale in good faith and within the scope of his public employment such that legal defense and indemnification be provided; and be it further

RESOLVED, that the Town Board pursuant to Town Law directs and authorizes the Town to defend and indemnify Philip Cardinale for all purposes in the cause of action under case number CV 13 1741, and be it further

RESOLVED, that the Town Clerk is hereby directed to deliver a copy of this resolution to Philip Cardinale, the Town Board, Town Attorney, Office of Accounting and the Personnel Dept.

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 # 372

**APPROVES THE CHAPTER 90 APPLICATION OF
EAST END ROWING INSTITUTE LTD.
(Sunday, November 10, 2013)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on March 20, 2013, East End Rowing Institute Ltd. submitted a Chapter 90 Application for the purpose of conducting a Snowflake Rowing Regatta (High School and Masters Rowing Race), said regatta to commence at the Peconic riverfront parking lot (school and parents viewing area), proceeding to Indian Island Park and continuing back to the riverfront parking lot, Riverhead, New York, on Sunday, November 10, 2013, between the hours of 7:00 a.m. and 6:00 p.m.; and

WHEREAS, East End Rowing Institute Ltd. 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, due to its not-for-profit status, the applicant has requested the Chapter 90 application fee be waived; and

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

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

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

RESOLVED, that the Chapter 90 Application of the East End Rowing Institute Ltd. for the purpose of conducting a Snowflake Regatta (High School and Masters Rowing Race) to be held at the aforementioned location, date and times is hereby approved; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee; 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 provisions of the Building and Fire Code of New York State, the National Electrical Code and the 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 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 (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment at least three days in advance; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the East End Rowing Institute Ltd., P.O. Box 1192, Flanders, 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

05.07.13
130373

ADOPTED

TOWN OF RIVERHEAD

Resolution # 373

APPROVES THE CHAPTER 90 APPLICATION OF HALLOCKVILLE INC.
(Country Style Fair – May 18th and 19th, 2013)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on April 10, 2013, Hallockville Inc. submitted a Chapter 90 Application for the purpose of conducting a “Country Style Fair” to be held at the Hallockville Farm Museum, located at 6038 Sound Avenue, Riverhead, New York, on Saturday, May 18th, 2013 and Sunday, May 19th, 2013, between the hours of 10:00 a.m. and 5:00 p.m.; and

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

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

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

RESOLVED, that the Chapter 90 Application of Hallockville Inc. for the purpose of conducting a “Country Style Fair” to be held at the Hallockville Farm Museum, located at 6038 Sound Avenue, Riverhead, New York, on Saturday, May 18th, 2013 and Sunday, May 19th, 2013, between the hours of 10:00 a.m. and 5:00 p.m., is hereby approved; and be it further

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

RESOLVED, that 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 Emergency Medical Services (EMS) information;

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

RESOLVED, that this approval is subject to a fire safety inspection by the Town Fire Marshal prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment to ensure compliance with the New York State Fire Code; 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 provisions of the Building and Fire Code of New York State, the National Electrical Code and the National Fire Protection Association 102 (Tents & Membrane Structures); and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Hallockville, Inc, 6038 Sound 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 # 374

**OFFERS SUPPORT TO NEW YORK STATE LEGISLATURE TO AMEND CHAPTER
399 OF THE LAWS OF 2008 RELATING TO GIVING THE RIVERHEAD TOWN
BOARD THE DISCRETION TO CHANGE SPEED LIMITS
(Senate Bill #S.4577)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Senate Bill S.4577A has been introduced in the New York State Legislature, which is an act to amend Chapter 399 of the Laws of 2008 relating to giving Westchester County Town Boards the discretion to change speed limits, in relation to giving the Town Board of the Town of Riverhead, County of Suffolk, the discretion to change speed limits, which would permit the Town Board of the Town of Riverhead to set speed limits on all local roads within its jurisdiction; and

WHEREAS, a Home Rule request has been received by the Town of Riverhead in support of the above captioned legislation.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby supports the efforts of the New York State Legislature to amend Chapter 399 of the Laws of 2008 relating to giving Westchester County Town Boards the discretion to change speed limits, in relation to giving the Town Board of the Town of Riverhead, County of Suffolk, the discretion to change speed limits, which would permit the Town Board of the Town of Riverhead to set speed limits on all local roads within its jurisdiction; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to execute a Home Rule Request supporting this proposed State legislation; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Senator Kenneth P. LaValle, 28 North Country Road, Mt. Sinai, NY, 12247, Assemblyman Fred W. Thiele, Jr., 2302 Main Street, P.O. Box 3062, Bridgehampton, NY, 11932; the Riverhead Chief of Police 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

STATE OF NEW YORK

4577

2013-2014 Regular Sessions

IN SENATE

April 11, 2013

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend chapter 399 of the laws of 2008 relating to giving certain Westchester county town boards the discretion to change speed limits, in relation to giving the town board of the town of Riverhead, county of Suffolk, the discretion to change speed limits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The opening paragraph of subdivision 1 of section 1 of
2 chapter 399 of the laws of 2008 relating to giving certain Westchester
3 county town boards the discretion to change speed limits, is amended to
4 read as follows:

5 Notwithstanding the provisions of section sixteen hundred twenty-two
6 of the vehicle and traffic law, in lieu of making a request of the
7 department of transportation pursuant to such section, the town boards
8 of the towns of Bedford, Lewisboro, North Castle and Pound Ridge in the
9 county of Westchester, and the town board of the town of Riverhead in
10 the county of Suffolk, with respect to town highways which have been
11 functionally classified by the department of transportation as local
12 roads on official functional classification maps approved by the federal
13 highway administration pursuant to part 470.105 of title 23 of the code
14 of federal regulations, as amended from time to time, and which are
15 outside of cities and villages, may by local law, ordinance, order, rule
16 or regulation:

17 § 2. Subdivision 4 of section 1 of chapter 399 of the laws of 2008
18 relating to giving certain Westchester county town boards the discretion
19 to change speed limits, is amended to read as follows:

20 4. Nothing contained in this act shall be deemed to alter the authori-
21 ty of the department of transportation to establish maximum speed limits
22 at the request of the town boards of the towns of Bedford, Lewisboro,
23 North Castle and Pound Ridge in the county of Westchester, and the town

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD10092-01-3

S. 4577

2

1 board of the town of Riverhead in the county of Suffolk, with respect to
2 all town highways within such towns outside of cities and villages
3 pursuant to subdivision one of this section, provided that no maximum
4 speed limits have been established by such town boards pursuant to this
5 act on any town highway functionally classified as a local road within
6 such towns.

7 § 3. This act shall take effect on the sixtieth day after it shall
8 have become a law.

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI, Sec. 1

Memo on original bill
 Memo on amended bill

SENATE BILL #: S.4577

ASSEMBLY BILL #:

SENATE SPONSOR(S): LaValle

ASSEMBLY SPONSOR(S):

TITLE:

AN ACT to amend Chapter 399 of the Laws of 2008 relating to giving Westchester County Town Boards the discretion to change speed limits, in relation to giving the Town Board of the Town of Riverhead, county of Suffolk, the discretion to change speed limits.

PURPOSE:

To permit the Town Board of Riverhead to set speed limits on all local roads within its jurisdiction.

SUMMARY OF PROVISIONS:

Amends Chapter 399 of the Laws of 2008 to allow the Town of Riverhead in Suffolk County to be included with those towns whose town boards may set speed limits within their respective borders.

JUSTIFICATION:

The Town of Riverhead has received numerous complaints concerning dangerous traffic conditions within its town, exacerbated by speed zones that are too high for such conditions. As the town is neither a suburban town nor has a population of over 50,000, it does not presently have the authority to set speed limits. This legislation would add Riverhead to those towns who are empowered to do so.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None to the State.

EFFECTIVE DATE:

Sixtieth day after it shall become a law.

05.07.13
130375

ADOPTED

TOWN OF RIVERHEAD

Resolution # 375

**AUTHORIZES AMENDMENT TO AGREEMENT
WITH MARY HOPKINS**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, by Resolution #233, adopted on March 19, 2013, the Town Board authorized an agreement between the Senior Citizen Department and Mary Hopkins regarding training and classroom instruction to the bus drivers employed within the Senior Citizen Department; and

WHEREAS, the Senior Citizens Department recommends that the term of the agreement be extended beyond thirty days.

NOW, THEREFORE BE IT RESOLVED, that the Town Board, be and hereby, approves execution of the Amendment to the Agreement and the Town Supervisor and Seniors Citizen Department are authorized to Execute the Amendment to 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

Amendment to Independent Contractor Agreement

AMENDMENT TO AGREEMENT dated the _____ day of April 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, New York 11901 (hereinafter referred to as the "Contractor”).

WITNESSETH

WHEREAS, by Resolution 233, adopted on the 19th day of March, the Town Board approved the agreement with the independent contractor for training and classroom instruction to bus drivers within the Senior Department at an hourly rate of compensation in the amount of twenty-one (\$21.00) dollars per hour; and .

WHEREAS, the agreement at paragraph one, provided for a term ending thirty (30) days after commencement on April 1, 2013; and

WHEREAS, the parties have determined that additional time will be required for the independent contractor to complete training and classroom instruction to bus drivers within the Senior Department.

WHEREAS, the parties have determined that additional time will be required for the independent contractor to complete training and classroom instruction to bus drivers within the Senior Department; and

NOW THEREFORE, the parties hereto mutually agree as follows:

1. That paragraph 1 of the Independent Contractor Agreement dated the _____ day of April 2013 be and is hereby amended as follows: “1. This agreement shall commence on or about April 1, 2013 and and terminate within six (6) months of the initial date when the services commenced being rendered.
2. That all other terms and conditions of the Independent Contractor Agreement dated the _____ day of April 2013 remain unchanged and continue in full force and effect.

 Independent Contractor

 Senior Citizens Director

Approved By: _____ Date _____
 Town Supervisor

TOWN OF RIVERHEAD

Resolution # 376

APPROVES CHAPTER 90 APPLICATION OF JAMESPORT FIRE DEPARTMENT
(5K & 10K Race – Sunday, August 25, 2013)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on April 15, 2013, the Jamesport Fire Department submitted a Chapter 90 Application for the purpose of conducting a 10K race from Iron Pier Beach to Jamesport Town Beach and a 5K race from the Jamesport Town Beach through various public roadways and will end back at Jamesport Town Beach, to be held on Sunday, August 25, 2013, between the hours of 8:00 a.m. and 1:00 p.m.; and

WHEREAS, the Jamesport Fire Department 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 Jamesport Fire Department has requested the Chapter 90 Application fee for this event be waived due to their not-for-profit status; and

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

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

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

RESOLVED, that the application of the Jamesport Fire Department for the purpose of conducting a 10K race from Iron Pier Beach to Jamesport Town Beach and a 5K race from the Jamesport Town Beach through various public roadways and will end back at Jamesport Town Beach, to be held on Sunday, August 25, 2013, between the hours of 8:00 a.m. and 1:00 p.m. is hereby approved; and be it further

RESOLVED, should any tent(s) be utilized, the 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 receipt of an updated certificate of insurance **no later than July 15, 2013**, as the current certificate of insurance submitted with the Chapter 90 application shall expire on July 23, 2013; and be it

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Jamesport Fire Department, Robert Sikora, P.O. Box 531, Jamesport, New York, 11947; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

05.07.13
130377

ADOPTED

TOWN OF RIVERHEAD

Resolution # 377

TERMINATES A MAINTENANCE MECHANIC III IN THE RIVERHEAD SEWER DISTRICT/ RIVERHEAD SCAVENGER WASTE DISTRICT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, since April 4, 2012, Michael Maffia (“Maffia”) has been absent from work due to a work-related injury; and

WHEREAS, on March 7, 2013, the Town of Riverhead (“Town”), served or caused to be served, upon Michael Maffia correspondence giving notice to Maffia that Town intended to terminate Maffia from employment with the Town on April 6, 2013 pursuant to section 71 of the Civil Service Law (“CSL § 71”) ; and

WHEREAS, said notice dated March 7, 2013, provided Maffia an opportunity to be heard on April 5, 2013 why Maffia should not be separated from employment by the Town under CSL § 71; and

WHEREAS, on April 5, 2013, the Town met with Maffia and his union representatives to consider Maffia’s reason(s) for contesting his possible termination from employment pursuant to CSL § 71.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 71 of New York State Civil Service Law, this Town Board hereby terminates Michael Maffia, a Maintenance Mechanic III in the Riverhead Sewer District/Riverhead Scavenger Waste District, effective April 26, 2013; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Michael Maffia, the Sewer District Superintendent, the Financial Administrator, the Town Attorney and the Personnel Director; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 378

AUTHORIZES THE NAMING OF THE ROADWAY THAT RUNS ALONG THE PECONIC RIVER IN DOWNTOWN RIVERHEAD TO "HEIDI BEHR WAY"

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Heidi Behr, a Riverhead resident and single mother of a young son, lost her life in a May 2005 accident while volunteering with the Riverhead Volunteer Ambulance Corps. Heidi joined the corps shortly after graduating in 2000 from Riverhead High School. In 2002 and 2003, she received awards for responding to an unusually high number of calls and was named Corpsman of the Year, an award for general excellence. In 2005, she was named lieutenant; and

WHEREAS, it is the desire of the Riverhead Town Board to name the road that runs alongside the Peconic River, from Peconic Avenue to McDermott Avenue in Downtown Riverhead, to "Heidi Behr Way" to honor and memorialize her outstanding dedication and service to her fellow residents in the Town of Riverhead.

NOW THEREFORE BE IT RESOLVED, the Riverhead Town Board hereby authorizes the naming of the roadway that runs alongside the Peconic River, from Peconic Avenue to McDermott Avenue in Downtown Riverhead, to "Heidi Behr Way"; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 379

APPROVES CHAPTER 90 APPLICATION OF PC RICHARD & SON
(Tent Sale – May 22nd through May 28th, 2013)

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on April 18, 2013, PC Richard & Son submitted a Chapter 90 Application for the purpose of erecting a tent for the display and sale of their products at the location of 1685 Old Country Road, Riverhead, New York, to be held on May 22nd through May 28th, 2013, between the hours of 9:00 a.m. and 9:00 p.m.; and

WHEREAS, PC Richard & Son has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the application of PC Richard & Son for the purpose of erecting a tent for the display and sale of their products at the location of 1685 Old Country Road, Riverhead, New York, to be held on May 22nd through May 28th, 2013, between the hours of 9:00 a.m. and 9:00 p.m., is hereby approved; 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 necessary tent permit must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State and the Building Code of New York

State; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code Chapter 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 applicable Chapter 90 Application fee has been paid; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to PC Richard & Son, 150 Price Parkway, Farmingdale, New York, 11735; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

05.07.13
130380

ADOPTED

TOWN OF RIVERHEAD

Resolution # 380

**APPROVES CHAPTER 90 APPLICATION OF PECONIC BAY REGION OF THE
ANTIQUÉ AUTOMOBILE CLUB OF AMERICA
(To Benefit the Wounded Warrior Project – May 25, 2013)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on April 12, 2013, George Bartunek, on behalf of Peconic Bay Region AACA, submitted a Chapter 90 application for the purpose of conducting a Collectible Car Show to benefit the Wounded Warrior Project to be held on the grounds of Martha Clara Vineyards at 6025 Sound Avenue, Riverhead, New York, on Saturday, May 25, 2013, having a rain date of Sunday, May 26, 2013, between hours of 9:00 a.m. and 4:00 p.m.; and

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

WHEREAS, Peconic Bay Region AACA 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 requested that the applicable Chapter 90 Application fee be waived due to the beneficiary’s 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 the Chapter 90 Application of Peconic Bay Region AACA for the purpose of conducting a Collectible Car Show to benefit the Wounded Warrior Project to be held on the grounds of Martha Clara Vineyards at 6025 Sound Avenue, Riverhead, New York, on Saturday, May 25, 2013, having a rain date of Sunday, May 26, 2013, between hours of 9:00 a.m. and 4:00 p.m., is hereby approved; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code, including 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 Town Board hereby waives the Chapter 90 Application fee due to the beneficiary's not-for-profit status; and be it further

RESOLVED, that any necessary tent permits be obtained and any tent installations and all electrical work shall comply with the applicable provisions 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 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 George Bartunek, Peconic Bay Region AACA, 21 Silver Beech Lane, Calverton, New York, 11933; and be it further

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

05.07.13
130381

ADOPTED

TOWN OF RIVERHEAD

Resolution # 381

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED
“ZONING” OF THE RIVERHEAD TOWN CODE
(Article XXVI. Site Plan Review)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 62 entitled “Excavations” of the Riverhead Town Code once in the May 16, 2013 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the sign board at Town Hall; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 22nd day of May, 2013 at 7:15 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

**CHAPTER 108
ZONING
Article XXVI. Site Plan Review**

§ 108-129. Review authorized; approval required; penalties; issuance of permits and certificates of occupancy; expiration.

B. Land clearing. No person shall undertake or carry out any such activity or use, including without limitation any grading, clearing, cutting and filling, excavating or tree removal associated therewith, without first having obtained site plan approval therefor, pursuant to the provision of this article, posting a performance bond provided for herein and securing a land clearing permit pursuant to Chapter 52 and/or a permit pursuant to Chapter 62 and Chapter 63. Any landowner found guilty of violating this article shall be fined at the rate of \$1,000 per day from the day of discovery of the incident until an approved restoration plan is enacted.

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

Dated: Riverhead, New York
May 7, 2013

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

05.07.13
130382

ADOPTED

TOWN OF RIVERHEAD

Resolution # 382

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 62 ENTITLED
“EXCAVATIONS” OF THE RIVERHEAD TOWN CODE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 62 entitled “Excavations” of the Riverhead Town Code once in the May 16, 2013 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the sign board at Town Hall; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 22nd day of May, 2013 at 7:10 o'clock p.m. to consider a local law amending Chapter 62 entitled "Excavations" of the Riverhead Town Code as follows:

**CHAPTER 62
EXCAVATIONS**

§ 62-3. Definitions.

GRADE

The degree of rise or descent of a sloping surface.

MATERIAL

Topsoil, loam, earth, sand, and/or gravel, and such other material such as wood, stumps, timber in its natural or reprocessed state.

NATURAL DRAINAGE

The stormwater runoff resulting from topographical and geographical conditions prior to changing the grade by any method including but not limited to exportation, importation or grading of the land or portion thereof.

NATURAL GRADE

The elevation of the ground surface in its natural state before alteration.

NATURAL WATERSHED

An area of land which, in its natural state and prior to any change, including but not limited to exportation, importation or grading, and due to its topography and geography, drains to a particular location within that area.

§ 62-5. Exempt premises and qualifications for Certificate of Exemption.

A. The following uses and operations by an owner or lessee of premises or by his agent are exempt from the provisions of this chapter:

- ~~(2)~~(1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to remove soil for the purpose of agricultural production shall be exempt from Chapter 62 or import material related to or incidental to the harvesting of crops or such other agricultural production provided that (1) the removal of soil shall be limited to that amount of material necessary to plant or harvest crops and (2) shall not change the

natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity, An applicant may qualify for a certificate of exemption for importation or excavation of material as defined in this chapter, provided that such importation or excavation is necessary for the purpose of establishing an agricultural operation as defined in § 108-3. As provisions set forth in Chapter 108 and Chapter 44 of the Town Code make clear that preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, except as set forth above the exportation of material will not be exempt from the provisions of this chapter.

(2)An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (2) the importation of material shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above described activity, (3) material imported shall not exceed 3000 cubic yards per year (4) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (5) the material be ground to a size less than 6” in length x 2: in width or chipped to size 2” (6) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (7) the material shall not be offered for sale but instead must be used on site.

(3)An owner or lessee of improved residential property seeking to import material shall be exempt from Chapter 62 provided that (1) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilize lawn and planting (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (2) material imported shall not exceed 1000 cubic yards per year (3) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations Part 360(3) (4) the material be ground to a size less than 3” in length x 2: in width or chipped to size 2” (5) the material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, and (6) the material shall not be offered for sale but instead must be used and incorporated into the lawn or planting areas.

A. B. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Town Board:

(1) An applicant may qualify for a certificate of exemption for excavation by dredging operations within existing navigable waters upon demonstration of approval by appropriate town, county, state or federal agencies or departments.

(2)An applicant may qualify for a certificate for exemption for importation of materials as defined in this chapter, provided that such importation is necessary for the purpose of operating, maintaining, or establishing an agricultural operation as defined in 108-3 and subject to the following conditions: (1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment pursuant to Article 25-AA of the Agriculture and Markets Law, (2) the importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above described activity is altered (3) the importation of material shall be limited to that amount of material necessary to plant or condition/fertilizer so as to enrich soils and restore the opportunity for improved plant growth (4) material shall not exceed 10000 cubic yards per year (5) the importation shall be limited to material defined as organic material pursuant to NYS DEC Regulations part 360 (6) the material be ground to a size less than 6” in length x 2” in width or chipped to a size 2” (7) the material shall not include materialcontaining wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles, (8) a detailed statement of the proposed work and three-dimensional extent of the proposed importation and exact condition of the plot or premised before the work proposed to be accomplished under the requested permit is commenced and the proposed condition of said plot or premises when the work is completed (9) a detailed statement from NYS AG & Markets, Suffolk County Soil Conservation or NRCS and (10) the material, in its natural or reprocessed state, shall not be offered for sale but instead must be used onsite. Note, as set forth in 62-5 (A) (1) preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, the exportation of material will not be eligible for a certificate of exemption.

B-C. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Building Administrator:

(1)An applicant may qualify for a certificate of exemption for importation, excavation or exportation of material as defined in this chapter when such importation, excavation or exportation is necessary for the construction of a single-family residence and accessory uses related to single-family residences subject to an applicant obtaining permit approval, pursuant to Chapter 52 from the Building Department for such residence or accessory uses, upon submission of a copy of the building permit and survey indicating the amount of material imported, excavated or exported required for said construction.

(2) An applicant may qualify for a certificate of exemption for the excavation or exportation of material, as defined in this chapter, for soil borings, provided that the material excavated or exported is limited to the amount required to obtain the boring sample.

§ 62-4. Application for Permit.

A. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption prior to the excavation, exportation or importation of material as defined in

Chapter 62. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption pursuant to § 62-5 of this chapter from the Town Board of the Town of Riverhead, except applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. Note: a permit or certificate of exemption shall not entitle the applicant to clear or grade without obtaining approvals required under § 108-129B and D, Chapter 52 and/or Chapter 63. For that purpose, such owner, lessee or agent shall file with the Building Department of the Town of Riverhead a verified application, in duplicate, for such permit or request for exemption containing a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New York or a plot plan reviewed and approved by Natural Resources Conservation Service or Suffolk County Soil and Water Conservation for agricultural production as defined in § 108-3 or such other activities that may qualify for a certificate of exemption, setting forth in detail or including the following information:

- (12) An applicant for residential, commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be excavated, exported or imported as certified by a professional engineer, to either the Planning Board or Town Board. The estimate of the volume of materials shall be noted on the approved site plan or subdivision map. Note, as stated above, applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with building permit and/or foundation permit prior to application for a permit under this chapter. In addition, the Town may limit a permit for projects to be constructed or improved in phases or capable of phased construction or improvement such that the Chapter 62 permitted activities run concurrent with the phased construction or improvement.

Underline represents addition(s)

Strikethrough represents deletion(s)

Dated: Riverhead, New York
May 7, 2013

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

TOWN OF RIVERHEAD

Resolution # 383

RATIFIES THE REAPPOINTMENT OF MEMBER TO THE RIVERHEAD LANDMARKS PRESERVATION COMMISSION

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on June 20, 2006, the Town Board adopted Chapter 73 “Landmarks Preservation” of the Town Code of the Town of Riverhead; and

WHEREAS, Chapter 73, Section 73-2 of the Landmarks Preservation Law authorized the Town Board to appoint seven members to serve on the Landmarks Preservation Commission; and

WHEREAS, pursuant to the provisions of Chapter 73, Section 73-2(C), the Commission members are to be appointed for three year terms;

WHEREAS, Gary Jacquemin was reappointed to the Landmarks Preservation Commission by Resolution#164 adopted on March 3, 2009 for a term expiring March 2012 and has been held over since expiration of said term; and

WHEREAS, the Town Board wishes to ratify the reappointment of Gary Jacquemin for a three year term such that the term will be deemed to have commenced on March 1, 2012 and will expire on March 1, 2015.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby reappoints Gary Jacquemin to the Landmarks Preservation Commission for a three year term such that the term will be deemed to have commenced on March 1, 2012 and will expire on March 1, 2015; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Gary Jacquemin; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 384

RATIFIES THE REAPPOINTMENT OF MEMBER TO THE RIVERHEAD LANDMARKS PRESERVATION COMMISSION

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on June 20, 2006, the Town Board adopted Chapter 73 “Landmarks Preservation” of the Town Code of the Town of Riverhead; and

WHEREAS, Chapter 73, Section 73-2 of the Landmarks Preservation Law authorized the Town Board to appoint seven members to serve on the Landmarks Preservation Commission; and

WHEREAS, pursuant to the provisions of Chapter 73, Section 73-2(C), the Commission members are to be appointed for three year terms;

WHEREAS, Georgette Keller was appointed to the Landmarks Preservation Commission by Resolution #558 adopted on July 7, 2010 for a term expiring March 2013 and has been held over since expiration of said term (Note, Resolution #558 did not correctly set the expiration date for the three year term and instead arbitrarily set the expiration date for March 2013); and

WHEREAS, the Town Board wishes to ratify the reappointment of Georgette Keller for a three year term such that the term will be deemed to have commenced on March 1, 2013 and will expire on March 1, 2016.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby reappoints Georgette Keller to the Landmarks Preservation Commission for a three year term such that the term will be deemed to have commenced on March 1, 2013 and will expire on March 1, 2016; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Georgette Keller; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 385

RATIFIES THE REAPPOINTMENT OF MEMBER TO THE RIVERHEAD LANDMARKS PRESERVATION COMMISSION

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on June 20, 2006, the Town Board adopted Chapter 73 “Landmarks Preservation” of the Town Code of the Town of Riverhead; and

WHEREAS, Chapter 73, Section 73-2 of the Landmarks Preservation Law authorized the Town Board to appoint seven members to serve on the Landmarks Preservation Commission; and

WHEREAS, pursuant to the provisions of Chapter 73, Section 73-2(C), the Commission members are to be appointed for three year terms;

WHEREAS, Richard Wines was reappointed to the Landmarks Preservation Commission by Resolution #164 adopted on March 3, 2009 for a term expiring August 2011 and has been held over since expiration of said term (Note, Resolution #164 did not correctly set the expiration date or term (3 years) and instead arbitrarily set the expiration date for August 2011); and

WHEREAS, the Town Board wishes to ratify the reappointment of Richard Wines for a three year term such that the term will be deemed to have commenced on August 2011 and will expire on August 2014.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby reappoints Richard Wines to the Landmarks Preservation Commission for a three year term such that the term will be deemed to have commenced on August 2011 and will expire on August 2014; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Richard Wines; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 386

RATIFIES THE REAPPOINTMENT OF MEMBERS TO THE RIVERHEAD LANDMARKS PRESERVATION COMMISSION

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on June 20, 2006, the Town Board adopted Chapter 73 “Landmarks Preservation” of the Town Code of the Town of Riverhead; and

WHEREAS, Chapter 73, Section 73-2 of the Landmarks Preservation Law authorized the Town Board to appoint seven members to serve on the Landmarks Preservation Commission; and

WHEREAS, pursuant to the provisions of Chapter 73, Section 73-2(C), the Commission members are to be appointed for three year terms;

WHEREAS, Stephanie Bail and Peter Lucas were reappointed to the Landmarks Preservation Commission by Resolution#558 adopted on July 7, 2010 for a term expiring March 2013 (Note, Resolution #558 did not correctly set the expiration date for the three year term and instead arbitrarily set the expiration date for March 2013); and

WHEREAS, the Town Board wishes to ratify the reappointment of Stephanie Bail and Peter Lucas for a three year term such that the term will be deemed to have commenced on March 1, 2013 and will expire on March 1, 2016.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby reappoints Stephanie Bail and Peter Lucas to the Landmarks Preservation Commission for a three year term such that the term will be deemed to have commenced on March 1, 2013 and will expire on March 1, 2016; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Stephanie Bail and Peter Lucas; 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

05.07.13
130387

ADOPTED

TOWN OF RIVERHEAD

Resolution # 387

RATIFIES THE ACCOUNTING DEPARTMENT TO PROFFER PAYMENT OF \$49,300.00 TO THE RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION, INC., REGARDING 2013 CALENDAR YEAR EVENTS AND SERVICES

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town of Riverhead, with the assistance of the Riverhead Business Improvement District Management Association, Inc. (BIDMA), wishes to continue to administer the District Plan as adopted by the Town of Riverhead pursuant to Local Law No. 222 of 1991, during the 2013 calendar year.

WHEREAS, BIDMA has recommended a series of events and services more fully delineated in the attached revised payment schedule A; and

WHEREAS, BIDMA has requested a modified payment schedule as reflected in the attached revised payment schedule A.

NOW THEREFORE BE IT RESOLVED that the Town Accounting Department is authorized to proffer payment of \$49,300.00 to the Riverhead Business Improvement District Management Association, Inc., to defray the costs and expenses associated with previously approved 2013 calendar year events and services more fully delineated in the attached revised payment schedule A; and

BE IT FURTHER RESOLVED THAT the Town Accounting Department is authorized to modify the budget for Fund 118-Business Improvement District to conform to the attached revised payment schedule A regarding the 2013 calendar year agreement previously approved by resolution number 123 adopted by the Town Board on February 5, 2013; and

BE IT FURTHER RESOLVED THAT a copy of this resolution shall be forwarded to Raymond Pickersgill, President, Riverhead Business Improvement District Management Association, Inc., 1 East Main Street, Suite 4, Riverhead, New York 11901, the Accounting Department and the Office of the Town Attorney; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

Revised 4.10.13

2013

B.I.D.M.A.

Budgeted

1st Payment

2nd

Payment

3rd Payment

Final 2013 Budget

	Amount	2/7/2013	4/11/2013	9/1/2013	
Administration					
Accountant	\$ 2,500.00	\$ 1,250.00	\$ 1,250.00		
Advertising					
Cablevision					
Christmas Lights	5,000.00			5,000.00	
Computer					
Insurance	2,500.00	2,500.00			
Office Supplies	200.00	100.00	100.00		
Payroll					
Payroll Processing					
Payroll Taxes					
Rent					
Workers Comp					
Total	<u>\$ 10,200.00</u>	<u>\$ 3,850.00</u>	<u>\$ 1,350.00</u>	<u>\$ 5,000.00</u>	<u>\$ 10,200.00</u>
Advertising	118,064,100.544160	\$ 41,900.00	\$ 20,950.00	\$ 20,950.00	\$ 41,900.00
Events:					
June		\$ 3,000.00	\$ 1,500.00	\$ 1,500.00	
June		1,000.00	1,000.00		
July		10,000.00		10,000.00	
May - Sept		7,500.00		7,500.00	
July		-			
Aug		6,000.00		6,000.00	
Dec		2,000.00		2,000.00	
Cardboard Boat Race					
Antique Show					
4th of July Celebration					
Cruise Nights					
Country Western					
Oldies Show					
Holiday Bonfire					
Total	<u>\$ 29,500.00</u>	<u>\$ 2,500.00</u>	<u>\$ 27,000.00</u>	<u>\$ -</u>	<u>\$ 29,500.00</u>
Total 2013 Budget	<u>81,600.00</u>	<u>27,300.00</u>	<u>49,300.00</u>	<u>5,000.00</u>	<u>81,600.00</u>

TOWN OF RIVERHEAD

Resolution # 388

**APPROVES CHAPTER 90 APPLICATION OF RAILROAD MUSEUM
OF LONG ISLAND (“Toy Train Play Days” – October 12th and 13th, 2013)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on April 25, 2013, the Railroad Museum of Long Island submitted a Chapter 90 application for the purpose of conducting an event entitled, “Toy Train Play Days”, which includes family oriented activities and railroad related vendors and displays. This event is to take place upon their property located at 416 Griffing Avenue, Riverhead, New York, on Saturday, October 12th, 2013 and Sunday, October 13th, 2013 between the hours of 11:00 a.m. and 3:00 p.m.; and

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

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

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

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

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

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

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

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

RESOLVED, that this approval is **subject to** the applicant's submission of an updated Certificate of Insurance (current Certificate of Insurance expires on June 24, 2013) **no later than July 15, 2013**; and be it further

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 further

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

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 389

**APPROVES CHAPTER 90 APPLICATION OF RAILROAD MUSEUM
OF LONG ISLAND
(Riverhead Railroad Festival 2013 – August 24th & 25th, 2013)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on April 25, 2013, the Railroad Museum of Long Island submitted a Chapter 90 application for the purpose of conducting an event entitled, “Riverhead Railroad Festival 2013”, which includes a toy train set raffle, railroad related vendors and displays. This event is to be located upon their property at 416 Griffing Avenue, Riverhead, New York, on Saturday, August 24th, 2013 and Sunday, August 25th, 2013 between the hours of 10:00 a.m. and 5:00 p.m.; and

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

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

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

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

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

RESOLVED, that the Chapter 90 Application of Railroad Museum of Long Island for the purpose of conducting an event entitled, “Riverhead Railroad Festival 2013” to be located upon their property at 416 Griffing Avenue, Riverhead, New York on the aforementioned dates and times is hereby approved; and be it further

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

RESOLVED, that any necessary tents permits must be obtained and all tent installations and electric 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 this approval is subject to the applicant's submission of an updated Certificate of Insurance (current Certificate of Insurance expires on June 24, 2013) **no later than July 15, 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 the Town Clerk is hereby authorized to forward a copy of this resolution to Railroad Museum of Long Island, P.O. Box 726, Greenport, New York, 11944-0726; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 390

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED
“ZONING” OF THE RIVERHEAD TOWN CODE
(Article VIII. Accessory Apartments)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 108 entitled “Zoning” of the Riverhead Town Code once in the May 16, 2013 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the sign board at Town Hall; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared **TABLED**

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 22nd day of May, 2013 at 7:05 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

CHAPTER 108: ZONING

Article VIII. Accessory Apartments

§ 108-34. Purpose; findings; standards.

C. Standards

- (4) Accessory apartment size. The minimum area for an accessory apartment shall be 300 square feet and a maximum of 650 square feet. The accessory apartment shall not exceed 40% of the area of the principal dwelling. For preexisting apartments seeking to comply with the Code provisions set forth in this chapter, the ~~Accessory Apartment Review Board Committee~~, comprised of the Building and Planning Administrator, Planning Director or his/her designee and the Building Inspector or his/her designee, may review, approve, approve with conditions, or deny accessory apartments that exceed 650 square feet, up to a maximum of 850 square feet, provided that the accessory apartment does not exceed 40% of the area of the principal dwelling of which the apartment is accessory. In no event may there be more than one bedroom per accessory apartment.
- (8) Inspection. The Building Department Administrator for the Town of Riverhead Building Department or his or her designated representative or a Code Enforcement Officer shall be is authorized to make or cause to be made inspections, upon reasonable notice, to determine the condition of the dwellings and compliance with the provisions of this article to safeguard the health, safety, and welfare of the public. A renewal application or transfer application shall be subject to identical inspection criteria as set forth above.
- (9) Duration. All permits issued hereunder shall be valid for an initial period of three years and shall be renewable for successive periods of up to five years at the discretion of the ~~Accessory Apartment Board Committee~~.
- (11) Amnesty. For the detached single-family dwellings that illegally have an accessory apartment, the owner shall have two years from the enactment of this article to make application, without penalty as set forth in § 52-18, and preconstruction fees (triplicate fees) as set forth in § 52-10H shall be waived upon receipt of an accessory apartment permit. As set forth in § 108-35F of

this article, the applicant/owner shall have 90 days of issuance of the building permit to comply with all requirements of this article, including but not limited to review and approval by the Accessory Apartment ~~Review Board~~ Committee, and all applicable provisions of the Town Code of the Town of Riverhead, Suffolk County Department of Health Services, New York State Uniform Fire Prevention and Building Code, and any and all such other agencies having jurisdiction.

§ 108-35. Applications.

- A. There shall be submitted to Building Department the following:
 - (4) An application to the Accessory Apartment ~~Review Board~~ Committee for an accessory apartment permit.
- C. The Accessory Apartment ~~Review Board~~ Committee as part of its application, may require the applicant to submit supporting documents, including but not limited to floor plans, surveys, less than 10 years old that show all existing structures, photographs, and/or exterior renderings.
- D. The application for the transfer of an accessory apartment permit to a subsequent property owner shall be completed on such forms and in such a manner as prescribed by the Accessory Apartment ~~Review Board~~ Committee.

§ 108-37. Accessory Apartment ~~Review Board~~ Committee Application Review Process.

- A. The Accessory Apartment ~~Review Board~~ Committee shall consist of three members appointed by the Town Board, all of whom shall be residents of the Town of Riverhead and one of whom shall be designated Chairman. The Town Board may provide for compensation to be paid to said members and provide for such other expenses as may be necessary and proper. Of the members of the Board first appointed, one shall hold office for the term of one year, one for the term of two years and one for the term of three years; provided, however, that the Town Board may, by resolution, increase the number of members of the Accessory Apartment ~~Review Board~~ Committee to five members and provide for their compensation, and thereafter such additional members shall be appointed for terms of one year and three years, respectively. Their successors shall be appointed for the term of three years from and after the expiration of the terms of their predecessors in office. Building and Planning Administrator, Planning Director or his/her designee and the Building Inspector or his/her designee.
- B. The Accessory Apartment ~~Review Board~~ Committee shall hear and decide applications for accessory apartments pursuant to the standards enumerated in § 108-34C of this article.
- C. The Accessory Apartment ~~Review Board~~ Committee shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this article. Meetings

shall be held at the call of the Chairman and at such other times as the ~~Board~~Committee may determine. The ~~Board~~Committee shall keep minutes of its proceedings and records of its examinations and other official actions, all of which shall be a public record.

- D. All applications made to the ~~Board~~Committee shall be in writing, on forms prescribed by the ~~Board~~Committee. The Accessory Apartment ~~Review Board~~Committee shall fix a reasonable time for the hearing of the application and give public notice thereof, as well as due notice to the applicant. The applicant shall mail notice of the hearing posted at least seven days prior to the date of the public hearing by either certified or registered mail, return receipt requested, to every property owner, as shown on the current Riverhead assessment rolls, owning property immediately adjacent and contiguous to that of the applicant. For purposes of this section, property separated from that of the application by a public road or right-of-way shall be deemed contiguous.
- F. Revocation. The Accessory Apartment ~~Review Board~~Committee shall retain the right to revoke any accessory apartment permit issued hereunder should the applicant or applicant's tenant violate any provision of this article, any condition imposed upon the issuance of the accessory apartment permit, or violation of the provisions of the Town Code of the Town of Riverhead. Said revocation shall be after a hearing held on notice to the applicant and, if known, the tenant. As an alternative to revocation, the Accessory Apartment ~~Review Board~~Committee may continue the permit on a probationary basis, and in such event, it may revoke the permit without further notice to the applicant or tenant upon a violation of any conditions attached to the probationary permit.
- G. Lapse of accessory apartment permit. Every application for accessory apartment permit granted by the Accessory Apartment ~~Review Board~~Committee shall be and become null and void and of no further force and effect unless the applicant obtains a building and zoning permit for work to be done and/or change of use no later than 30 days after approval is granted by the Accessory Apartment ~~Review Board~~Committee.
- H. No person shall create or occupy an accessory apartment without obtaining an accessory apartment permit from the Accessory Apartment ~~Review Board~~Committee and a certificate of occupancy for said use from the Building Department.
- I. The article shall sunset upon the issuance of the 250th accessory apartment permit, excluding accessory apartment permits issued to applicants seeking to legalize a pre-existing accessory apartment under the amnesty provision set forth in § 108-34C(11). The Town Board may, by resolution, extend the sunset provision up to the 500th accessory apartment permit and/or impose saturation limits within a specified geographical radius or zoning district.

§ 108-38. Appeals.

All appeals from the determination of the Accessory Apartment ~~Review Board~~Committee or from any administrative determination regarding interpretation of any provision of this article shall solely be by an Article 78 proceeding. This shall be the exclusive remedy of any aggrieved party.

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

Dated: Riverhead, New York
May 7, 2013

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

05.07.13
130391

ADOPTED

TOWN OF RIVERHEAD

Resolution # 391

AUTHORIZES THE 10% FOUNDATION SECURITY OF SABER-RIVERHEAD LLC TO BE APPLIED IN ITS ENTIRETY TOWARDS THE BUILDING PERMIT FEE

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, pursuant to Resolution #245 adopted by the Riverhead Town Board on March 19, 2013, further amended by Resolution #279 dated April 2, 2013, the Town Board accepted Signature Bank Check #5156 from Saber-Riverhead LLC, in the amount of \$40,532.00, representing 10% Foundation Permit security in connection with construction of a 122,184 square foot retail shopping center upon real property at 1775 Old Country Road, Riverhead, New York, further described as Suffolk County Tax Map #0600-119-1-7; and

WHEREAS, it has been determined by the Building Department that the Building Permit fee for this project shall be \$51,784.00; and

WHEREAS, Saber-Riverhead LLC has requested that upon the completion of the construction of the foundation, said \$40,532.00 security be applied in its entirety toward the \$51,784.00 Building Permit fee.

NOW THEREFORE BE IT RESOLVED, upon receipt of \$11,252.00, the Town Board of the Town of Riverhead hereby authorizes the \$40,532.00 Foundation Permit security to be applied in its entirety towards the \$51,784.00 Building Permit fee; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution Charles R. Cuddy, Esq., P.O. Box 1547, Riverhead, NY, 11901 and Saber-Riverhead LLC, 80 Business Park Drive, Armonk, New York, 10504; 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 # 392

**WAIVES THE SHOWMOBILE APPLICATION FEE FOR
RIVERHEAD CENTRAL SCHOOL DISTRICT
(PHILLIPS AVENUE ELEMENTARY SCHOOL)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Riverhead Central School District has requested the use of the Riverhead Showmobile in conjunction with their Community Festival to be held on the back field of the Phillips Avenue Elementary School on Saturday, June 8, 2013, having a rain date of Sunday, June 9, 2013; and

WHEREAS, the Riverhead Central School District has requested the fee for the use of the Riverhead Showmobile to be waived.

NOW THEREFORE BE IT RESOLVED, it is the desire of the Town Board to waive the application fee for the use of the Riverhead Showmobile in conjunction with the Community Festival sponsored by the Riverhead Central School District to be held on Saturday, June 8, 2013, having a rain date of Sunday, June 9, 2013; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Phillips Avenue Elementary School, 141 Phillips Avenue, Riverhead, New York, 11901, Attn: Debra Rodgers; and be it

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

05.07.13
130393

ADOPTED

TOWN OF RIVERHEAD

Resolution # 393

AUTHORIZES SUPERVISOR TO EXECUTE PLANNED MAINTENANCE AGREEMENT WITH CUMMINS POWER SYSTEMS, LLC, FOR GENERATOR MAINTENANCE FOR THE RIVERHEAD WATER DISTRICT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead requires generator maintenance service regarding the effective administration of the Riverhead Water District; and

WHEREAS, Cummins Power Systems, LLC, is ready, willing and able to provide generator service and maintenance at two separate plant facilities; and

WHEREAS, the cost for such one-year service shall be a total of \$3,024.60.

NOW THEREFORE BE ITRESOLVED,

RESOLVED, that the Supervisor is hereby authorized to execute an agreement with Cummins Power Systems, LLC, regarding generator maintenance for the Riverhead Water District at a total cost of \$3,024.60; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Cummins Power Systems, LLC, 3025 Veterans Memorial Highway, Ronkonkoma, New York, 11779; and be it further

ESOLVED, 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

Agreement, made this _____ day of _____, 2013, by and between the **TOWN OF RIVERHEAD**, a municipal corporation organized and existing under the laws of the State of New York, with its office located at 200 Howell Avenue, Riverhead, New York, 11901 (hereinafter referred to as the "**TOWN**"), and **CUMMINS POWER SYSTEMS, LLC**, a company existing under the laws of the State of New York, with a principal place of business at 3025 Veterans Memorial Highway, Ronkonkoma, New York, 11779 (hereinafter referred to as "**CONSULTANT**").

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

1. SCOPE OF SERVICES

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

2. TERM OF AGREEMENT

The Agreement shall commence on May 12, 2013, and terminate on May 12, 2014.

3. PAYMENT

For these services, Town will pay Consultant at the rate of \$3,024.60 as set forth in the attached schedule. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for in the attached schedule. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in the attached schedule. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement.". Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require. Consultant shall produce an invoice after each completed service visit, and such invoice(s) shall be due net thirty (30) days from the invoicing date.

4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance 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. In the event that the legal right in any information and data generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such information and data. Final payment shall not be due hereunder until after receipt by Town of such complete document and data file, or a

certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive 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. Consultant shall not, without the prior written approval of the Town, provide, release or make available for inspection any documents, data or written material of any kind without the prior written consent of at least three (3) members of the Town Board or by resolution of the Town Board.

6. ASSIGNMENT AND SUBCONTRACTING

Performance of any part of this Agreement may not be subcontracted nor assigned without, in each case, the prior written consent of at least three (3) members of the Town Board or by resolution of the Town Board.

7. TERMINATION

This Agreement may be terminated at any time and for any reason 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. In the event Consultant cancels the Agreement, Town shall be entitled to receive prorated credit in the form of a refund for payment already made based upon the cancellation date within 30 days of the cancellation date.

8. RECORDS

Consultant shall keep accurate records of the time spent in the performance of services hereunder. The Town shall, until the expiration of three (3) years after final payment under this Agreement, have access and the right to examine any directly pertinent books, documents, papers and records of Consultant involving transactions related to this Agreement.

9. CHANGES

The Town, by resolution of the Town Board or written request by at least three (3) 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 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 (3) members of the Town Board; and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three (3) members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation or understanding between the Consultant and the Town, its departments, officers, agents and employees, shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, return receipt requested, postage prepaid to Town of Riverhead, Attention Daniel P. McCormick, 200 Howell Avenue, Riverhead, New York, 11901; or (ii) to Consultant, certified mail, return receipt requested, postage prepaid to David Farino, PM Sales, Cummins Power Systems, LLC, 3025 Veterans Memorial Highway, Ronkonkoma, New York, 11779.

11. COMPLIANCE WITH LAWS

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

12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance and, if applicable, Worker's Compensation Insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees harmless against any and all damages, liabilities and expenses, including but not limited to counsel fees, arising out of the acts or omissions of Consultant under this Agreement.

13. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead, 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 any 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 represents a conflict of interest in light of its relationship with the Town.

14. DISCLOSURE

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

15. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by agreement of the parties, may be settled by appropriate legal proceedings. Pending any decision, appeal or judgment in such proceedings of the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement. In the event that any material(s) and/or workmanship used under this Agreement are found to be defective during the Warranty Coverage, Cummins Power Systems, LLC, shall correct such defect(s) at no additional cost to the Town during the Warranty Coverage Period, which shall be effective for ninety (90) days from the date of installation, for the hours and days of Monday – Friday, 8:00 a.m. to 4:00 p.m.

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

TOWN OF RIVERHEAD

CUMMINS POWER SYSTEMS LLC

By: _____
SEAN M WALTER, Supervisor

By: _____

TOWN OF RIVERHEAD

Resolution # 394

**REJECTS BIDS AND AUTHORIZES TOWN CLERK
TO REPUBLISH AND REPOST NOTICE TO BIDDERS
FOR ANNUAL DIESEL/GENERATOR MAINTENANCE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead Water District caused a notice to be published and posted to advertise for bids for annual diesel/generator maintenance; and

WHEREAS, bids were received and read aloud at the Town Clerk’s Office on the 30th day of April, 2013, at 11:00 a.m., the place, date and time designated in the notice; and

WHEREAS, the bids were reviewed and found that it would be in the best interest of the Town of Riverhead to reject the bids and republish and repost the notice to bidders for annual diesel/generator maintenance.

RESOLVED, that the Town Clerk be and is hereby authorized to republish and repost the attached Notice to Bidders for annual diesel/generator maintenance in the **May 16, 2013**, issue of *The News-Review*, and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a 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 bids for **ANNUAL DIESEL/GENERATOR MAINTENANCE** for use by the Town of Riverhead Water District will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 a.m.** on **May 30, 2013**. The purpose of this bid is to supply the District with annual maintenance and repair during normal hours, or after hours on an emergency basis (seven days a week, 24 hours a day, 365 days a year), of any one of the diesel and/or generator systems, whether it is Genset or diesel-drive, throughout the length the contract.

Requests for Bids may be examined and/or obtained at the Town Clerk's office at Town Hall Monday through Friday (except holidays) between the hours of 8:30 a.m. and 4:30 p.m. on or after **May 16, 2013**, or by visiting the Town of Riverhead website at www.townofriverheadny.gov. Click on the link "**Online Bid Requests**" and follow the instructions to register.

All bids are to be submitted in a sealed envelope bearing the designation **BIDS FOR ANNUAL DIESEL/GENERATOR MAINTENANCE – BID #RWD-2013-33A**. All bids must be submitted on the bid form provided in the bid document. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "**EXCEPTIONS TO THE SPECIFICATIONS**" and be attached to the bid form.

NOTE: Bid responses must be delivered to the 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.

The Town Board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm
Town Clerk

05.07.13
130395

ADOPTED

TOWN OF RIVERHEAD

Resolution # 395

INCREASES RATES FOR THE RIVERHEAD WATER DISTRICT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

RESOLVED, in accordance in Section 105-17 of the Riverhead Town Code, the Riverhead Town Board hereby establishes Rates for the Riverhead Water District, effective May 1, 2013, as outlined on the attached Exhibit A, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the law firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, 456 Griffing Avenue, Riverhead, NY, 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

EXHIBIT A

RATE INCREASES FOR RIVERHEAD WATER DISTRICT

SERVICE/METER CHARGES

Turn Off	\$ 30.00
Turn On.....	\$ 30.00
Service Line Inspection	\$ 50.00
Large Tap Fee.....	\$400.00
5/8 to 3/4 Adapter	\$ 35.00
Meter/Register Repair	\$ 75.00
Reconnect Fee	\$275.00
Emergency Turn Off.....	\$150.00
Emergency Turn On	\$150.00

QUARTERLY BILLING RATES

5/8" & 3/4"	\$10.90	5,000 Gals
1"	\$19.90	12,000 Gals

MONTHLY BILLING RATES

1.5	\$ 10.97	8,000 Gals
2"	\$ 12.97	10,000 Gals
3"	\$ 19.30	14,000 Gals
4"	\$ 25.30	20,000 Gals
6"	\$ 42.30	32,000 Gals
8"	\$ 86.63	80,000 Gals
10"	\$113.30	100,000 Gals
12"	\$138.30	120,000 Gals

\$1.50 additional per thousand over the minimum

Contracted flat rate \$1.75 per thousand

TOWN OF RIVERHEAD

Resolution # 396

AUTHORIZES THE CHIEF OF POLICE TO SUBMIT A GRANT APPLICATION

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the New York State Department of Justice – Office of Community Oriented Policing Services (COPS) has announced that they are currently accepting grant applications for the Fiscal Year 2013 COPS Hiring Program for the hiring and rehiring of additional career law enforcement officers; and

WHEREAS, Chief David J. Hegermiller has requested authorization from the Town Board to act as the main contact person and submit the grant application on behalf of the Town and the Riverhead Police Department.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby designates Chief David J. Hegermiller as the contact person for the grant and authorizes him to complete and submit the grant application to the New York State Department of Justice.

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 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

05.07.13
130397

ADOPTED

TOWN OF RIVERHEAD

Resolution # 397

AWARDS BID FOR 2013 ANNUAL IRRIGATION AND MAINTENANCE CONTRACT

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

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the Annual Irrigation and Maintenance Contract; and

WHEREAS, two (2) bids were received, opened and read aloud on the 5th day of April, 2013 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York.

NOW, THEREFORE, BE IT RESOLVED, that the Bid for the Annual Irrigation and Maintenance Contract be and is hereby awarded to Byrne & Son Irrigation, Inc. in the amount of (Nine Thousand Eight Hundred and 00/100 (\$9,800.00); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to return any and all bid bonds received in connection with the above; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Supervisor to execute an agreement for the Annual Irrigation and Maintenance Contract; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Engineering Department to secure a Town of Riverhead purchase order from the Purchasing Department in the amount of \$9,800; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Byrne & Son Irrigation, Inc., 4 Belford Avenue, Bay Shore, NY 11706, Engineering Department, Purchasing Department and the Office of Accounting; and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 398

PAYS BILLS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

ABSTRACT #13-15 April 17, 2013 (TBM 5/7/13)			
FUND NAME		Ckrun Total	GRAND TOTALS
GENERAL FUND	1	1,033,232.52	1,033,232.52
RECREATION PROGRAM FUND	6	3,879.52	3,879.52
MULTI YEAR OPERATING GRANT FUN	99	120,067.74	120,067.74
HIGHWAY FUND	111	84,900.45	84,900.45
WATER DISTRICT	112	106,189.78	106,189.78
RIVERHEAD SEWER DISTRICT	114	53,279.75	53,279.75
REFUSE & GARBAGE COLLECTION DI	115	214,269.70	214,269.70
STREET LIGHTING DISTRICT	116	7,086.63	7,086.63
AMBULANCE DISTRICT	120	1,039.84	1,039.84
EAST CREEK DOCKING FACILITY FU	122	1,584.57	1,584.57
CALVERTON SEWER DISTRICT	124	880.23	880.23
RIVERHEAD SCAVANGER WASTE DIST	128	25,711.15	25,711.15
RISK RETENTION FUND	175	11,012.48	11,012.48
CDBG CONSORTIUM ACOUNT	181	860.24	860.24
TRUST & AGENCY	735	1,144,260.04	1,144,260.04
CALVERTON PARK - C.D.A.	914	500	500
		\$ 2,808,754.64	\$ 2,808,754.64

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 # 398

PAYS BILLS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

ABSTRACT #13-16 April 25, 2013 (TBM 5/7/13)			
FUND NAME		Ckrun Total	GRAND TOTALS
GENERAL FUND	1	55,289.80	55,289.80
POLICE ATHLETIC LEAGUE	4	7,392.07	7,392.07
RECREATION PROGRAM FUND	6	0.00	0.00
HIGHWAY FUND	111	56,661.78	56,661.78
WATER DISTRICT	112	33,703.41	33,703.41
RIVERHEAD SEWER DISTRICT	114	8,007.41	8,007.41
REFUSE & GARBAGE COLLECTION DI	115	877.99	877.99
STREET LIGHTING DISTRICT	116	2,554.50	2,554.50
PUBLIC PARKING DISTRICT	117	65.90	65.90
BUSINESS IMPROVEMENT DISTRICT	118	756.25	756.25
AMBULANCE DISTRICT	120	6,124.85	6,124.85
RIVERHEAD SCAVANGER WASTE DIST	128	1,719.90	1,719.90
WORKERS' COMPENSATION FUND	173	104,786.52	104,786.52
RISK RETENTION FUND	175	120,550.00	120,550.00
CDBG CONSORTIUM ACOUNT	181	145.46	145.46
TOWN HALL CAPITAL PROJECTS	406	203,808.40	203,808.40
WATER DISTRICT CAPITAL PROJECT	412	22,760.00	22,760.00
TRUST & AGENCY	735	515,545.26	515,545.26
CALVERTON PARK - C.D.A.	914	7,000.00	7,000.00
		1,147,749.50	1,147,749.50

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 # 398

PAYS BILLS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

ABSTRACT #13-17 May 2, 2013 (TBM 5/7/13)			
FUND NAME		Ckrun Total	GRAND TOTALS
GENERAL FUND	1	1,039,406.09	1,039,406.09
POLICE ATHLETIC LEAGUE	4	985.01	985.01
RECREATION PROGRAM FUND	6	5,428.11	5,428.11
CHILD CARE CENTER BUILDING FUN	9	142.50	142.50
HIGHWAY FUND	111	92,584.08	92,584.08
WATER DISTRICT	112	68,017.86	68,017.86
RIVERHEAD SEWER DISTRICT	114	61,546.02	61,546.02
REFUSE & GARBAGE COLLECTION DI	115	16,985.60	16,985.60
STREET LIGHTING DISTRICT	116	8,706.63	8,706.63
PUBLIC PARKING DISTRICT	117	334.26	334.26
BUSINESS IMPROVEMENT DISTRICT	118	228.38	228.38
AMBULANCE DISTRICT	120	4,576.13	4,576.13
EAST CREEK DOCKING FACILITY FU	122	23,144.56	23,144.56
CALVERTON SEWER DISTRICT	124	6,742.94	6,742.94
RIVERHEAD SCAVANGER WASTE DIST	128	34,414.63	34,414.63
WORKERS' COMPENSATION FUND	173	1,609.95	1,609.95
CDBG CONSORTIUM ACOUNT	181	783.16	783.16
TOWN HALL CAPITAL PROJECTS	406	800.00	800.00
RIVERHEAD SEWER CAPITAL PROJEC	414	10,154.03	10,154.03
TRUST & AGENCY	735	1,113,510.11	1,113,510.11
CALVERTON PARK - C.D.A.	914	3,173.53	3,173.53
		2,493,273.58	-
			2,493,273.58

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 # 399

AUTHORIZATION TO PUBLISH NOTICE OF THE PUBLIC PRESENTATION OF THE TOWN OF RIVERHEAD'S ANNUAL MS4 STORMWATER CERTIFICATION REPORT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead is required to present its annual MS4 Stormwater Certification Report to the public pursuant to its New York State Pollutant Discharge Elimination System Permit (No. GP-0-10-002).

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby authorized to publish and post the following Notice of Presentation in the May 16, 2013, issue of the News-Review; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a 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 #399 was **TAKEN OFF THE FLOOR**

THE VOTE:

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
NOTICE OF PRESENTATION**

PLEASE TAKE NOTICE that a public presentation of the Town of Riverhead's Annual MS4 Stormwater Certification Report will be conducted on May 30, 2013, at 10 a.m., at Riverhead Town Hall, Town Board Meeting Room, 200 Howell Avenue, Riverhead, New York.

Dated: Riverhead, New York
May 7, 2013

**BY AUTHORITY OF NEW YORK STATE
POLLUTANT DISCHARGE ELIMINATION
SYSTEM PERMIT No. GP-0-10-002**

DIANE M. WILHELM, TOWN CLERK