

# Adopted

18/98

## TOWN OF RIVERHEAD

Resolution # 712

### RESCINDS RESOLUTION #49 OF 1998

COUNCILMAN LULL

offered the following resolution, was seconded by

COUNCILMAN CARDINALE

**NOW THEREFORE BE IT RESOLVED**, that Resolution #49 adopted by the Riverhead Town Board on January 20, 1998 be and is hereby rescinded due to this resolution being previously adopted by Resolution #563 of 1997.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead and hereby authorizes the Town Clerk to forward a certified copy of this resolution to Jack Jensen, Financial Administrator.

### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

# Adopted

August 18, 1998

## TOWN OF RIVERHEAD

Resolution # 713

### ADOPTS AN AMENDMENT TO CHAPER 46-A ENTITLED "ARCHITECTURAL REVIEW" OF THE RIVERHEAD TOWN CODE

COUNCILMAN CARDINALE offered the following resolution, which was

seconded by COUNCILMAN KWASNA:

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Chapter 46-A entitled, "Architectural Review" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 19<sup>th</sup> day of May, 1998, at 7:30 o'clock p.m. at the George G. Young Community Center, South Jamesport Avenue, Jamesport, 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 an amendment to Chapter 46-A, "Architectural Review," 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 **The News Review** and to post same on the signboard at Town Hall; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Planning Department, the Building Department, and the Town Attorney's Office.

### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vilella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted an amendment to Chapter 46-A "Architectural Review" of the Riverhead Town Code at its regular meeting held on August 18, 1998, as follows:

§ 46A-5. Establishment; membership; terms; vacancies; removal.

- A. There is hereby created an Architectural Review Board, which shall act as an advisory body to the Town Board for the purpose of site plan ~~and sign permit~~ review, as delineated herein, and which shall approve sign permit applications submitted pursuant to Section 108-56 of the Code of the Town of Riverhead. Sign permit applications which are disapproved may be appealed to the Town Board. Said Architectural Review Board shall consist of five (5) members who shall be appointed by the Town Board on the recommendation of the Planning Director. Insofar as practicable, all members of the Board shall be competent in matters of design and interested in the design review and development of the Town of Riverhead. Three (3) members shall be architects, designers or landscape architects. One (1) shall be a licensed architect. [Amended 5-21-1991 by resolution]

Dated: Riverhead, New York  
August 18, 1998

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

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

# Tabled

8/18/98

## TOWN OF RIVERHEAD

Resolution # 714

### ADOPTS LOCAL LAW TO AMEND CHAPTER 45 ENTITLED, "ALARM SYSTEMS" OF THE RIVERHEAD TOWN CODE

COUNCILMAN KWASNA

offered the following resolution, was seconded by

COUNCILMAN KENT

**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 45 of the Riverhead Town Code entitled, "Alarm Systems", once in the News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and

**WHEREAS**, a public hearing was held on the 4th day of August, 1998 at 7:25 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 a local law amending Chapter 101 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** and to post same on the signboard at Town Hall; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Richard E. Gadzinski, Ordinance Inspector and Chief Joseph Grattan of the Riverhead Police Department.

COUNCILMAN KWASNA OFFERED TO TABLE THE RESOLUTION, WHICH WAS SECONDED BY COUNCILMAN KENT.

THE RESOLUTION WAS THEREUPON DECLARED DULY TABLED.

### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input type="checkbox"/> Yes	<input type="checkbox"/> No		<i>Abstain</i>	

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED **ADOPTED**

# Tabled

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 45 entitled, "Alarm Systems" of the Riverhead Town Code at its regular meeting held on August 18, 1998 as follows:

**§45-1. Definitions.**

For the purpose of this chapter, the following definitions shall apply:

CENTRAL ALARM STATION – Any facility operated by a private firm that owns or leases a system of fire or police alarm devices, which facility is manned by operators who receive, record or validate alarm signals and relay information about such validated signals to the Police or Fire Department when appropriate.

DIAL ALARM – Any fire or police alarm device, which is a telephone device or telephone attachment, that automatically or electronically selects a telephone line connected to a central alarm station or Police Headquarters and reproduces a prerecorded message to report a criminal act or other emergency requiring Police or fire Department response.

DIRECT ALARM SYSTEMS – An alarm system within Police Headquarters for the purpose of providing a direct alarm system where the visible and audible signals therefore may be readily seen and heard by police or fire personnel.

**§45-3. Charges for false alarms.**

A. Any owner or lessee of property having a fire or police alarm device or system or fire or police alarm devices on his or its premises on the effective date of this chapter shall pay to the town a charge for each and every false emergency alarm to which the Fire or Police Department responds, in each calendar year, as follows:

- (1) ~~First and second false emergency alarm each calendar year: no charge.~~
- (2) ~~Third and all subsequent false emergency alarm each calendar year: one hundred dollars (\$100.).~~
- (1) All false emergency alarms each calendar year: seventy five dollars (\$75.).

B. The Police Department is responsible for the recording of every false emergency alarm for the person, company or business entity that has violated the provisions if this chapter.

- C. The Town of Riverhead Police Department shall promulgate internal rules, regulations and procedures to provide for the proper enforcement of this chapter.
- D. B. The above charges shall be paid to the Town Clerk Tax Receiver. Failure to pay any such charges shall subject such owner, lessee or user to the penalty provisions of this chapter.

**45-4. Police Department to promulgate rules; enforcement**

~~The Riverhead Police Department shall promulgate rules, regulations and standards, which shall be approved by the Town Board, that may be necessary for the purpose of assuring the quality, efficiency and effectiveness of fire or police devices and alarm installations owned, operated, maintained, installed, leased or sold by a licensee pursuant to Article 6-D of the General Business Law of the State of New York and to facilitate the administration of this chapter. The Riverhead Police Department shall administer and enforce the provisions of this chapter. The aforesaid rules, regulations and standards shall be set forth in writing, and copies shall be available for licensees.~~

**45-5. 4. Severability.**

**45-6. 5. Penalties for offenses.**

**45-6. Duties and responsibilities.**

- A. It shall be the duty of every owner of property having an alarm installation on such premises to maintain such alarm installation in good working order and condition. Such owner shall be responsible for all malfunctions of such alarm installation.
- B. It shall be the duty of every business or commercial entity installing and/or maintaining an alarm installation in the Town of Riverhead to keep complete and accurate records with respect to installation and/or maintenance of such alarm installations.
- C. It shall be the duty and responsibility of every owner of property or business or commercial entity who installs and/or maintains an alarm installation in the Town of Riverhead to comply with the rules, regulations and standards promulgated pursuant to this chapter.
- D. The Riverhead Police Department shall administer and enforce the provisions of this chapter.

**§45-7. Prohibitions.**

A. Direct Alarm Systems are prohibited except:

- (1) Municipal buildings or quasi-municipal buildings such as a hospital which maintains 24 hour emergency health care.
- (2) Direct dial alarms as defined in Subdivision 45-1 of this article which dial directly into the Police Department are prohibited.

Dated: Riverhead, New York  
August 18, 1998

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

**BARBARA GRATTAN, Town Clerk**

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

# Adopted

8/18/98

## TOWN OF RIVERHEAD

Resolution # 715

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AN AMENDMENT TO CHAPTER 62 "EXCAVATIONS" OF THE RIVERHEAD TOWN CODE (PERFORMANCE BONDS/LETTERS OF CREDIT)**

COUNCILMAN KENT

\_\_\_\_\_ offered the following resolution, was seconded by

COUNCILMAN LULL

**RESOLVED**, the Town Clerk be and is hereby authorized to publish the attached public notice once in the August 20th issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to Chapter 62 entitled, "Excavations" to be posted on the sign board of the Town; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Planning Department; the Planning Board; the Zoning Board of Appeals; the Building Department; the Office of Accounting and the Office of the Town Attorney.

### THE VOTE

Cardinale  Yes \_\_\_ No \_\_\_ Kent  Yes \_\_\_ No \_\_\_  
Kwasna  Yes \_\_\_ No \_\_\_ Lull  Yes \_\_\_ No \_\_\_  
Vilella  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
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, in the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on the 1st day of September, 1998 at 7:25 o'clock p.m. to consider a local law amending Chapter 2 "Excavations" of the Riverhead Town Code as follows:

**62-10. Fees.**

The officer designated by the Town Board to issue such permits shall charge and collect for each such permit an annual fee as follows:

**62-10. Bond Irrevocable Letter of Credit or cash deposit.**

Before the issuance of a permit, the applicant and the owner of record of the premises shall execute and file with the Town Clerk a ~~bond~~ an Irrevocable Letter of Credit approved by the Town Board of the Town of Riverhead, in an amount to be fixed by said Board, ~~with a surety company as surety~~, and conditioned upon the faithful performance of the conditions contained in this chapter and the observance of all other municipal ordinances and to indemnify the Town of Riverhead for any damage to town property. In the event of a default, such ~~bond~~ Irrevocable Letter of Credit shall be forfeited to the Town of Riverhead. In lieu of such a ~~bond~~ Irrevocable Letter of Credit, a cash deposit ~~or deposit of negotiable securities~~ may be made with the supervisor of the town.

Dated: Riverhead, New York  
August 18, 1998

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town

/18/98

# Adopted

## TOWN OF RIVERHEAD

Resolution # 716

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AN AMENDMENT TO CHAPTER 88 "SEWERS" OF THE RIVERHEAD TOWN CODE (PERFORMANCE BONDS/LETTERS OF CREDIT)**

COUNCILMAN LULL

\_\_\_\_\_ offered the following resolution, was seconded by

COUNCILMAN CARDINALE

**RESOLVED**, the Town Clerk be and is hereby authorized to publish the attached public notice once in the August 20th issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to chapter 88 entitled, "Sewers" to be posted on the sign board of the Town; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Ken Testa, P.E.; Michael Reichel, Sewer District Supervisor; the Planning Department; the Planning Board; the Zoning Board of Appeals; the Building Department; the Office of Accounting and the Office of the Town Attorney.

### THE VOTE

Cardinale  Yes \_\_\_ No \_\_\_    Kent  Yes \_\_\_ No \_\_\_  
Kwasna  Yes \_\_\_ No \_\_\_    Lull  Yes \_\_\_ No \_\_\_  
Vilella  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
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, in the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York the 1st day of September, 1998 at 7:30 o'clock p.m. to consider a local law amending Chapter "Sewers" of the Riverhead Town Code as follows:

**§8-3. Filing of bond Irrevocable Letter of Credit; insurance.**

- A. An authorized drainlayer shall file with the Town Clerk a proper and acceptable performance and guaranty bond Irrevocable Letter of Credit in the amount of five thousand dollars (\$5,000.), which bond Irrevocable Letter of Credit shall remain in full force and effect for at least one (1) year from the date of the last work done by that particular drainlayer.

held at: Riverhead, New York  
August 18, 1998

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

# Adopted

18/98

## TOWN OF RIVERHEAD

Resolution # 717

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AN AMENDMENT TO CHAPTER 105 "WATER" OF THE RIVERHEAD TOWN CODE (PERFORMANCE BONDS/LETTERS OF CREDIT)**

**COUNCILMAN CARDINALE**

\_\_\_\_\_ offered the following resolution, was seconded by

**COUNCILMAN KWASNA**

**RESOLVED**, the Town Clerk be and is hereby authorized to publish the attached public notice once in the August 20th issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to Chapter 105 entitled, "Water" to be posted on the sign board of the Town; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Gary Pendzick, Water District Supervisor; the Planning Department; the Planning Board; the Zoning Board of Appeals; the Building Department; the Office of Accounting and the Office of the Town Attorney.

### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vitella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS  WAS NOT

HEREUPON 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, in the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on the 1st day of September, 1998 at 7:35 o'clock p.m. to consider a local law amending Chapter 105 "Water" of the Riverhead Town Code as follows:

**§ 105-2.1. Application for construction of improvements.**

All water district laterals and appurtenances to be constructed within the Riverhead Water District shall be constructed at the sole expense of the property owners to be served by such laterals and appurtenances. The petitioners shall enter into contracts, as the Town Board may deem necessary, with any person, corporation or association acting as petitioners pursuant to § 199 of the Town Law, which contract shall insure that the cost of laterals and appurtenances shall be borne by the petitioners and that ~~a security bond or bonds~~ an Irrevocable Letter of Credit or the deposit of cash ~~or securities~~ shall be made to insure performance of such contracts. The petition filed pursuant to § 199 requesting the construction of lateral mains and appurtenances shall state that:

"The cost and expense of constructing said improvement proposed for said area is to be borne entirely by your petitioner; that the amount to be expended for said improvement, as foresaid, shall be expended solely by your petitioner, who shall also bear the incidental costs thereof so that no cost or expense shall be borne by the owners of other property within the district.

"To insure that the cost of constructing the improvement herein proposed shall be the sole obligation of and be borne entirely by your petitioner, at no cost or expense to the owners of other property within the district, your petitioner has signed an agreement to be entered into with the district, pursuant to § 194-a of the Town Law of the State of New York, wherein and whereby your petitioner undertakes, among other things, that the entire cost and expense of the proposed improvement shall be borne by your petitioner and no part thereof by other owners of property within the district, which said agreement is not to be signed by the Town Board on behalf of the district until said Town Board shall have adopted a resolution authorizing the construction of the improvement herein proposed. A duplicate original of said agreement, signed and acknowledged by your petitioner, is separately submitted herewith and is to be considered, in all respects, a part of this petition and is marked as an exhibit hereto."

The engineering and design of laterals and appurtenances shall be made at the expense of the petitioner by an engineering firm to be designated by the Town Board.

**§ 105-2.2. Costs for mains and laterals.**

C. No petition for the construction of lateral water mains shall be granted after the effective date of this amendment unless the petitioner has paid a fee in the total amount of two thousand five hundred dollars (\$2,500.) for each of the dwelling units proposed to be constructed at the premises to be served by such lateral. The petitioner may post a bond an Irrevocable Letter of Credit with the town—~~secured by a letter of credit assuring payment. In the event that the fee is bonded,~~ such fee must be paid within two (2) years or upon application for a certificate of occupancy, whichever occurs first.

Dated: Riverhead, New York  
August 18, 1998

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town

# Adopted

8/18/98

## TOWN OF RIVERHEAD

Resolution # 718

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AN AMENDMENT TO CHAPTER 107 "WETLANDS, FLOODPLAINS AND DRAINAGE" OF THE RIVERHEAD TOWN CODE (PERFORMANCE BONDS/LETTERS OF CREDIT)**

COUNCILMAN KWASNA

\_\_\_\_\_ offered the following resolution, was seconded by

COUNCILMAN KENT

**RESOLVED**, the Town Clerk be and is hereby authorized to publish the attached public notice once in the August 20th issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to chapter 107 entitled, "Wetlands, Floodplains and Drainage" to be posted on the sign board of the town; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Planning Department; the Planning Board; the Zoning Board of Appeals; the Building Department; the Office of Accounting and the Office of the Town Attorney.

### THE VOTE

Cardinale  Yes \_\_\_ No \_\_\_    Kent  Yes \_\_\_ No \_\_\_  
Kwasna  Yes \_\_\_ No \_\_\_    Lull  Yes \_\_\_ No \_\_\_  
Vilella  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

# Adopted

August 18, 1998

## TOWN OF RIVERHEAD

Resolution # 719

### AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER AN AMENDMENT TO CHAPTER 108 ENTITLED, "ZONING" OF THE CODE OF THE TOWN OF RIVERHEAD

COUNCILMAN KENT

\_\_\_\_\_ offered the following resolution, which was

seconded by COUNCILMAN LULL \_\_\_\_\_:

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider an amendment to Chapter 108, entitled, "Zoning" of the Code of the Town of Riverhead once in the August 20, 1998, issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law to be posted on the sign board of the Town; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Central Pine Barrens Joint Planning & Policy Commission; the Planning Board; the Building Department; the Police Department; the Suffolk County Planning Commission; and the Towns of Brookhaven, Southold, and Southampton.

### THE VOTE

Cardinale	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Kent	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Kwasna	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Lull	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Villetta	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No					

THE RESOLUTION WAS  WAS NOT

THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held on the 1st day of September, 1998, at 7:05 o'clock p.m., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the following amendment to Chapter 108 of the Riverhead Town Code entitled, "Zoning."

Dated: Riverhead, New York  
August 18, 1998

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

**§ 108-179. Development within Compatible Growth Area.**

A. Development within the Compatible Growth Area (CGA) shall comply with the following standards:

(8) Clearance.

(a) The proposed disturbance to natural vegetation, combined with previously disturbed areas, shall conform to the following clearance standards:

Zoning Use District	Maximum Site Clearance (percentage)
Residence A Use District	53
Agriculture A Use District	53
Industrial A Use District	65
<u>Industrial C Use District</u>	<u>65</u>
Business CR Use District	65

(b) The applicable clearance percentage shall be calculated over the area of the entire parcel, including but not limited to public highways, roadways, building sites, parking areas, drainage structures and recharge areas. Development plans shall delineate the existing naturally vegetated areas, shall calculate those portions of the site that are already cleared due to previous activities and shall contain calculations for the amount of disturbance of native vegetation and indicate the clearing limits thereof.

(c) To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearing limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared without a hardship exemption.

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

# Adopted

8/18/98

## TOWN OF RIVERHEAD

Resolution # 720

### AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE (RIVERHEAD TOWN CODE REVISION COMMITTEE)

COUNCILMAN LULL \_\_\_\_\_ offered the following resolution, was seconded by

COUNCILMAN CARDINALE \_\_\_\_\_

**RESOLVED**, the Town Clerk be and is hereby authorized to publish the attached public notice once in the August 20, 1998 issue of the **News Review**, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the public notice to be posted on the sign board of the Town; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Adam Grossman, Town Attorney.

### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that Town of Riverhead is currently forming a Code Revision Committee to review and update all sections of the Riverhead Town Code. This notice is for the purpose of inviting members of the public to join this committee. It is the intention of the Riverhead Town Board for the Code Revision Committee to reflect a cross section of the Riverhead community. All persons interested should submit a cover letter and resume addressed to Riverhead Town Attorney Adam Grossman, 200 Howell Avenue, Riverhead, New York, 11901.

Dated: Riverhead, New York  
August 18, 1998

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

Adopted

August 18, 1998

TOWN OF RIVERHEAD

Resolution # 721

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING - SPECIAL PERMIT - EAST RIVERHEAD EQUITIES

COUNCILMAN CARDINALE

offered the following resolution which

COUNCILMAN KWASNA

was seconded by \_\_\_\_\_

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Christine Reikert a partner of East Riverhead Equities pursuant to Section 108-39 B(5) of the Town Code to conduct a pre-school for developmentally disabled children within a 4,863 square feet area of an existing 68,816 square foot office complex located on a 8.5 acre parcel zoned Business 'C' and known by Suffolk County Tax Map No. 0600-127-7-8.1, and

WHEREAS, the Riverhead Town Board by resolution #623 of 1998 deemed said petition to be an Unlisted action which will not have a significant effect upon the environment and that an Environmental Impact Statement need not be prepared, and

WHEREAS, the Town Board has referred the application to this Planning Board for its report and recommendation, and

WHEREAS, the Town Board desires to hold a public hearing on this petition, now

THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Town Clerk to publish and post the attached notice of public hearing.

THE VOTE

Cardinale  Yes \_\_\_ No \_\_\_ Kent  Yes \_\_\_ No \_\_\_  
Kwasna  Yes \_\_\_ No \_\_\_ Lull  Yes \_\_\_ No \_\_\_  
Vilella  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_

THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 1<sup>st</sup> day of September, 1998 at 7:45 o'clock p.m. at 200 Howell Avenue, Riverhead, New York to hear all interested parties to consider the special permit petition of East Riverhead Equities to allow the use of an existing 4,863 square foot office building as a pre-school for developmentally disabled children at Route 25, Riverhead, such real property more particularly described as SCTM 0600-127-7-8.1.

DATED: August 18, 1998  
Riverhead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

Adopted

August 18, 1998

TOWN OF RIVERHEAD

Resolution # 722

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING - URBAN RENEWAL PLAN FOR THE FORMER CALVERTON NAVAL WEAPONS INDUSTRIAL RESERVE

COUNCILMAN KWASNA

offered the following resolution which

COUNCILMAN KENT

was seconded by

WHEREAS, by resolution #451 of 1998 the Town Board did cause the preparation of an Urban Renewal Plan, pursuant to Article 15 of the New York Urban Renewal Law, for the redevelopment of the former Calverton Naval Weapons Industrial Reserve Plant, and

WHEREAS, the draft plan has been referred to the Riverhead Planning Board for its report pursuant to Section 505 of the General Municipal Law, and

WHEREAS, the Planning Board has scheduled a public hearing for the consideration of such plan, and

WHEREAS, pursuant to Section 505 of the General Municipal Law the Town Board shall hold a public hearing on such plan prior to adoption, now

THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Town Clerk to publish and post the attached notice of public hearing respecting the aforementioned in the August 20, 1998 edition of the official newspaper of the Town of Riverhead.

THE VOTE

Cardinale  Yes \_\_\_ No \_\_\_ Kent  Yes \_\_\_ No \_\_\_  
Kwasna  Yes \_\_\_ No \_\_\_ Lull  Yes \_\_\_ No \_\_\_  
Vilella  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_

THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 1<sup>st</sup> day of September, 1998 at 7:15 o'clock p.m. at 200 Howell Avenue, Meeting Room, Riverhead, New York to consider adoption of an Urban Renewal Plan for the former Calverton Naval Weapons Industrial Reserve Plant pursuant to Section 505 of the General Municipal Law.

DATED: August 20, 1998  
Riverhead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN TOWN CLERK

# Tabled

August 18, 1998

Adopted  
8/25/98

## TOWN OF RIVERHEAD

Resolution # 723

### ADOPTS LOCAL LAW - COMMUNITY PRESERVATION FUND

COUNCILMAN KENT

offered the following resolution which

COUNCILMAN LULL

is seconded by

WHEREAS, the Peconic Bay Community Preservation Project Act provides for the acquisition of important open space areas via a fund established for such purpose with revenues derived from a real estate transfer tax to be levied on certain transactions with the Town, and

WHEREAS, on August 4, 1998, the Town Board held a public hearing upon the adoption of a Local Law which would establish Community Preservation Fund for the acquisition of property listed in the Community Preservation Project Plan and a real estate transfer tax to provide revenue to the Fund, and

WHEREAS, the Town Board has carefully considered the merits of the Plan and the importance of those parcels listed within the Plan, now

### THEREFORE, BE IT

RESOLVED, that in the matter of the adoption of Local Law #\_\_\_\_, the Riverhead Town Board declares itself to be the Lead Agency in the Action, and

### BE IT FURTHER

RESOLVED, that the Town Board determines the adoption of Local Law #\_\_\_\_ to be an expedient Action pursuant to 6NYCRR Part 617, and that an Environmental Impact Statement shall not be prepared, and

### BE IT FURTHER

RESOLVED, that the Town Board hereby adopted Local Law #\_\_\_\_ of 1998 to establish a Community Preservation Fund; Articles I and II, and

### BE IT FURTHER

RESOLVED, that such Local law shall effect after filing with the Secretary of State and after approval at the general election of November 3, 1998 by affirmative vote of the qualified voters of the Town of Riverhead as set forth in such Local Law and, further, that the real estate transfer tax imposed by this Local Law shall expire and be deemed repealed as to any conveyance taking place after December, 31, 2010.

COUNCILMAN KENT OFFERED THE RESOLUTION TO BE BROUGHT OFF THE TABLE, WHICH WAS SECONDED BY COUNCILMAN LULL. The Vote: All yes votes, Resolution adopted.

COUNCILMAN KENT OFFERED THE RESOLUTION, WHICH WAS SECONDED BY COUNCILMAN LULL.  
THE VOTE: All yes votes.  
THE RESOLUTION WAS THEREUPON DECLARED TO BE DULY ADOPTED 8/25/98

Local Law 14 of 1998  
Chapter 14

COMMUNITY PRESERVATION FUND

ARTICLE I

Community Preservation Fund

I

Section - Title.

This chapter of the Riverhead Town Code shall be known and may be cited as the "Community Preservation Fund Law."

II

Section - Purposes.

This chapter is adopted for the purpose of protecting and preserving open and undeveloped lands in the Town of Riverhead, including wetlands, woodlands, agricultural lands, shorelands, and the other natural resources of the Town; for the purpose of protecting historic places and properties within the Town; and for the purpose of providing the Town's visitors and residents with outdoor recreational opportunities, all in accordance with the provisions of §64-e of the New York Town Law and as more fully set forth therein.

III

Section -- Definitions.

As used in this chapter, the following words and terms shall have the meanings indicated:

ADVISORY BOARD - shall mean the Riverhead Community Preservation Fund Advisory Board established and created by this chapter.

COMMUNITY PRESERVATION - shall mean and include all of the following:

- A. Establishment of parks , nature preserves , or recreational areas;
- B. Preservation of open space, including agricultural lands;
- C. Preservation of lands of exceptional scenic value;
- D. Preservation of fresh and saltwater marshes or other wetlands;
- E. Preservation of aquifer recharge areas;
- F. Preservation of undeveloped beach lands or shorelands;
- G. Establishment of wildlife refuges for the purpose of maintaining native animal species diversity, including the protection of habitat essential to the recovery of rare, threatened, or endangered species;
- H. Preservation of brooks or streams and riverine areas in natural, free-flowing condition;
- I. Preservation of public access to lands for public use including stream rights and waterways;
- J. Undertaking any of the aforementioned in furtherance of the establishment of a greenbelt,

COMMUNITY PRESERVATION PROJECT PLAN - shall mean Riverhead Community Preservation Project Plan adopted by the Riverhead Town Board pursuant to Town Law §64-e

FUND - shall mean the Riverhead Community Preservation Fund established and created by this chapter,

Section <sup>IV</sup> - Community Preservation Fund established.

A. The Riverhead Community Preservation Fund is hereby established as authorized by §64-e of the New York Town Law.

B. Deposits into the fund may include revenues of the Town from whatever source, and shall include the revenues from a real estate transfer tax imposed by the Town pursuant to Article 31-D of the New York Tax Law.

C. The fund shall also be authorized to accept gifts of any such interests in land or funds. Interest accrued by monies deposited in the fund shall be credited to the fund.

D. In no event shall monies deposited in the fund be transferred into any other account.

E. Nothing contained in this chapter shall be construed to prevent the financing in whole or in part, pursuant to the New York Local Finance Law, of any acquisition authorized pursuant to this chapter. Monies from the fund may be utilized to repay any indebtedness or obligations incurred pursuant to the Local Finance Law, consistent with effectuating the purposes of this chapter.

V

Section - Purposes of the fund.

A. The purposes of the fund shall be exclusively:

- (1) To implement a plan for the preservation of community character as required by §64-e (6) of the Town Law;
- (2) To acquire interests or rights in real property for the preservation of community character within the Town, in accordance with said plan;
- (3) To establish a bank pursuant to a transfer of development rights program consistent with §261-a of the Town Law, at the sole discretion of the Town Board;
- (4) To provide a management and stewardship program for such rights and interests acquired by the fund, consistent with the provisions of this chapter and in accordance with said plan.

B. The acquisition of interests and rights in real property under the fund shall be in cooperation with willing sellers.

C. Not more than ten percent (10%) of the fund shall be utilized for the management and stewardship program provided for in paragraph A (4) of this section.

D. Upon the full implementation of the community preservation project plan, and funds being no longer required for the purposes set forth in subsection A above,

any remaining monies in the fund shall be applied to reduce any bonded indebtedness or obligations incurred to effectuate the purposes of subsection A.

VI  
Section - Advisory board established.

- A. The Riverhead Community Preservation Fund Advisory Board is hereby established to review and make recommendations on proposed acquisitions of interests in real property using monies from the fund, and to act in an advisory capacity to the Town Board with respect to the administration of the fund.
- B. Such board shall consist of those members of the Farmland Preservation Committee as created pursuant to §44-6 of the Town Code.

VII  
Section - Acquisition of interests in property; public hearing and other requirements.

- A. No interest or right in real property shall be acquired by the fund until a public hearing is held as required by §247 of the New York General Municipal Law. However, nothing herein shall prevent the Town Board from entering into a conditional purchase agreement before a public hearing is held.
- B. Any resolution of the Town Board approving an acquisition of land pursuant to this Chapter shall include a finding that acquisition was the best alternative for the protection of community character of all reasonable alternatives available to the Town.

VIII  
Section - Management of lands acquired pursuant to chapter.

- A. Lands acquired pursuant to this chapter shall be administered and managed in accordance with the following requirements:
  - (1) Public use and enjoyment of the lands shall be allowed in a manner which is compatible with the natural, scenic, historic, and open space character of such lands;
  - (2) The native biological diversity of such lands shall be preserved;
  - (3) With regard to lands acquired as open space (as opposed to lands acquired for active recreation use or public water access, or improved lands acquired for historic preservation reasons), improvements shall be limited to those designed to enhance access for passive use of such open space lands, such as nature trails, boardwalks, bicycle paths, and peripheral parking areas, provided that such improvements do not degrade the ecological value of the land or threaten essential wildlife habitat; and
  - (4) With regard to historic properties, historic and cultural resources shall be managed and maintained in a manner which is consistent with accepted standards for historic preservation.

B. The Town may enter into agreements with corporations organized under the New York Not-For-Profit Corporation Law and which engage in land trust activities, in order to provide for the management and supervision of lands acquired by the fund, including less than fee interests in land. Any such agreements shall, however, provide that such corporations shall keep the lands under management accessible to the public unless such corporations shall demonstrate to the satisfaction of the Town Board that public access would be detrimental to the lands or to any natural features associated therewith.

IX  
Section - Alienation of land acquired using the fund.

- A. Rights or interests in real property which are acquired with monies from the fund shall not be sold, leased, exchanged, donated, or otherwise disposed of or used for other than the purposes permitted by this chapter without the express authority of an act of the State Legislature, which is required to provide for the substitution of other lands having equal environmental and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold, or disposed of, and which may impose other requirements as well.
- B. In addition to an act of the State Legislature, real property acquired with monies from the fund shall not be sold, leased, exchanged, donated, or otherwise disposed of or used for other than the purposes permitted by this chapter.
- C. This section shall not apply to the sale of development rights by the Town acquired pursuant to this chapter, where said sale is made by a central bank created by the Town and pursuant to a transfer of development rights program established by the Town pursuant to S 261-a of the Town Law. However, said development rights program shall provide:
  - (1) That the lands from which development rights are acquired shall remain preserved in perpetuity via a permanent conservation easement or other instrument that similarly preserves community character as defined in this article; and
  - (2) That the proceeds from any such sale shall be deposited in the fund,

SECTION III. - SEVERABILITY:

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION IV. - EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

Corrected pages are #1282, ABCD  
Sections and Local Law # added

Local Law \_\_\_\_\_ of 1998  
Chapter 14

COMMUNITY PRESERVATION FUND

ARTICLE I

Community Preservation Fund

Section - Title.

This chapter of the Riverhead Town Code shall be known and may be cited as the "Community Preservation Fund Law."

Section - Purposes.

This chapter is adopted for the purpose of protecting and preserving open and undeveloped lands in the Town of Riverhead, including wetlands, woodlands, agricultural lands, shorelands, and the other natural resources of the Town; for the purpose of protecting historic places and properties within the Town; and for the purpose of providing the Town's visitors and residents with outdoor recreational opportunities, all in accordance with the provisions of §64-e of the New York Town Law and as more fully set forth therein.

Section -- Definitions,

As used in this chapter, the following words and terms shall have the meanings indicated:

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- E. Preservation of aquifer recharge areas;
- F. Preservation of undeveloped beach lands or shorelands;
- G. Establishment of wildlife refuges for the purpose of maintaining native animal species diversity, including the protection of habitat essential to the recovery of rare, threatened, or endangered species;
- H. Preservation of brooks or streams and riverine areas in natural, free-flowing condition;
- I. Preservation of public access to lands for public use including stream rights and waterways;
- J. Undertaking any of the aforementioned in furtherance of the establishment of a greenbelt,

COMMUNITY PRESERVATION PROJECT PLAN - shall mean Riverhead Community Preservation Project Plan adopted by the Riverhead Town Board pursuant to Town Law §64-e

FUND - shall mean the Riverhead Community Preservation Fund established and created by this chapter,

Section - Community Preservation Fund established.

A. The Riverhead Community Preservation Fund is hereby established as authorized by §64-e of the New York Town Law.

B. Deposits into the fund may include revenues of the Town from whatever source, and shall include the revenues from a real estate transfer tax imposed by the Town pursuant to Article 31-D of the New York Tax Law.

C. The fund shall also be authorized to accept gifts of any such interests in land or funds, Interest accrued by monies deposited in the fund shall be credited to the fund.

D. In no event shall monies deposited in the fund be transferred into any other account.

E. Nothing contained in this chapter shall be construed to prevent the financing in whole or in part, pursuant to the New York Local Finance Law, of any acquisition authorized pursuant to this chapter. Monies from the fund may be utilized to repay any indebtedness or obligations incurred pursuant to the Local Finance Law, consistent with effectuating the purposes of this chapter.

Section - Purposes of the fund.

A. The purposes of the fund shall be exclusively:

- (1) To implement a plan for the preservation of community character as required by §64-e (6) of the Town Law;
- (2) To acquire interests or rights in real property for the preservation of community character within the Town, in accordance with said plan;
- (3) To establish a bank pursuant to a transfer of development rights program consistent with §261-a of the Town Law, at the sole discretion of the Town Board;
- (4) To provide a management and stewardship program for such rights and interests acquired by the fund, consistent with the provisions of this chapter and in accordance with said plan.

B. The acquisition of interests and rights in real property under the fund shall be in cooperation with willing sellers.

C. Not more than ten percent (10%) of the fund shall be utilized for the management and stewardship program provided for in paragraph A (4) of this section.

D. Upon the full implementation of the community preservation project plan, and funds being no longer required for the purposes set forth in subsection A above,

any remaining monies in the fund shall be applied to reduce any bonded indebtedness or obligations incurred to effectuate the purposes of subsection A.

ection - Advisory board established.

- A. The Riverhead Community Preservation Fund Advisory Board is hereby established to review and make recommendations on proposed acquisitions of interests in real property using monies from the fund, and to act in an advisory capacity to the Town Board with respect to the administration of the fund.
- B. Such board shall consist of those members of the Farmland Preservation Committee as created pursuant to §44-6 of the Town Code.

ection - Acquisition of interests in property; public hearing and other requirements.

1. No interest or right in real property shall be acquired by the fund until a public hearing is held as required by §247 of the New York General Municipal Law, However, nothing herein shall prevent the Town Board from entering into a conditional purchase agreement before a public hearing is held.
3. Any resolution of the Town Board approving an acquisition of land pursuant to this Chapter shall include a finding that acquisition was the best alternative for the protection of community character of all reasonable alternatives available to the Town.

ection - Management of lands acquired pursuant to chapter.

- A. Lands acquired pursuant to this chapter shall be administered and managed in accordance with the following requirements:
  - (1) Public use and enjoyment of the lands shall be allowed in a manner which is compatible with the natural, scenic, historic, and open space character of such lands;
  - (2) The native biological diversity of such lands shall be preserved;
  - (3) With regard to lands acquired as open space (as opposed to lands acquired for active recreation use or public water access, or improved lands acquired for historic preservation reasons), improvements shall be limited to those designed to enhance access for passive use of such open space lands, such as nature trails, boardwalks, bicycle paths, and peripheral parking areas, provided that such improvements do not degrade the ecological value of the land or threaten essential wildlife habitat; and
  - (4) With regard to historic properties, historic and cultural resources shall be managed and maintained in a manner which is consistent with accepted standards for historic preservation.
- B. The Town may enter into agreements with corporations organized under the New York Not-For-Profit Corporation Law and which engage in land trust activities, in order to provide for the management and supervision of lands acquired by the fund, including less than fee interests in land. Any such agreements shall, however, provide that such corporations shall keep the lands under management accessible to the public unless such corporations shall demonstrate to the satisfaction of the Town Board that public access would be detrimental to the lands or to any natural features associated therewith.

Section - Alienation of land acquired using the fund.

- A. Rights or interests in real property which are acquired with monies from the fund shall not be sold, leased, exchanged, donated, or otherwise disposed of or used for other than the purposes permitted by this chapter without the express authority of an act of the State Legislature, which is required to provide for the substitution of other lands having equal environmental and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold, or disposed of, and which may impose other requirements as well.
- B. In addition to an act of the State Legislature, real property acquired with monies from the fund shall not be sold, leased, exchanged, donated, or otherwise disposed of or used for other than the purposes permitted by this chapter.
- C. This section shall not apply to the sale of development rights by the Town acquired pursuant to this chapter, where said sale is made by a central bank created by the Town and pursuant to a transfer of development rights program established by the Town pursuant to S 261-a of the Town Law. However, said development rights program shall provide:
  - (1) That the lands from which development rights are acquired shall remain preserved in perpetuity via a permanent conservation easement or other instrument that similarly preserves community character as defined in this article; and
  - (2) That the proceeds from any such sale shall be deposited in the fund,

SECTION III. - SEVERABILITY:

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION IV. - EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

These are corrected pages with the sections and blanks filled in .

1286 A - 1286 M

Local Law 14 1998  
Chapter 14  
COMMUNITY PRESERVATION FUND  
Article II  
Real Estate Transfer Tax

Section I Purpose.

The Town of Riverhead is characterized as a rural community with great scenic beauty and an array of natural features which include agricultural lands, woodlands, wetlands, rivers, tidal marshes, freshwater wetlands, open spaces and other natural features. Further, the Town enjoys a rich cultural heritage as one of the oldest colonial settlements in the State of New York.

The combination of natural and cultural features have fostered the development of a successful resort development and tourist industry, replacing traditional light industry as the major generator of tax revenue to the Town.

In order to preserve those natural features aforementioned and to further encourage the development of a regional tourist industry, the town board desires, pursuant to §64-e of the Town law, to impose a two percent (2%) real estate transfer tax with revenue derived to be dedicated to the community preservation fund for acquisition of interest in real property upon those properties enumerated in the adopted preservation plan. The Town Board finds that this Local Law will contribute towards the acquisition of important properties while achieving a balance of economic development and conservation of unique natural features.

Section II Definitions.

As used in this chapter, the following words and terms shall have the meanings indicated:

CONSIDERATION - shall mean the price actually paid or required to be paid for the real property or interest therein, including payment for an option or contract to purchase real property, whether or not expressed in the deed and whether paid or required to be paid by money, property, or any other thing of value. It shall include the cancellation or discharge of an indebtedness or obligation. It shall also include the amount of any mortgage, purchase money mortgage, lien, or other encumbrance, whether or not the underlying indebtedness is assumed or taken subject to.

- (1) In the case of the creation of a leasehold interest or the granting of an option with use and occupancy of real property, consideration shall include, but not be limited to, the value of the rental and other payments attributable to the use and occupancy of the real property or interest therein, the value of any amount paid for an option to purchase or renew, and the value of rental or other payments attributable to the exercise of any option to renew.
- (2) In the case of the creation of a subleasehold interest consideration shall include, but not be limited to, the value of the sublease rental payments attributable to the use and occupancy of the real property, the value of any amount paid for an option to renew, and the value of rental or other payments attributable to the exercise of any option to renew, less the value of the remaining prime lease rental payments required to be made.

- 3) In the case of a controlling interest in any entity that owns real property, consideration shall mean the fair market value of the real property or interest therein, apportioned based on the percentage of the ownership interest transferred or acquired in the entity.
- 4) In the case of an assignment or surrender of a leasehold interest or the assignment or surrender of an option or contract to purchase real property, consideration shall not include the value of the remaining rental payments required to be made pursuant to the terms of such lease or the amount to be paid for the real property pursuant to the terms of the option or contract being assigned or surrendered.
- 5) In the case of (i.) the original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor and (ii.) the subsequent conveyance by the owner thereof of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold for a cooperative unit other than an individual residential unit, consideration shall include a proportionate share of the unpaid principal of any mortgage on the real property of the cooperative housing corporation comprising the cooperative dwelling or dwellings. Such share shall be determined by multiplying the total unpaid principal of the mortgage by a fraction, the numerator of which shall be the number of shares of stock being conveyed in the cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold and the denominator of which shall be the total number of shares of stock in the cooperative housing corporation.

**CONTROLLING INTEREST** - shall mean (i.) in the case of a corporation, either fifty percent (50%) or more of the total combined voting power of all classes of stock of such corporation, or fifty percent (50%) or more of the capital, profits, or beneficial interest in such voting stock of such corporation, and (ii.) in the case of a partnership, association, trust, or other entity, fifty percent (50%) or more of the capital, profits, or beneficial interest in such partnership, association, trust or other entity.

**CONVEYANCE** - shall mean the transfer or transfers of any interest in real property by any method including but not limited to sale, exchange, assignment, surrender, mortgage foreclosure, transfer in lieu of foreclosure, option, trust indenture, taking by eminent domain, conveyance upon liquidation or by a receiver, or transfer or acquisition of a controlling interest in any entity with an interest in real property. Transfer of an interest in real property shall include the creation of a leasehold or sublease only where (i.) the sum of the term of the lease or sublease and any options for renewal exceeds forty-nine (49) years, (ii.) substantial capital improvements are or may be made by or for the benefit of the lessee or sublessee, and (iii.) the lease or sublease is for substantially all of the premises constituting the real property, Notwithstanding the foregoing, conveyance of real property shall not include the creation, modification, extension, spreading, severance, consolidation, assignment, transfer, release or satisfaction of a mortgage; a mortgage subordination agreement, a mortgage severance agreement, or an instrument given to perfect or correct a recorded mortgage; or a release of lien of tax pursuant to this chapter or the Internal Revenue Code.

**FUND** - shall mean the Riverhead Community Preservation Fund created and established pursuant to §64-e of the New York Town Law and Article I of this chapter.

GRANTEE - shall mean the person who obtains real property or an interest therein as a result of a conveyance.

GRANTOR - shall mean the person making the conveyance of real property or interest therein. Where the conveyance consists of a transfer or an acquisition of a controlling interest, an entity with an interest in real property, "grantor" shall mean the entity with an interest in real property or a shareholder or partner transferring stock or partnership interest.

INTEREST IN REAL PROPERTY - shall include title in fee, a leasehold interest, a beneficial interest, an encumbrance, development rights, air space and air rights, or any other interest with the right to use or occupancy of real property or the right to receive rents, profits or other income derived from real property. It shall also include an option or contract to purchase real property. It shall not include a right of first refusal to purchase real property.

PERSON - shall mean an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals, and any other form of unincorporated enterprise owned or conducted by two (2) or more persons.

REAL PROPERTY - shall mean every estate or right, legal or equitable, present or future, vested or contingent, in lands, tenements or hereditaments, including buildings, structures and other improvements thereon, which are located in whole or in part within the Town. It shall not include rights to sepulture,

RECORDING OFFICER - shall mean the County Clerk of the County of Suffolk.

TOWN - shall mean the Town of Riverhead.

TOWN SUPERVISOR - shall mean the Town Supervisor of the Town of Riverhead.

TREASURER (COUNTY TREASURER) - shall mean the treasurer of the County of Suffolk.

### III Section - Imposition of real estate transfer tax.

There is hereby imposed in the Town of Riverhead a tax on each conveyance of real property or interest therein where the consideration exceeds five hundred dollars (\$500.00), the rate of such tax to be two percent (2%) of the consideration for the conveyance. Revenues from such tax shall be deposited in the Community Preservation Fund established pursuant to Article I of this chapter and may be used solely for the purposes of said fund. Such tax shall apply to any conveyance occurring on or after April 1<sup>st</sup>, 1999, but shall not apply to conveyances made on or after such date pursuant to binding written contracts entered into prior to such date, provided that the date of execution of such contract is confirmed by independent evidence such as the recording of the contract, payment of a deposit, or other facts and circumstances as determined by the County Treasurer.

## IV

## Section - Payment of tax.

- A. The real estate transfer tax imposed pursuant to this article shall be paid to the Treasurer, or to the Recording Officer acting as the agent of the Treasurer upon designation as such agent by the Treasurer, Such tax shall be paid at the same time as the real estate transfer tax imposed by Article 31 of the New York Tax Law is required to be paid. Such Treasurer or Recording officer shall endorse upon each deed or instrument effecting a conveyance a receipt for the amount of the tax so paid.
- B. A return shall be required to be filed with such Treasurer or Recording officer for purposes of the real estate transfer tax imposed pursuant to this article at the same time as a return is required to be filed for purposes of the real estate transfer tax imposed by Article 31 of the Tax Law. The Treasurer shall prescribe the form of return, the information that it shall contain, and the documentation that shall accompany the return. Said form shall be identical to the real estate transfer tax return required to be filed pursuant to 5 1409 of the Tax Law, except that the Treasurer shall adapt said form to reflect the provisions of this Article which are inconsistent with, different from, or in addition to the provisions of Article 31 of the Tax Law, The real estate transfer tax returns required to be filed pursuant to this section are required to be preserved for three (3) years and thereafter until such Treasurer or Recording Officer orders them to be destroyed.
- C. The Recording Officer shall not record an instrument effecting a conveyance unless the return required by this section has been filed and unless the tax imposed pursuant to this article shall have been paid as provided in this section,

## Section V Liability for tax.

- A. The real estate transfer tax required hereunder shall be paid by the grantee. If the grantee has failed to pay the tax imposed pursuant to this article, or if the grantee is exempt from such tax, the grantor shall have the duty to pay the tax, Where the grantor has the duty to pay the tax because the grantee has failed to pay, such tax shall be the joint and several liability of the grantee and grantor.
- B. For the purpose of the proper administration of this article and to prevent evasion of the tax hereby authorized, it shall be presumed that all conveyances are taxable. Where the consideration includes property other than money, it shall be presumed that the consideration is the fair market value of the real property or interest therein. These presumptions shall prevail until the contrary is proven, and the burden of proving the contrary shall be on the person liable for payment of the tax.

## VI

## Section - Exemptions from tax.

- A. Exemption for government agencies. The following entities shall be exempt from payment of the real estate transfer tax imposed by this article:
- (1) The State of New York or any of its agencies, instrumentalities, political subdivisions, or public corporations (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada);

- (2) The United Nations; and
- (3) The United States of America and any of its agencies or instrumentalities.

B. Exemption for certain conveyances. The real estate transfer tax imposed by this article shall not apply to any of the following conveyances:

- (1) Conveyances to the United Nations, the United States of America, the State of New York or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada).
- (2) Conveyances which are or were used to secure a debt or other obligation.
- (3) Conveyance which, without additional consideration, confirm, correct, modify, or supplement a prior conveyance.
- (4) Conveyances of real property without consideration and otherwise than in connection with a sale, including conveyances conveying realty as bona fide gifts.
- (5) Conveyances given in connection with a tax sale.
- (6) Conveyances to effectuate a mere change of identity or form of ownership or organization where there is no change in beneficial ownership, other than conveyances to a cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings.
- (7) Conveyances which consist of a deed of partition.
- (8) Conveyances given pursuant to the Federal Bankruptcy Act.
- (9) Conveyances of real property which consist of the execution of a contract to sell real property without the use or occupancy of such property or the granting of an option to purchase real property without the use or occupancy of such property.
- (10) Conveyances of real property/ where the entire parcel of real property to be conveyed is the subject of one (1) or more of the following development restrictions:
  - (a) An agricultural, conservation, scenic, or other open space easement which entirely prohibits the development of the property or which restricts its use solely to agriculture.
  - (b) Recorded covenants or restrictions which prohibit the development of the property.
  - (c) A purchase of development rights agreement.
  - (d) A transfer of development rights agreement, where the property being conveyed has had its development rights removed.
  - (e) Development restrictions which result from the inclusion of the property in an agricultural district or its subjection to an individual commitment, pursuant to Article 25-aa of the New York Agriculture and Markets Law.

- (f) Development restrictions which result from the subjection of the property to a local land preservation agreement, such that the development of the property is entirely prohibited or is restricted solely to agriculture, pursuant to Chapter 44 of the Town Code.
- (11) Conveyances of real property, where the property is viable agricultural land as defined in subdivision (7) of 5 301 of the Agriculture and Markets Law and the entire property to be conveyed is to be made subject to one of the development restrictions set forth in the preceding paragraph (10) , provided that said development restrictions are evidenced by an easement, agreement, or other suitable instrument which is conveyed to the Town simultaneously with the conveyance of the real property.
- (12) Conveyances of real property for open space, parks, or historic preservation purposes to any not-for-profit tax-exempt corporation operated for conservation, environmental, or historic preservation purposes.

#### VII

#### Section - Additional exemptions.

- A. There shall be allowed an exemption of one hundred fifty thousand dollars (\$150, 000.) on the consideration of the conveyance of improved real property or an interest therein,
- B, There shall be allowed an exemption of seventy-five thousand dollars (\$75, 000,) on the consideration of the conveyance of unimproved real property or an interest therein.

#### VIII

#### Section - Credit for prior tax paid on creation of leasehold or grant of option or contract to purchase.

A grantor shall be allowed a credit against the tax due on a conveyance of real property to the extent that tax was paid by such grantor on a prior creation of a leasehold of all or a portion of the same real property or on the granting of an option or contract to purchase all or a portion of the same real property by such grantor. Such credit shall be computed by multiplying the tax paid on the creation of the leasehold or on the granting of the option or contract by a fraction, the numerator of which is the value of the consideration used to compute such tax paid which is not yet due to such grantor on the date of the subsequent conveyance (and which such grantor will not be entitled to receive after such date) and the denominator of which is the total value of the consideration used to compute such tax paid.

#### IX

#### Section - Cooperative housing corporation transfers.

- A. Notwithstanding the definition of "controlling interest" contained in § 139-2-10 hereof or anything to the contrary found in the definition of "conveyance" contained in said section, the tax imposed pursuant to this article shall apply to the following:

- (1) The original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor.
- (2) The subsequent conveyance of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the owner thereof. With respect to any such subsequent conveyance where the property is an individual residential unit, the consideration for the interest conveyed shall exclude the value of any liens on certificates of stock or other evidences of an ownership interest in and a proprietary lease from a corporation or partnership formed for the purpose of cooperative ownership of residential interest in real estate remaining thereon at the time of conveyance. In determining the tax on a conveyance described in paragraph A (1) above, a credit shall be allowed for a proportionate part of the amount of any tax paid upon the conveyance to the cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings to the extent that such conveyance effectuated a mere change of identity or form of ownership of such property and not a change in the beneficial ownership of such property. The amount of credit shall be determined by multiplying the amount of tax paid upon the conveyance to the cooperative housing corporation by a percentage representing the extent to which such conveyance effectuated a mere change of identity or form of ownership and not a change in the beneficial ownership of such property, and then multiplying the resulting product by a fraction, the numerator of which shall be the number of shares of stock conveyed in a transaction described in paragraph A (1) and the denominator of which shall be the total number of shares of stock of the cooperative housing corporation (including any stock held by the corporation). In no event, however, shall such credit reduce the tax on a conveyance described in paragraph A (1) below zero, nor shall any such credit be allowed for a tax paid more than twenty-four (24) months prior to the date on which occurs the first in a series of conveyances of shares of stock in an offering of cooperative housing corporation shares described in paragraph A (1).

B. Every cooperative housing corporation shall be required to file an information return with the County Treasurer by July 15th of each year covering the preceding period of January 1 through June 30 and by January 15th of each year covering the preceding period of July 1 through December 31. The return shall contain such information regarding the conveyance of shares of stock in the cooperative housing corporation as the Treasurer may deem necessary, including, but not limited to, the names, addresses, and employee identification numbers or social security numbers of the grantor and the grantee, the number of shares conveyed, the date of the conveyance, and the consideration paid for such conveyance.

Section ~~X~~ Designation of agent by County Treasurer.

The County Treasurer is authorized by law to designate the Recording officer to act as his agent for the purpose of collecting the tax imposed by this article. The Treasurer shall provide

r the manner in which such person may be designated as his agent subject to such terms and conditions as he shall prescribe. The real estate transfer tax shall be paid to such agent as provided in IV hereof.

#### XI

Section - Liability Of Recording Officer.

A Recording officer shall not be liable for any inaccuracy in the amount of tax imposed pursuant to this article that he shall collect so long as he shall compute and collect such tax on the amount of consideration or the value of the interest conveyed as such amounts are provided to him by the person paying the tax.

#### XII

Section - Refunds.

Whenever the Treasurer shall determine that any moneys received under the provisions of this article were paid in error, he may cause such money to be refunded pursuant to such rules and regulations as he may prescribe, provided that any application for such refund is filed with the Treasurer within two (2) years from the date the erroneous payment was made.

#### XIII

Section - Deposit and disposition of revenue.

- A. All taxes, penalties, and interest imposed by the Town under the authority of this article, which are collected by the Treasurer or his agents, shall be deposited in a single trust fund for the Town and shall be kept in trust and separate and apart from all other monies in possession of the Treasurer. Moneys in such fund shall be deposited and secured in the manner provided by S 10 of the General Municipal Law. Pending expenditure from such fund, moneys therein may be invested in the manner provided in S 11 of the General Municipal Law, Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue to and become part of such fund.
- B. The Treasurer shall retain such amount as he may determine to be necessary for refunds with respect to the tax imposed by the Town under the authority of this article, out of which the Treasurer shall pay any refunds of such taxes to those taxpayers entitled to a refund pursuant to the provisions of this article.
- C. The Treasurer, after reserving such funds, shall on or before the twelfth day of each month, pay to the Town Supervisor the taxes, penalties, and interest imposed by the Town under the authority of this article, collected by the Treasurer pursuant to this article during the preceding calendar month. The amount so payable shall be certified to the Town Supervisor by the Treasurer, who shall not be held liable for any inaccuracy in such certification. However, any such certification may be based on such information as may be available to the Treasurer at the time such certification must be made under this section.
- D. Where the amount so paid over to the Town in any such distribution is more or less than the amount due to the Town, the amount of the overpayment or underpayment shall be certified to the Town Supervisor by the Treasurer, who shall not be held liable for any inaccuracy in such certification. The amount of the underpayment or overpayment shall be so certified to the Town Supervisor as soon after the discovery of the overpayment or underpayment as reasonably possible and subsequent payments and distributions by the Treasurer to such Town shall be adjusted by subtracting the

amount of any such overpayment from or by adding the amount of any such underpayment to such number of subsequent payments and distributions as the Treasurer and Town Supervisor shall consider reasonable in view of the underpayment or overpayment and all other facts and circumstances.

- E. All monies received from the Treasurer by the Town Supervisor shall be deposited in the community Preservation Fund established pursuant to Article I of this chapter.

#### XIV

##### Section - Judicial review.

- A. Any final determination of the amount of any tax payable under this article shall be reviewable for error, illegality, or unconstitutionality, or any other reason whatsoever, by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within four (4) months after the giving of the notice of such final determination; provided,, however, that any such proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

1. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by this chapter, shall be first deposited and there is filed an undertakings issued by a surety company authorized to transact business in New York State and approved by the State Superintendent of Insurance as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve, to the effect that, if such proceeding shall be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or
2. At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes,, interest, and penalties stated in such determination, plus the costs and charges which may accrue against him in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest, or penalties as a condition precedent to the application.

- B. Where any tax imposed hereunder shall have been erroneously, illegally, or unconstitutionally assessed or collected, and application for the refund or revision thereof duly made to the Treasurer, and such Treasurer shall have made a determination denying such refund or revision, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that:

1. Such proceeding is instituted within four (4) months after the giving of the notice of such denial;
2. A final determination of tax due was not previously made; and
3. An undertaking is filed with the Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceeding is dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

#### XV

##### Section - Apportionment of consideration subject to tax for property located only partly within Town.

- A. Where real property is situated partly within and partly without the boundaries of the Town, the consideration subject to tax is such part of the total consideration as

is attributable to the portion of such real property situated with the Town or to the interest in such portion. If the consideration attributable to the property located in the Town is set forth in the contract, such amount may be used to compute the tax due.

- B. If the contract does not set forth the amount of consideration attributable to the portion of real property or interest therein situated within the Town, the consideration shall be reasonably allocated between the portion of such property or interest therein situated within the Town and the portion of such property or interest therein situated without the Town. If the grantor and the grantee enter into a written agreement, signed by both the grantor and the grantee, which sets forth a reasonable allocation of consideration, that allocation of consideration may be used to compute the tax due. If the grantor and the grantee do not enter into such an agreement, or if the allocation of consideration set forth in such agreement is deemed unreasonable by the Treasurer, the allocation of consideration must be computed by multiplying the amount of consideration by a fraction, the numerator of which is the fair market value of the real property or interest therein situated within the Town, and the denominator of which is the total fair market value of all the real property or interest therein being conveyed. Except in the case of a transfer or acquisition of a controlling interest where consideration means fair market value of the real property or interest therein, the tax shall be computed on the allocated portion of the actual consideration paid, even if that amount is greater or less than the fair market value as determined by appraisal.
- C. Where the methods provided under this section do not allocate the consideration in a fair and equitable manner, the Treasurer may require the grantor and grantee allocate the consideration under such method as he prescribes, so long as the prescribed method results in a fair and equitable allocation.

#### XVI

Section - Determination of tax; petition to Town Supervisor.

- A. If a return required by this article is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such records or information as may be obtainable, including the assessed valuation of the real property or interest therein and other appropriate factors. Notice of such determination shall be given to the person liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within ninety (90) days after the giving of notice of such determination, shall petition the Town Supervisor for a hearing, or unless the Treasurer, on the Treasurer's own motion, shall redetermine the same. The Town Supervisor may designate, in writing, a hearing officer to hear such an appeal, which hearing officer shall file a written report and recommendation with the Town Supervisor. In any case before the Town Supervisor under this article, the burden of proof shall be on the petitioner. After such hearing, the Town Supervisor shall give notice of the determination to the person against whom the tax is assessed and to the Treasurer. Such determination may be reviewed in accordance with the provisions of XIV of this article. A proceeding for judicial review shall not be instituted unless:

1. The amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Treasurer and there shall be filed with the Treasurer an undertaking, issued by a surety company authorized to transact business in New York State and approved by the State Superintendent of Insurance as to solvency and responsibility, in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceeding shall be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or
  2. At the option of the petitioner, such undertaking filed with the Treasurer may be in a sum sufficient to cover the taxes, penalties, and interest thereon stated in such decision, plus the costs and charges which may accrue against him in the prosecution of the proceeding; in which event, the petitioner shall not be required to deposit such taxes, penalties, and interest as a condition precedent to the commencement of the proceeding.
- B. A person liable for the tax imposed by this article (whether or not a determination assessing a tax pursuant to subsection A hereof has been made) shall be entitled to have the tax due finally and irrevocably fixed prior to the ninety (90) day period referred to in subsection A by filing with the Treasurer a signed statement consenting thereto, in writing and in such form as the Treasurer shall prescribe.
- C. The remedies provided by this section and XIV of this article shall be the exclusive remedies available to any person for the review of tax liability imposed by this article.

<sup>XVII</sup>  
Section - Proceedings to recover tax due.

- A. Whenever any person shall fail to pay any tax, penalty, or interest imposed by this article, the Town Attorney shall, upon the request of the Treasurer, bring or cause to be brought, an action to enforce the payment of the same on behalf of the Town, in any court of the State of New York or of any other state or of the United States.
- B. As an additional and alternative remedy, the Treasurer may issue a warrant, directed to the Sheriff of Suffolk County, commanding him to levy upon and sell any real and personal property of a grantor or grantee liable for the tax which may be found within the County, for payment of the amount thereof, with any penalty and interest and the cost of executing the warrant, and to return such warrant to the Treasurer the money collected by virtue thereof within sixty (60) days after the receipt of the warrant. The Sheriff shall, within five (5) days after the receipt of the warrant, file with the Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalty, and interest for which the warrant is issued. Such lien shall not apply to personal property unless such warrant is filed with the Department of State. The Sheriff shall then proceed upon the warrant in the same manner and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Treasurer, a warrant of like terms, force, and effect may be issued and directed to any officer or employee of the county; and in the

execution thereof, such officer or employee shall have all the powers conferred by law upon Sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. Upon such filing of a copy of a warrant, the Treasurer shall have the same remedies to enforce the amount due thereunder as if the County of Suffolk had recovered the judgment therefor.

#### XVIII

##### Section - Interest and civil penalties.

- A. Any grantor or grantee failing to file a return or to pay any tax within the time required by this article shall be subject to a penalty of ten percent (10%) of the amount of the tax due plus an interest penalty of two percent (2%) of such amount, for each month of delay or fraction thereof after the expiration of the first month after such return was required to be filed or such tax became due; such interest penalty shall not exceed twenty-five percent (25%) in the aggregate. If the Treasurer determines that such failure or delay was due to reasonable cause and not due to willful neglect, the Treasurer shall remit, abate, or waive all of such penalty and interest penalty.
- B. If any amount of tax is not paid on or before the last date prescribed in § IV hereof for payment, interest on such amount at the rate of ten percent (10%) per month shall be paid for the period from such last date to the date paid.
- C. The penalties and interest provided for in this section shall be paid to the Treasurer and shall be determined, assessed, collected, and distributed in the same manner as the tax imposed by this article and any reference to tax in this article shall be deemed to include the penalties and interest imposed in this section.

#### XIX

##### Section - Confidentiality of transfer tax returns.

- A. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any officer or employee of the Town, or any person engaged or retained on an independent contract basis, to divulge or make known in any manner the particulars set forth or disclosed in any return required under this article. However, nothing in this section shall prohibit the Recording Officer from making a notation on an instrument effecting a conveyance indicating the amount of tax paid. No recorded instrument effecting a conveyance shall be considered a return for the purposes of this section.
- B. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Town in any action or proceeding involving the collection of a tax due under this article to which the Town or an officer or employee of the Town is a party or a claimant, or on behalf of any party to any action or proceeding under the provisions of this article when the returns or facts shown thereby are directly involved in such action or proceeding; in any of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more.
- C. Nothing herein shall be construed to prohibit the delivery to a grantor or grantee of an instrument effecting a conveyance, or to the duly authorized representative

of such grantor or grantee, of a certified copy of any return filed in connection with such instrument; or to prohibit the publication of statistics so classified as to prevent the identification of particular returns or the items thereof or to prohibit the inspection by the legal representatives of the Town of the return of any taxpayer who shall bring action to set aside or review the tax based thereon.

- D. Any officer or employee of the Town who willfully violates the provisions of this section shall be dismissed from office and be incapable of holding any public office in the State for a period of five (5) years thereafter.

#### INTERGOVERNMENTAL AGREEMENT:

The Town Board shall be authorized to, by resolution, enter into any intergovernmental agreement necessary with the County of Suffolk or any successor county, for the effective and efficient administration and enforcement of this local law.

#### FORM OF PROPOSITION:

Pursuant to §1449-bb of the New York Tax Law and §23 of the New York Municipal Home Rule Law, this Local Law is subject to mandatory referendum. Therefore, the following proposition shall be submitted to the electors of the Town of Riverhead at the general election to be held on November 3, 1998:

"SHALL LOCAL LAW NO. OF 1998, ENTITLED %A LOCAL LAW IMPOSING A TWO PERCENT (2%) REAL ESTATE TRANSFER TAX ON THE CONVEYANCE OF INTERESTS IN REAL PROPERTY IN THE TOWN, WITH THE REVENUES DERIVED FROM THIS TAX TO BE DEPOSITED IN THE RIVERHEAD COMMUNITY PRESERVATION FUND FOR THE PURPOSE OF PRESERVING OPEN SPACE AND HISTORIC PLACES WITHIN THE TOWN, I BE APPROVED?"

#### SEVERABILITY:

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause " sentence, paragraph, section., or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### EFFECTIVE DATE:

This Local Law shall take effect on April 1<sup>st</sup> 1999, after filing with the Secretary of State and after approval at the general election to be held on November 3, 1998 by the affirmative vote of the qualified electors of the Town of Riverhead upon the proposition set forth in section IV hereof, and provided further that the real estate transfer tax imposed by this Local Law shall expire and be deemed repealed as to any conveyance taking place after December 31, 2010.

Local Law \_\_\_\_\_ 1998  
Chapter 14  
COMMUNITY PRESERVATION FUND  
Article II  
Real Estate Transfer Tax

Section – Purpose.

The Town of Riverhead is characterized as a rural community with great scenic beauty and an array of natural features which include agricultural lands, woodlands, wetlands, rivers, tidal marshes, freshwater wetlands, open spaces and other natural features. Further, the Town enjoys a rich cultural heritage as one of the oldest colonial settlements in the State of New York.

The combination of natural and cultural features have fostered the development of a successful resort development and tourist industry, replacing traditional light industry as the major generator of tax revenue to the Town.

In order to preserve those natural features aforementioned and to further encourage the development of a regional tourist industry, the tow board desires, pursuant to §64-e of the Town law, to impose a two percent (2%) real estate transfer tax with revenue derived to be dedicated to the community preservation fund for acquisition of interest in real property upon those properties enumerated in the adopted preservation plan. The Town Board finds that this Local Law will contribute towards the acquisition of important properties while achieving a balance of economic development and conservation of unique natural features.

Section - Definitions.

As used in this chapter, the following words and terms shall have the meanings indicated:

CONSIDERATION - shall mean the price actually paid or required to be paid for the real property or interest therein, including payment for an option or contract to purchase real property, whether or not expressed in the deed and whether paid or required to be paid by money, property, or any other thing of value. It shall include the cancellation or discharge of an indebtedness or obligation. It shall also include the amount of any mortgage, purchase money mortgage, lien, or other encumbrance, whether or not the underlying indebtedness is assumed or taken subject to.

- (1) In the case of the creation of a leasehold interest or the granting of an option with use and occupancy of real property, consideration shall include, but not be limited to, the value of the rental and other payments attributable to the use and occupancy of the real property or interest therein, the value of any amount paid for an option to purchase or renew, and the value of rental or other payments attributable to the exercise of any option to renew.
- (2) In the case of the creation of a subleasehold interest consideration shall include, but not be limited to, the value of the sublease rental payments attributable to the use and occupancy of the real property, the value of any amount paid for an option to renew, and the value of rental or other payments attributable to the exercise of any option to renew, less the value of the remaining prime lease rental payments required to be made.

- 3) In the case of a controlling interest in any entity that owns real property, consideration shall mean the fair market value of the real property or interest therein, apportioned based on the percentage of the ownership interest transferred or acquired in the entity.
- 4) In the case of an assignment or surrender of a leasehold interest or the assignment or surrender of an option or contract to purchase real property, consideration shall not include the value of the remaining rental payments required to be made pursuant to the terms of such lease or the amount to be paid for the real property pursuant to the terms of the option or contract being assigned or surrendered.
- 5) In the case of (i.) the original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor and (ii.) the subsequent conveyance by the owner thereof of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold for a cooperative unit other than an individual residential unit, consideration shall include a proportionate share of the unpaid principal of any mortgage on the real property of the cooperative housing corporation comprising the cooperative dwelling or dwellings. Such share shall be determined by multiplying the total unpaid principal of the mortgage by a fraction, the numerator of which shall be the number of shares of stock being conveyed in the cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold and the denominator of which shall be the total number of shares of stock in the cooperative housing corporation.

**CONTROLLING INTEREST** - shall mean (i.) in the case of a corporation, either fifty percent (50%) or more of the total combined voting power of all classes of stock of such corporation, or fifty percent (50%) or more of the capital, profits, or beneficial interest in such voting stock of such corporation, and (ii.) in the case of a partnership, association, trust, or other entity, fifty percent (50%) or more of the capital, profits, or beneficial interest in such partnership, association, trust or other entity.

**CONVEYANCE** - shall mean the transfer or transfers of any interest in real property by any method including but not limited to sale, exchange, assignment, surrender, mortgage foreclosure, transfer in lieu of foreclosure, option, trust indenture, taking by eminent domain, conveyance upon liquidation or by a receiver, or transfer or acquisition of a controlling interest in any entity with an interest in real property. Transfer of an interest in real property shall include the creation of a leasehold or sublease only where (i.) the sum of the term of the lease or sublease and any options for renewal exceeds forty-nine (49) years, (ii.) substantial capital improvements are or may be made by or for the benefit of the lessee or sublessee, and (iii.) the lease or sublease is for substantially all of the premises constituting the real property. Notwithstanding the foregoing, conveyance of real property shall not include the creation, modification, extension, spreading, severance, consolidation, assignment, transfer, release or satisfaction of a mortgage; a mortgage subordination agreement, a mortgage severance agreement, or an instrument given to perfect or correct a recorded mortgage; or a release of lien of tax pursuant to this chapter or the Internal Revenue Code.

**FUND** - shall mean the Riverhead Community Preservation Fund created and established pursuant to §64-e of the New York Town Law and Article I of this chapter.

**GRANTEE** - shall mean the person who obtains real property or an interest therein as a result of a conveyance.

**GRANTOR** - shall mean the person making the conveyance of real property or interest therein. Where the conveyance consists of a transfer or an acquisition of a controlling interest, an entity with an interest in real property, "grantor" shall mean the entity with an interest in real property or a shareholder or partner transferring stock or partnership interest.

**INTEREST IN REAL PROPERTY** - shall include title in fee, a leasehold interest, a beneficial interest, an encumbrance, development rights, air space and air rights, or any other interest with the right to use or occupancy of real property or the right to receive rents, profits or other income derived from real property. It shall also include an option or contract to purchase real property. It shall not include a right of first refusal to purchase real property.

**PERSON** - shall mean an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals, and any other form of unincorporated enterprise owned or conducted by two (2) or more persons.

**REAL PROPERTY** - shall mean every estate or right, legal or equitable, present or future, vested or contingent, in lands, tenements or hereditaments, including buildings, structures and other improvements thereon, which are located in whole or in part within the Town. It shall not include rights to sepulture,

**RECORDING OFFICER** - shall mean the County Clerk of the County of Suffolk.

**TOWN** - shall mean the Town of Riverhead.

**TOWN SUPERVISOR** - shall mean the Town Supervisor of the Town of Riverhead.

**TREASURER (COUNTY TREASURER)** - shall mean the treasurer of the County of Suffolk.

**Section - Imposition of real estate transfer tax.**

There is hereby imposed in the Town of Riverhead a tax on each conveyance of real property or interest therein where the consideration exceeds five hundred dollars (\$500.00), the rate of such tax to be two percent (2%) of the consideration for the conveyance. Revenues from such tax shall be deposited in the Community Preservation Fund established pursuant to Article I of this chapter and may be used solely for the purposes of said fund. Such tax shall apply to any conveyance occurring on or after April 1<sup>st</sup>, 1999, but shall not apply to conveyances made on or after such date pursuant to binding written contracts entered into prior to such date, provided that the date of execution of such contract is confirmed by independent evidence such as the recording of the contract, payment of a deposit, or other facts and circumstances as determined by the County Treasurer.

#### Section - Payment of tax.

- A. The real estate transfer tax imposed pursuant to this article shall be paid to the Treasurer, or to the Recording Officer acting as the agent of the Treasurer upon designation as such agent by the Treasurer, Such tax shall be paid at the same time as the real estate transfer tax imposed by Article 31 of the New York Tax Law is required to be paid. Such Treasurer or Recording officer shall endorse upon each deed or instrument effecting a conveyance a receipt for the amount of the tax so paid.
- B. A return shall be required to be filed with such Treasurer or Recording officer for purposes of the real estate transfer tax imposed pursuant to this article at the same time as a return is required to be filed for purposes of the real estate transfer tax imposed by Article 31 of the Tax Law. The Treasurer shall prescribe the form of return, the information that it shall contain, and the documentation that shall accompany the return. Said form shall be identical to the real estate transfer tax return required to be filed pursuant to 5 1409 of the Tax Law, except that the Treasurer shall adapt said form to reflect the provisions of this Article which are inconsistent with, different from, or in addition to the provisions of Article 31 of the Tax Law, The real estate transfer tax returns required to be filed pursuant to this section are required to be preserved for three (3) years and thereafter until such Treasurer or Recording Officer orders them to be destroyed.
- C. The Recording Officer shall not record an instrument effecting a conveyance unless the return required by this section has been filed and unless the tax imposed pursuant to this article shall have been paid as provided in this section,

#### Section - Liability for tax.

- A. The real estate transfer tax required hereunder shall be paid by the grantee. If the grantee has failed to pay the tax imposed pursuant to this article, or if the grantee is exempt from such tax, the grantor shall have the duty to pay the tax, Where the grantor has the duty to pay the tax because the grantee has failed to pay, such tax shall be the joint and several liability of the grantee and grantor.
- B. For the purpose of the proper administration of this article and to prevent evasion of the tax hereby authorized, it shall be presumed that all conveyances are taxable. Where the consideration includes property other than money, it shall be presumed that the consideration is the fair market value of the real property or interest therein. These presumptions shall prevail until the contrary is proven, and the burden of proving the contrary shall be on the person liable for payment of the tax.

#### Section - Exemptions from tax.

- A. Exemption for government agencies. The following entities shall be exempt from payment of the real estate transfer tax imposed by this article:
  - (1) The State of New York or any of its agencies, instrumentalities, political subdivisions, or public corporations (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada);

- (2) The United Nations; and
- (3) The United States of America and any of its agencies or instrumentalities.

B. Exemption for certain conveyances. The real estate transfer tax imposed by this article shall not apply to any of the following conveyances:

- (1) Conveyances to the United Nations, the United States of America, the State of New York or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada).
- (2) Conveyances which are or were used to secure a debt or other obligation.
- (3) Conveyance which, without additional consideration, confirm, correct, modify, or supplement a prior conveyance.
- (4) Conveyances of real property without consideration and otherwise than in connection with a sale, including conveyances conveying realty as bona fide gifts.
- (5) Conveyances given in connection with a tax sale.
- (6) Conveyances to effectuate a mere change of identity or form of ownership or organization where there is no change in beneficial ownership, other than conveyances to a cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings.
- (7) Conveyances which consist of a deed of partition.
- (8) Conveyances given pursuant to the Federal Bankruptcy Act.
- (9) Conveyances of real property which consist of the execution of a contract to sell real property without the use or occupancy of such property or the granting of an option to purchase real property without the use or occupancy of such property.
- (10) Conveyances of real property/ where the entire parcel of real property to be conveyed is the subject of one (1) or more of the following development restrictions:
  - (a) An agricultural, conservation, scenic, or other open space easement which entirely prohibits the development of the property or which restricts its use solely to agriculture.
  - (b) Recorded covenants or restrictions which prohibit the development of the property.
  - (c) A purchase of development rights agreement.
  - (d) A transfer of development rights agreement, where the property being conveyed has had its development rights removed.
  - (e) Development restrictions which result from the inclusion of the property in an agricultural district or its subjection to an individual commitment, pursuant to Article 25-aa of the New York Agriculture and Markets Law.

- (f) Development restrictions which result from the subjection of the property to a local land preservation agreement, such that the development of the property is entirely prohibited or is restricted solely to agriculture, pursuant to Chapter 44 of the Town Code.
- (11) Conveyances of real property, where the property is viable agricultural land as defined in subdivision (7) of 5 301 of the Agriculture and Markets Law and the entire property to be conveyed is to be made subject to one of the development restrictions set forth in the preceding paragraph (10) , provided that said development restrictions are evidenced by an easement, agreement, or other suitable instrument which is conveyed to the Town simultaneously with the conveyance of the real property.
- (12) Conveyances of real property for open space, parks, or historic preservation purposes to any not-for-profit tax-exempt corporation operated for conservation, environmental, or historic preservation purposes.

#### Section - Additional exemptions.

A. There shall be allowed an exemption of one hundred fifty thousand dollars (\$150, 000.) on the consideration of the conveyance of improved real property or an interest therein,

B, There shall be allowed an exemption of seventy-five thousand dollars (\$75, 000.) on the consideration of the conveyance of unimproved real property or an interest therein.

#### Section - Credit for prior tax paid on creation of leasehold or grant of option or contract to purchase.

A grantor shall be allowed a credit against the tax due on a conveyance of real property to the extent that tax was paid by such grantor on a prior creation of a leasehold of all or a portion of the same real property or on the granting of an option or contract to purchase all or a portion of the same real property by such grantor. Such credit shall be computed by multiplying the tax paid on the creation of the leasehold or on the granting of the option or contract by a fraction, the numerator of which is the value of the consideration used to compute such tax paid which is not yet due to such grantor on the date of the subsequent conveyance (and which such grantor will not be entitled to receive after such date) and the denominator of which is the total value of the consideration used to compute such tax paid.

#### Section - Cooperative housing corporation transfers.

- A. Notwithstanding the definition of "controlling interest" contained in § 139-2-10 hereof or anything to the contrary found in the definition of "conveyance" contained in said section, the tax imposed pursuant to this article shall apply to the following:

- (1) The original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor.
- (2) The subsequent conveyance of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the owner thereof. With respect to any such subsequent conveyance where the property is an individual residential unit, the consideration for the interest conveyed shall exclude the value of any liens on certificates of stock or other evidences of an ownership interest in and a proprietary lease from a corporation or partnership formed for the purpose of cooperative ownership of residential interest in real estate remaining thereon at the time of conveyance. In determining the tax on a conveyance described in paragraph A (1) above, a credit shall be allowed for a proportionate part of the amount of any tax paid upon the conveyance to the cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings to the extent that such conveyance effectuated a mere change of identity or form of ownership of such property and not a change in the beneficial ownership of such property. The amount of credit shall be determined by multiplying the amount of tax paid upon the conveyance to the cooperative housing corporation by a percentage representing the extent to which such conveyance effectuated a mere change of identity or form of ownership and not a change in the beneficial ownership of such property, and then multiplying the resulting product by a fraction, the numerator of which shall be the number of shares of stock conveyed in a transaction described in paragraph A (1) and the denominator of which shall be the total number of shares of stock of the cooperative housing corporation (including any stock held by the corporation). In no event, however, shall such credit reduce the tax on a conveyance described in paragraph A (1) below zero, nor shall any such credit be allowed for a tax paid more than twenty-four (24) months prior to the date on which occurs the first in a series of conveyances of shares of stock in an offering of cooperative housing corporation shares described in paragraph A (1).

B. Every cooperative housing corporation shall be required to file an information return with the County Treasurer by July 15th of each year covering the preceding period of January 1 through June 30 and by January 15th of each year covering the preceding period of July 1 through December 31. The return shall contain such information regarding the conveyance of shares of stock in the cooperative housing corporation as the Treasurer may deem necessary, including, but not limited to, the names, addresses, and employee identification numbers or social security numbers of the grantor and the grantee, the number of shares conveyed, the date of the conveyance, and the consideration paid for such conveyance.

tion - Designation of agent by County Treasurer.

The County Treasurer is authorized by law to designate the Recording officer to act as his agent for the purpose of collecting the tax imposed by this article. The Treasurer shall provide

for the manner in which such person may be designated as his agent subject to such terms and conditions as he shall prescribe. The real estate transfer tax shall be paid to such agent as provided in \_\_\_\_\_ hereof.

#### Section - Liability Of Recording Officer.

A Recording officer shall not be liable for any inaccuracy in the amount of tax imposed pursuant to this article that he shall collect so long as he shall compute and collect such tax on the amount of consideration or the value of the interest conveyed as such amounts are provided to him by the person paying the tax.

#### Section - Refunds.

Whenever the Treasurer shall determine that any moneys received under the provisions of this article were paid in error, he may cause such money to be refunded pursuant to such rules and regulations as he may prescribe, provided that any application for such refund is filed with the Treasurer within two (2) years from the date the erroneous payment was made.

#### Section - Deposit and disposition of revenue.

- A. All taxes, penalties, and interest imposed by the Town under the authority of this article, which are collected by the Treasurer or his agents, shall be deposited in a single trust fund for the Town and shall be kept in trust and separate and apart from all other monies in possession of the Treasurer. Moneys in such fund shall be deposited and secured in the manner provided by S 10 of the General Municipal Law. Pending expenditure from such fund, moneys therein may be invested in the manner provided in S 11 of the General Municipal Law, Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue to and become part of such fund.
- B. The Treasurer shall retain such amount as he may determine to be necessary for refunds with respect to the tax imposed by the Town under the authority of this article, out of which the Treasurer shall pay any refunds of such taxes to those taxpayers entitled to a refund pursuant to the provisions of this article.
- C. The Treasurer, after reserving such funds, shall on or before the twelfth day of each month, pay to the Town Supervisor the taxes, penalties, and interest imposed by the Town under the authority of this article, collected by the Treasurer pursuant to this article during the preceding calendar month. The amount so payable shall be certified to the Town Supervisor by the Treasurer, who shall not be held liable for any inaccuracy in such certification. However, any such certification may be based on such information as may be available to the Treasurer at the time such certification must be made under this section.
- D. Where the amount so paid over to the Town in any such distribution is more or less than the amount due to the Town, the amount of the overpayment or underpayment shall be certified to the Town Supervisor by the Treasurer, who shall not be held liable for any inaccuracy in such certification. The amount of the underpayment or overpayment shall be so certified to the Town Supervisor as soon after the discovery of the overpayment or underpayment as reasonably possible and subsequent payments and distributions by the Treasurer to such Town shall be adjusted by subtracting the

amount of any such overpayment from or by adding the amount of any such underpayment to such number of subsequent payments and distributions as the Treasurer and Town Supervisor shall consider reasonable in view of the underpayment or overpayment and all other facts and circumstances.

- E. All monies received from the Treasurer by the Town Supervisor shall be deposited in the community Preservation Fund established pursuant to Article I of this chapter.

#### Section - Judicial review.

- A. Any final determination of the amount of any tax payable under this article shall be reviewable for error, illegality, or unconstitutionality, or any other reason whatsoever, by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within four (4) months after the giving of the notice of such final determination; provided,, however, that any such proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:
1. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by this chapter, shall be first deposited and there is filed an undertakings issued by a surety company authorized to transact business in New York State and approved by the State Superintendent of Insurance as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve, to the effect that, if such proceeding shall be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or
  2. At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes,, interest, and penalties stated in such determination, plus the costs and charges which may accrue against him in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest, or penalties as a condition precedent to the application.
- B. Where any tax imposed hereunder shall have been erroneously, illegally, or unconstitutionally assessed or collected, and application for the refund or revision thereof duly made to the Treasurer, and such Treasurer shall have made a determination denying such refund or revision, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that:
1. Such proceeding is instituted within four (4) months after the giving of the notice of such denial;
  2. A final determination of tax due was not previously made; and
  3. An undertaking is filed with the Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceeding is dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

#### Section - Apportionment of consideration subject to tax for property located only partly within Town.

- A. Where real property is situated partly within and partly without the boundaries of the Town, the consideration subject to tax is such part of the total consideration as

is attributable to the portion of such real property situated with the Town or to the interest in such portion. If the consideration attributable to the property located in the Town is set forth in the contract, such amount may be used to compute the tax due.

- B. If the contract does not set forth the amount of consideration attributable to the portion of real property or interest therein situated within the Town, the consideration shall be reasonably allocated between the portion of such property or interest therein situated within the Town and the portion of such property or interest therein situated without the Town. If the grantor and the grantee enter into a written agreement, signed by both the grantor and the grantee, which sets forth a reasonable allocation of consideration, that allocation of consideration may be used to compute the tax due. If the grantor and the grantee do not enter into such an agreement, or if the allocation of consideration set forth in such agreement is deemed unreasonable by the Treasurer, the allocation of consideration must be computed by multiplying the amount of consideration by a fraction, the numerator of which is the fair market value of the real property or interest therein situated within the Town, and the denominator of which is the total fair market value of all the real property or interest therein being conveyed. Except in the case of a transfer or acquisition of a controlling interest where consideration means fair market value of the real property or interest therein, the tax shall be computed on the allocated portion of the actual consideration paid, even if that amount is greater or less than the fair market value as determined by appraisal.
- C. Where the methods provided under this section do not allocate the consideration in a fair and equitable manner, the Treasurer may require the grantor and grantee allocate the consideration under such method as he prescribes, so long as the prescribed method results in a fair and equitable allocation.

Section - Determination of tax; petition to Town Supervisor.

- A. If a return required by this article is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such records or information as may be obtainable, including the assessed valuation of the real property or interest therein and other appropriate factors. Notice of such determination shall be given to the person liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within ninety (90) days after the giving of notice of such determination, shall petition the Town Supervisor for a hearing, or unless the Treasurer, on the Treasurer's own motion, shall redetermine the same. The Town Supervisor may designate, in writing, a hearing officer to hear such an appeal, which hearing officer shall file a written report and recommendation with the Town Supervisor. In any case before the Town Supervisor under this article, the burden of proof shall be on the petitioner. After such hearing, the Town Supervisor shall give notice of the determination to the person against whom the tax is assessed and to the Treasurer. Such determination may be reviewed in accordance with the provisions of \_\_\_\_\_ of this article. A proceeding for judicial review shall not be instituted unless:

1. The amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Treasurer and there shall be filed with the Treasurer an undertaking, issued by a surety company authorized to transact business in New York State and approved by the State Superintendent of Insurance as to solvency and responsibility, in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceeding shall be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or
  2. At the option of the petitioner, such undertaking filed with the Treasurer may be in a sum sufficient to cover the taxes, penalties, and interest thereon stated in such decision, plus the costs and charges which may accrue against him in the prosecution of the proceeding; in which event, the petitioner shall not be required to deposit such taxes, penalties, and interest as a condition precedent to the commencement of the proceeding.
- B. A person liable for the tax imposed by this article (whether or not a determination assessing a tax pursuant to subsection A hereof has been made) shall be entitled to have the tax due finally and irrevocably fixed prior to the ninety (90) day period referred to in subsection A by filing with the Treasurer a signed statement consenting thereto, in writing and in such form as the Treasurer shall prescribe.
- C. The remedies provided by this section and \_\_\_\_\_ of this article shall be the exclusive remedies available to any person for the review of tax liability imposed by this article.

#### Section - Proceedings to recover tax due.

- A. Whenever any person shall fail to pay any tax, penalty, or interest imposed by this article, the Town Attorney shall, upon the request of the Treasurer, bring or cause to be brought, an action to enforce the payment of the same on behalf of the Town, in any court of the State of New York or of any other state or of the United States.
- B. As an additional and alternative remedy, the Treasurer may issue a warrant, directed to the Sheriff of Suffolk County, commanding him to levy upon and sell any real and personal property of a grantor or grantee liable for the tax which may be found within the County, for payment of the amount thereof, with any penalty and interest and the cost of executing the warrant, and to return such warrant to the Treasurer the money collected by virtue thereof within sixty (60) days after the receipt of the warrant. The Sheriff shall, within five (5) days after the receipt of the warrant, file with the Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalty, and interest for which the warrant is issued. Such lien shall not apply to personal property unless such warrant is filed with the Department of State. The Sheriff shall then proceed upon the warrant in the same manner and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Treasurer, a warrant of like terms, force, and effect may be issued and directed to any officer or employee of the county; and in the

execution thereof, such officer or employee shall have all the powers conferred by law upon Sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. Upon such filing of a copy of a warrant, the Treasurer shall have the same remedies to enforce the amount due thereunder as if the County of Suffolk had recovered the judgment therefor.

Section - Interest and civil penalties.

- A. Any grantor or grantee failing to file a return or to pay any tax within the time required by this article shall be subject to a penalty of ten percent (10%) of the amount of the tax due plus an interest penalty of two percent (2%) of such amount, for each month of delay or fraction thereof after the expiration of the first month after such return was required to be filed or such tax became due; such interest penalty shall not exceed twenty-five percent (25%) in the aggregate. If the Treasurer determines that such failure or delay was due to reasonable cause and not due to willful neglect, the Treasurer shall remit, abate, or waive all of such penalty and interest penalty.
- B. If any amount of tax is not paid on or before the last date prescribed in § \_\_\_\_\_ hereof for payment, interest on such amount at the rate of ten percent (10%) per month shall be paid for the period from such last date to the date paid.
- C. The penalties and interest provided for in this section shall be paid to the Treasurer and shall be determined, assessed, collected, and distributed in the same manner as the tax imposed by this article and any reference to tax in this article shall be deemed to include the penalties and interest imposed in this section.

Section - Confidentiality of transfer tax returns.

- A. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any officer or employee of the Town, or any person engaged or retained on an independent contract basis, to divulge or make known in any manner the particulars set forth or disclosed in any return required under this article, However, nothing in this section shall prohibit the Recording Officer from making a notation on an instrument effecting a conveyance indicating the amount of tax paid. No recorded instrument effecting a conveyance shall be considered a return for the purposes of this section.
- B. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Town in any action or proceeding involving the collection of a tax due under this article to which the Town or an officer or employee of the Town is a party or a claimant, or on behalf of any party to any action or proceeding under the provisions of this article when the returns or facts shown thereby are directly involved in such action or proceeding; in any of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more.
- C. Nothing herein shall be construed to prohibit the delivery to a grantor or grantee of an instrument effecting a conveyance, or to the duly authorized representative

of such grantor or grantee, of a certified copy of any return filed in connection with such instrument, or to prohibit the publication of statistics so classified as to prevent the identification of particular returns or the items thereof or to prohibit the inspection by the legal representatives of the Town of the return of any taxpayer who shall bring action to set aside or review the tax based thereon.

- D. Any officer or employee of the Town who willfully violates the provisions of this section shall be dismissed from office and be incapable of holding any public office in the State for a period of five (5) years thereafter.

**INTERGOVERNMENTAL AGREEMENT:**

The Town Board shall be authorized to, by resolution, enter into any intergovernmental agreement necessary with the County of Suffolk or any successor county, for the effective and efficient administration and enforcement of this local law.

**FORM OF PROPOSITION:**

Pursuant to §1449-bb of the New York Tax Law and §23 of the New York Municipal Home Rule Law, this Local Law is subject to mandatory referendum. Therefore, the following proposition shall be submitted to the electors of the Town of Riverhead at the general election to be held on November 3, 1998:

"SHALL LOCAL LAW NO. OF 1998, ENTITLED %A LOCAL LAW IMPOSING A TWO PERCENT (2%) REAL ESTATE TRANSFER TAX ON THE CONVEYANCE OF INTERESTS IN REAL PROPERTY IN THE TOWN, WITH THE REVENUES DERIVED FROM THIS TAX TO BE DEPOSITED IN THE RIVERHEAD COMMUNITY RESERVATION FUND FOR THE PURPOSE OF PRESERVING OPEN SPACE AND HISTORIC PLACES WITHIN THE TOWN, I BE APPROVED?"

**SEVERABILITY:**

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause " sentence, paragraph, section,, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**EFFECTIVE DATE:**

This Local Law shall take effect on April 1<sup>st</sup> 1999, after filing with the Secretary of State and after approval at the general election to be held on November 3, 1998 by the affirmative vote of the qualified electors of the Town of Riverhead upon the proposition set forth in section IV hereof, and provided further that the real estate transfer tax imposed by this Local Law shall expire and be deemed repealed as to any conveyance taking place after December 31, 2010.

# Tabled

Adopted  
8/25/98

August 18, 1998

## TOWN OF RIVERHEAD

Resolution # 724

### ADOPTS LOCAL LAW – COMMUNITY PRESERVATION PROJECT PLAN

COUNCILMAN LULL

\_\_\_\_\_ offered the following resolution which

COUNCILMAN CARDINALE

was seconded by \_\_\_\_\_

WHEREAS, the Peconic Bay Community Preservation Project Act provides for the acquisition of important open space areas via a fund established for such purpose with revenues derived from a real estate transfer tax to be levied on certain transactions with the Town, and

WHEREAS, on August 4, 1998, the Town Board held a public hearing upon the adoption of a Local Law which would establish Community Preservation Project Plan; such Plan listing those properties to be acquired by the Fund, and

WHEREAS, the Town Board has carefully considered the merits of the Plan and the importance of those parcels listed within the Plan, now

**THEREFORE, BE IT**

**RESOLVED**, that in the matter of the adoption of Local Law #\_\_\_\_, the Riverhead Town Board declares itself to be the Lead Agency in the Action, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board determines the adoption of Local Law #\_\_\_\_ to be an Unlisted Action pursuant to 6NYCRR Part 617, and that an Environmental Impact Statement need not be prepared, and

**BE IT FURTHER**

**RESOLVED**, that the Planning Director publish and post those notices of Non-Significance as required, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board hereby adopts Local Law #\_\_\_\_ of 1998 – Community Preservation Project Plan, and the plan inherent therein, and

**BE IT FURTHER**

**RESOLVED**, that such Local Law shall take effect immediately upon filing with the Secretary of State, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Building Department, the Planning Department, and the Office of the Town Attorney.

**COUNCILMAN LULL OFFERED THE RESOLUTION TO BE BROUGHT OFF THE TABLE, WHICH WAS SECONDED BY COUNCILMAN KENT.**

**THE VOTE: All Yes Votes.**

**THE RESOLUTION WAS THEREUPON DECLARED TO BE BROUGHT OFF THE TABLE.**

**COUNCILMAN LULL OFFERED THE RESOLUTION TO BE ADOPTED, WHICH WAS SECONDED BY COUNCILMAN CARDINALE.**

**ALL VOTES: Yes.**

**THE RESOLUTION WAS THEREUPON DECLARED TO BE DULY ADOPTED.**

**ADOPTED: AUGUST 25, 1998**

Local Law \_\_\_\_\_ of 1998  
COMMUNITY PRESERVATION PROJECT PLAN

A Local Law adopting a plan pursuant to 64-e of the New York Law, for the preservation of open space and historic places with the Town of Riverhead, said plan to be known as the "Riverhead Community Preservation Project Plan", said law to be read as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF RIVERHEAD

Section I – Legislative Findings

The Town of Riverhead enjoys an array of lands containing scenic and natural resources which are vital to the Town's rural character and its development as a resort and farming community. The lands which comprise these features are rapidly being lost to development and there exists a particular danger that the character of the Town will be fundamentally altered. In furtherance of its adopted land use policy of preserving the Town's natural resources, the Riverhead Town Board finds it necessary to adopt a plan as authorized by §64-e of the Town Law as the basis for the expenditure of revenue resulting from a two percent (2%) real estate transfer tax which is further authorized by §64-e of the Town Law.

It is the purpose of this Local Law to establish and create the Riverhead Community Preservation Project Plan to aid in the Town's efforts to preserve natural features and to implement the requirements of Town Law §64-e.

Section II – Community Preservation Project Plan Adopted.

For the reasons set forth in Section I hereof, the Town Board of the Town of Riverhead hereby approves and adopts the Community Preservation Project Plan" as prepared by Town Planning Department, August 4, 1998 and its amendments; said plan being intended to constitute the Community Preservation Project Plan which is required by §64-e of the Town Law and the Riverhead Town Code.

Section III. – Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State as required by law.

# Tabled

August 18, 1998

## TOWN OF RIVERHEAD

Resolution # 724

### ADOPTS LOCAL LAW – COMMUNITY PRESERVATION PROJECT PLAN

COUNCILMAN LULL

\_\_\_\_\_ offered the following resolution which

was seconded by COUNCILMAN CARDINALE

**WHEREAS**, the Peconic Bay Community Preservation Project Act provides for the acquisition of important open space areas via a fund established for such purpose with revenues derived from a real estate transfer tax to be levied on certain transactions with the Town, and

**WHEREAS**, on August 4, 1998, the Town Board held a public hearing upon the adoption of a Local Law which would establish Community Preservation Project Plan; such Plan listing those properties to be acquired by the Fund, and

**WHEREAS**, the Town Board has carefully considered the merits of the Plan and the importance of those parcels listed within the Plan, now

**THEREFORE, BE IT**

**RESOLVED**, that in the matter of the adoption of Local Law #\_\_\_\_, the Riverhead Town Board declares itself to be the Lead Agency in the Action, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board determines the adoption of Local Law #\_\_\_\_ to be an Unlisted Action pursuant to 6NYCRR Part 617, and that an Environmental Impact Statement need not be prepared, and

**BE IT FURTHER**

**RESOLVED**, that the Planning Director publish and post those notices of Non-Significance as required, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board hereby adopts Local Law #\_\_\_\_ of 1998 – Community Preservation Project Plan, and the plan inherent therein, and

**BE IT FURTHER**

**RESOLVED**, that such Local Law shall take effect immediately upon filing with the Secretary of State, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Building Department, the Planning Department, and the Office of the Town Attorney.

COUNCILMAN LULL OFFERED THIS RESOLUTION TO BE Tabled, WHICH WAS SECONDED BY COUNCILMAN CARDINALE.

THE RESOLUTION WAS THEREUPON DECLARED TO BE DULY Tabled.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vilella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS       ~~WAS NOT~~        
THEREUPON DULY DECLARED ADOPTED

**Tabled**

Local Law \_\_\_\_\_ of 1998  
**COMMUNITY PRESERVATION PROJECT PLAN**

A Local Law adopting a plan pursuant to 64-e of the New York Law, for the preservation of open space and historic places with the Town of Riverhead, said plan to be known as the "Riverhead Community Preservation Project Plan", said law to be read as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF RIVERHEAD

Section I – Legislative Findings

The Town of Riverhead enjoys an array of lands containing scenic and natural resources which are vital to the Town's rural character and its development as a report and farming community. The lands which comprise these features are rapidly being lost to development, there exists a particular danger that the character of the Town will be fundamentally altered. In furtherance of its adopted land use policy of preserving the Town's natural resources, the Riverhead Town Board finds it necessary to adopt a plan as authorized by §64-e of the Town Law as the basis for the expenditure of monies realized under a two percent (2%) real estate transfer tax which is further authorized by §64-e of the Town Law.

It is the purpose of this Local Law to establish and create the Riverhead Community Preservation Project Plan to aid in the Town's efforts to preserve natural features and to implement the requirements of Town Law §64-e.

Section II – Community Preservation Project Plan Adopted.

For the reasons set forth in Section I hereof, the Town Board of the Town of Riverhead hereby approves and adopts the Community Preservation Project Plan" as prepared by Town Planning Department, August 4, 1998, said plan being intended to constitute the Community Preservation Project Plan which is required by §64-e of the Town Law and the Riverhead Town Code.

Section III. – Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State as required by law.

# Adopted

3/18/98

## TOWN OF RIVERHEAD

Resolution # 725

APPROVES APPLICATION OF JOSEPH L. COBIS (BLOCK PARTY)

COUNCILMAN CARDINALE offered the following resolution, was seconded by

COUNCILMAN KWASNA :

**WHEREAS**, Joseph L. Cobis has submitted an application for the purpose of conducting a Block Party to be held on Prospect Place, Riverhead, New York, on Saturday, August 22, 1998 between the hours of 10:00 a.m and 11:00 p.m., having a rain date of Sunday, August 23, 1998; and

**WHEREAS**, the applicant has requested the application fee be waived; 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 Joseph L. Cobis for the purpose of conducting a Block Party to be held on Prospect Place, Riverhead, New York, on Saturday, August 22, 1998 between the hours of 10:00 a.m and 11:00 p.m., having a rain date of Sunday, August 23, 1998, be and is hereby approved; and be it further

**RESOLVED**, that the Town Board of the Town of Riverhead be and hereby waives the application fee; and be it further

**RESOLVED**, that there must be adequate space left available for emergency vehicles to be able to enter and pass through the area to be utilized for the Block Party; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Joseph L. Cobis, 37 Prospect Place, Riverhead, New York, 11901 and the Riverhead Police Department.

## THE VOTE

Cardinale  Yes  No Kent  Yes  No

Kwasna  Yes  No Lull  Yes  No

Villella  Yes  No

THE RESOLUTION WAS  WAS NOT

THEREUPON DULY DECLARED ADOPTED

# Adopted

8/18/98

TOWN OF RIVERHEAD

Resolution # 726

## APPROVES APPLICATION OF HOMIER DISTRIBUTING COMPANY

COUNCILMAN KWASNA offered the following resolution, was seconded by

COUNCILMAN KENT :

**WHEREAS**, Homier Distributing Company has submitted an application for the purpose of conducting a tools, hardware, home furnishings & general merchandise sale to be held at the National Guard Armory on August 20, 21, 22, 23 1998 between the hours of 10:00 a.m and 8:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sunday; 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 the application of Homier Distributing Company for the purpose of conducting a tools, hardware, home furnishings & general merchandise sale to be held at the National Guard Armory on August 20th, 21st, 22nd, 23<sup>rd</sup>, 1998 between the hours of 10:00 a.m and 8:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sunday, be and is hereby approved; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Homier Distributing Company, 84 Commercial Road, Huntington, IN 46750 and the Riverhead Police Department.

### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villola	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS  WAS NOT

THEREUPON DULY DECLARED ADOPTED

## TOWN OF RIVERHEAD

Resolution # 727

### APPROVES APPLICATION OF EAST END ARTS & HUMANITIES COUNCIL

COUNCILMAN KENT offered the following resolution, which was seconded by

COUNCILMAN LULL

**WHEREAS**, the East End Arts and Humanities Council, Inc. has submitted an application for the purpose of conducting its annual Music Festival to be held at Friar's Head Farm, Sound Avenue, Baiting Hollow, on August 22, 1998, between the hours of 3 PM and 8 PM; and

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

**WHEREAS**, the Riverhead Town Attorney has reviewed all documents submitted in connection with said application, including said certificate of insurance

**NOW THEREFORE BE IT RESOLVED** that the application of the East End Arts and Humanities Council, Inc. for the purpose of conducting its annual Music Festival to be held at Friar's Head Farm, Sound Avenue, Baiting Hollow, on August 22, 1998, between the hours of 3 PM and 8 PM be and hereby is approved; and be it further

**RESOLVED** that the Town Board of the Town of Riverhead hereby waives the provisions of Chapter 46 of the Code of the Town of Riverhead for this event; and be it further

**RESOLVED** that the Town Board of the Town of Riverhead hereby waives the application fee in connection with this event; and be it further

**RESOLVED** that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the East End Arts and Humanities Council, Inc., 133 East Main Street, Riverhead, New York 11901 and to the Riverhead Police Department.

### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ~~NOT~~  WAS NOT

THEREUPON DULY DECLARED ADOPTED

# Adopted

8/18/98

TOWN OF RIVERHEAD

Resolution # 728

**APPROVES APPLICATION FOR FIREWORKS PERMIT OF M. PHILIP BUTLER  
(WEDDING – VINEYARD CATERERS)**

**COUNCILMAN LULL**

\_\_\_\_\_ offered the following resolution, was seconded by

**COUNCILMAN CARDINALE**

**WHEREAS**, M. Philip Butler has submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held in the back of Vineyard Caterers, Jamesport, New York on his wedding day of August 22, 1998 at 9:30 p.m.

**NOW THEREFORE BE IT RESOLVED**, that the Fireworks Permit Application of M. Philip Butler for the purpose of conducting a fireworks display to be held in the back of Vineyard Caterers, Jamesport, New York on his wedding day of August 22, 1998 at 9:30 p.m., be and is hereby approved **SUBJECT** to the receipt of a completed Fireworks Application executed by the Chief of the Riverhead Fire Department and a certificate of insurance from the fireworks company naming the Town of Riverhead as an additional insured, prior to August 22, 1998; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to M. Philip Butler, 81 Circuit Road, Bellport, New York,; Bruce Johnson, Riverhead Fire Marshall; the Riverhead Fire Department and the Riverhead Police Department.

### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

# Adopted

August 18, 1998

TOWN OF RIVERHEAD

Resolution # 729

## APPROVES SITE PLAN OF RIVERHEAD FREE LIBRARY - BUILDING ADDITIONS

**COUNCILMAN CARDINALL**

\_\_\_\_\_ offered the following resolution,

which was seconded by **COUNCILMAN KWASNA** \_\_\_\_\_:

**WHEREAS**, a site plan and elevations were submitted by Michael Tortorice, R.A., as agent for the Riverhead Free Library, for the construction of additions to three sides of the present library building, totalling 11,097 square feet, as well as relocation of the Yellow Barn, and attendant site improvements, located at 330 Court Street, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-128-2-21.3; and

**WHEREAS**, the Planning Department has reviewed the site plan dated last July 29, 1998, consisting of three (3) sheets, as prepared by Walter K. Pulver, R.A., 134 Northfield Road, Hauppauge NY 11788, and elevations dated April 23, 1998, as prepared by Todd A. Harvey, R.A., Beatty Harvey & Associates, 12 West 32nd Street, New York NY 10001, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

**WHEREAS**, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Unlisted Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

**WHEREAS**, a copy of the site plan has been marked and initialed by the Town Board to show changes that are further set forth in this resolution, which site plan shall be on record with the Town Clerk; and

**WHEREAS**, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has waived as per a memo of the Office of the Supervisor of the Town of Riverhead dated August 10, 1998; and;

**WHEREAS**, this Town Board has reviewed the site plan and elevations aforementioned.

**NOW, THEREFORE, BE IT**

**THE VOTE**

Cardinale *abstain* Yes \_\_\_ No \_\_\_ Kent  Yes \_\_\_ No \_\_\_  
 Kwasna  Yes \_\_\_ No \_\_\_ Lull  Yes \_\_\_ No \_\_\_  
 Villella  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
 THEREUPON DULY DECLARED ADOPTED

**RESOLVED**, that the site plan and elevations submitted by Michael Tortorice, R.A., as agent for the Riverhead Free Library, for the construction of additions to three sides of the present library building, totalling 11,097 square feet, as well as relocation of the Yellow Barn, and attendant site improvements, located at 330 Court Street, Riverhead, New York, site plan dated last July 29, 1998, as prepared by Walter K. Pulver, R.A., 134 Northfield Road, Hauppauge NY 11788, and elevations dated April 23, 1998, as prepared by Todd A. Harvey, R.A., Beatty Harvey & Associates, 12 West 32nd Street, New York NY 10001, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan proves and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected

on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Riverhead Free Library Association hereby authorizes and consents to the Town of Riverhead to enter premises at 330 Court Street, Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all new utilities shall be constructed underground;
12. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
15. That *permanent access through the northerly Osborne Avenue entrance to the main library entrance shall be maintained*, and that the construction of any additional parking stalls shall not preclude this access;
16. That a walkway providing access between the northerly side of the library and the parking lot shall be provided between the library and the Yellow Barn;
17. That the location of the fire department sprinkler connection shall be determined at a later date, subject to the approval of the Chief of the Fire Department and the Riverhead Fire Marshal;
18. That the landscaping plan and schedule shall be subject to the future review and approval of the Planning Department; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Michael Tortorice, R.A., as agent for the Riverhead Free Library, Beatty Harvey & Assocs, the Riverhead Free Library Association, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_\_ day of \_\_\_\_\_, 1998, made by Riverhead Free Library Association, residing at 330 Court Street, Riverhead NY 11901, Declarant:

### WITNESSETH:

**WHEREAS**, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

**WHEREAS**, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

**WHEREAS**, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

### NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements and any restrictions imposed as a condition of the site plan approval granted herein;
3. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled , "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Riverhead Free Library Association hereby authorizes and consents to the Town of Riverhead to enter premises at 330 Court Street, Riverhead, New York, to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all new utilities shall be constructed underground;
11. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall pose a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

- 14. That permanent access through the northerly Osborne Avenue entrance to the main library entrance shall be maintained, and that the construction of any additional parking stalls shall not preclude this access;
- 15. That a walkway providing access between the northerly side of the library and the parking lot shall be provided between the library and the Yellow Barn;
- 16. That the location of the fire department sprinkler connection shall be determined at a later date, subject to the approval of the Chief of the Fire Department and the Riverhead Fire Marshal;
- 17. That the landscaping plan and schedule shall be subject to the future review and approval of the Planning Department; and be it further

Declarant has hereunto set his/her hand and seal the day and year above first written.

**RIVERHEAD FREE LIBRARY ASSN.**

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

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On this \_\_\_\_\_ day of \_\_\_\_\_, 1998, before me personally came \_\_\_\_\_, to me known, and known to me to be one of the members of the firm of \_\_\_\_\_, described in and who executed the foregoing instrument, and (s)he acknowledged to me that (s)he executed the same as and for the act and deed of said firm.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On the \_\_\_\_\_ day of \_\_\_\_\_, 1998, before me personally came \_\_\_\_\_ who, being sworn by me, did depose and say: that (s)he is the \_\_\_\_\_ of \_\_\_\_\_; that (s)he knows the seal of the corporation; that the seal affixed to this instrument is said seal; and that it was affixed by order of the Board of Directors of the Corporation.

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NOTARY PUBLIC

8/18/98

ORDER ESTABLISHING EXTENSION  
OF THE RIVERHEAD SEWER DISTRICT  
ESTATE OF SOPHIE ANDERSON AND NATHAN L. SEROTA

Adopted 730  
\_\_\_\_\_

**COUNCILMAN KWASNA**

Councilman \_\_\_\_\_ offered the following resolution

which was seconded by Councilman **COUNCILMAN KENT**,

WHEREAS, the Estate of Sophie Anderson and Nathan L. Serota has petitioned the Riverhead Town Board, as governing body of the Riverhead Sewer District, for an extension to the Riverhead Sewer District to include premises on Route 58, Riverhead, New York, as more particularly described in Exhibit A attached hereto, pursuant to Article 12 of the Town Law, and

WHEREAS, such extension is to be at no cost to the District as extended, and

WHEREAS, this Board has determined that the Petition is legally sufficient, and

WHEREAS, a map and plan dated August 16, 1996, has been prepared by Malcolm Pirnie, Inc., licensed engineers, and

WHEREAS, a public hearing was held on the 21st day of July, 1998, wherein all persons wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED that the Town Board, upon the proceeding and record of the hearing had herein, determines that the extension to the Riverhead Sewer District as shown on Exhibit A attached is in the best interest of the district and will benefit the property to be served, which extension shall be known as the Anderson/Serota Extension, as more fully described in the aforesaid map, plan and report, and

BE IT FURTHER RESOLVED that the Town Board determines that the installation of the sewer mains and appurtenances is a Type I action pursuant to the State Environmental Quality Review Act and an environmental impact statement was prepared and accepted and a finding statement was adopted by the Riverhead Town Board on June 3, 1997, and be it further

RESOLVED, that it will be necessary for improvements to be made to the Howell Avenue and Cranberry Street collection systems

costing \$70,000 to be paid by the applicant, and be it further

RESOLVED, that key money improvement costs required by the DEC SPEDES permit at \$6.50 per gallon totalling \$78,000 shall be paid by the applicant, and be it further

RESOLVED, that upon the completion of said sewer extension, the Town Clerk shall cause a copy of this Order to be recorded in the Office of the Clerk of Suffolk County and filed with the New York State Comptroller, and it is further

RESOLVED, that the Town Clerk forward a certified copy of the resolution to Frank Isler, esq., H2M, Superintendent Michael Reichel, and the applicant.

### THE VOTE

Cardinale  Yes \_\_\_ No \_\_\_    Kent  Yes \_\_\_ No \_\_\_  
 Kwasna  Yes \_\_\_ No \_\_\_    Lull  Yes \_\_\_ No \_\_\_  
 Vilella  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_

THEREUPON DULY DECLARED ADOPTED

ALL that certain plot, piece, or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Riverhead, Town of Riverhead, County of Suffolk, State of New York, bounded and described as follows:

BEGINNING at a point where the easterly boundary line of land now or formerly William A. Kelly and Lucy Kelly is intersected by the northerly boundary of the Riverhead Sewer District, said point being situate the following two (2) courses and distances from the easterly side of Harrison Avenue:

1. North 72 deg. 24 min. 00 sec. East 298.81 feet along land now or formerly William A. Kelly and Lucy Kelly;
2. North 17 deg. 36 min. 00 sec. West 44.65 feet still along land now or formerly William A. Kelly and Lucy Kelly;

RUNNING thence from said point of beginning North 17 deg. 36 min. 00 sec. West along land now or formerly William A. Kelly and Lucy Kelly, along land now or formerly Henry J. McKay, and along land now or formerly Leonard E. Vanvliet and Madeline J. Vanvliet 398.95 feet to land now or formerly Alice M. Carey;

RUNNING thence North 17 deg. 37 min. 30 sec. West along land now or formerly Alice M. Carey 106.52 feet to land now or formerly Estate of Sophie Anderson;

RUNNING thence North 73 deg. 14 min. 00 sec. East along land now or formerly Estate of Sophie Anderson 1007.06 feet to land now or formerly Richard Anderson and Faye Anderson;

RUNNING thence South 16 deg. 24 min. 20 sec. East along land now or formerly Richard Anderson and Faye Anderson 0.23 feet to land now or formerly Wolfe Miller;

RUNNING thence South 17 deg. 48 min. 30 sec. East along land now or formerly Wolfe Miller and along land now or formerly Trustees of Net Realty Holding Trust 486.92 feet to the northerly boundary of the Riverhead Sewer District;

RUNNING thence South 72 deg. 11 min. 30 sec. West along the northerly boundary of the Riverhead Sewer District 1008.68 feet to the point or place of Beginning.

EXHIBIT A

18/98

# Adopted

## TOWN OF RIVERHEAD

Resolution # 731

### RELEASES N.F.B.T. IRREVOCABLE LETTERS OF CREDIT OF TARRA DEVELOPMENT CORP. (TALL OAK ESTATES SUBDIVISION)

COUNCILMAN KENT \_\_\_\_\_ offered the following resolution, was seconded by

COUNCILMAN LULL \_\_\_\_\_

**WHEREAS**, pursuant to resolution of the Riverhead Planning Board, Tarra Development Corp. posted a N.F. B.T. Irrevocable Letter of Credit #M89122 in the amount of Three Hundred Fifty Seven Thousand Three Hundred Thirty Three and 00/100 (\$357,333.00) Dollars covering road and drainage fees, N.F. B.T. Irrevocable Letter of Credit #M89121 in the amount of One Hundred Thirty Six Thousand and 00/100 (\$136,000.00) Dollars covering water hook-up fees and N.F. B.T. Irrevocable Letter of Credit #M89123 in the amount of Fifty Thousand and 00/100 (\$50,000.00) Dollars covering park and recreation fees in connection with the subdivision entitled, "Tall Oak Estates"; and

**WHEREAS**, by Resolution #1087 adopted on December 16, 1997, the Town Board accepted the dedication of the roads and recharge basin(s) in the subdivision entitled, "Tall Oak Estates from Tarra Development Corp. to the Town of Riverhead.

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Riverhead hereby authorizes the release of N.F. B.T. Irrevocable Letter of Credit #M89122 in the amount of Three Hundred Fifty Seven Thousand Three Hundred Thirty Three and 00/100 (\$357,333.00) Dollars covering road and drainage fees, N.F. B.T. Irrevocable Letter of Credit #M89121 in the amount of One Hundred Thirty Six Thousand and 00/100 (\$136,000.00) Dollars covering water hook-up fees and N.F. B.T. Irrevocable Letter of Credit #M89123 in the amount of Fifty Thousand and 00/100 (\$50,000.00) Dollars covering park and recreation fees in connection with the subdivision entitled, "Tall Oak Estates"; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Charles R. Cuddy, Esq., 445 Griffing Avenue, Riverhead, New York, 11901; Charlene Umbria, Senior Auditor; the Planning Department; the Building Department and the Town Attorney's Office.

### THE VOTE

Cardinale  Yes  No    Kent  Yes  No  
Kwasna  Yes  No    Lull  Yes  No  
Villella  Yes  No

THE RESOLUTION WAS  WAS NOT

THEREUPON DULY DECLARED ADOPTED

# Adopted

18/98

TOWN OF RIVERHEAD

Resolution # 732

**AUTHORIZES THE TOWN ATTORNEY TO ORDER APPRAISALS FOR VARIOUS PROPERTIES LOCATED IN THE MILLBROOK GABLES AREA IN CONNECTION WITH THE MILLBROOK GABLES REVITALIZATION PROGRAM**

COUNCILMAN LULL offered the following resolution, was seconded by

COUNCILMAN CARDINALL:

**WHEREAS**, in pursuance of the revitalization program of the Millbrook Gables area, there is the need to have appraisals conducted on various properties located in the Millbrook Gables area to determine fair market value.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead be and hereby authorizes the Town Attorney to order appraisals for the following properties located in the Millbrook Gables area:

- |                |                |                 |
|----------------|----------------|-----------------|
| #0600-105-2-43 | #0600-105-2-60 | #0600-105-1-27  |
| #0600-105-1-35 | #0600-105-2-74 | #0600-105-2-31  |
| #0600-105-1-29 | #0600-105-2-75 | #0600-105-2-11  |
| #0600-105-2-49 | #0600-105-2-48 | #0600-106-1-9.2 |

and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Mark Kwasna Councilman; Andrea Lohneiss, Director, Community Development Agency; John J. Hansen, Financial Administrator and the Office of the Town Attorney.

**THE VOTE**

Cardinale  Yes  No    Kent  Yes  No  
 Kwasna  Yes  No    Lull  Yes  No  
 Vitella  Yes  No

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

Adopted

TOWN OF RIVERHEAD

RESOLUTION #733

8/18/98

NO DISCHARGE ZONE APPLICATION

COUNCILMAN CARDINALE

\_\_\_\_\_ offered the following resolution, which was seconded by

COUNCILMAN KWASNA

WHEREAS, the Riverhead Town Board is concerned about pollution in our local waters; and

WHEREAS, boats that discharge waste into our waterways are one of the causes of said pollution; and

WHEREAS, the Riverhead Town Board has determined the need for a No-Discharge Zone in the Peconic Bay,

NOW, THEREFORE, BE IT RESOLVED that the Town of Riverhead hereby approves the preparation and filing of an application to the New York State Department of Environmental Conservation (NYSDEC) and the United States Environmental Protection Agency (USEPA) for designation of the Peconic River, creeks and embayments of this Town as a Vessel No-Discharge Zone (NDZ); and

BE IT FURTHER RESOLVED that the Peconic Baykeeper is hereby requested and authorized to assist the Town in the preparation of filing of said application.

THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Luli	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villola	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

August 18, 1998

Adopted

TOWN OF RIVERHEAD

AWARDS BID FOR 1998 33 PASSENGER BUS

RESOLUTION # 734

COUNCILMAN KWAGNA offered the following resolution, which was seconded by  
COUNCILMAN KENT

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for **33 PASSENGER BUS**;

WHEREAS, bids were received, opened, and read aloud on the 9<sup>th</sup> day of July, 1998, at 11:00 a.m. at Town Hall, 200 Howell Avenue Riverhead, New York 11901, the date, time, and place given in the notice to bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the **33 PASSENGER BUS**, be and is hereby awarded to SOUTHERN NEW YORK BUS SALES, INC.

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to SOUTHERN NEW YORK BUS SALES, INC., the NUTRITION CENTER, and the PURCHASING DEPARTMENT.

THE VOTE

Cardinale  Yes  No    Kent  Yes  No  
Kwasna  Yes  No    Lull  Yes  No  
Villella  Yes  No

THE RESOLUTION WAS  WAS NOT

THEREUPON DULY DECLARED ADOPTED

August 18, 1998

Adopted

TOWN OF RIVERHEAD

Resolution # 735

AUTHORIZES ATTENDANCE AT A DEPARTMENT OF CRIMINAL JUSTICE

WORKSHOP IN WHITE PLAINS

COUNCILMAN KENT

\_\_\_\_\_ offered the following resolution ,

which was seconded by COUNCILMAN LULL

**WHEREAS**, the Department of Criminal Justice Services is conducting a Technical Assistance Workshop in White Plains, New York, October 27 & 28, 1998; and

**WHEREAS**, it is a requirement for all jurisdictions receiving DCJS funding that members implementing the program(s) attend the Workshop; and

**WHEREAS**, Capt. Hegermiller, Police Dept. Ex-Officer; Charlene Kagel, Grant Administrator; Judith Doll, Youth Court Coordinator; and Sgt. Palmer, Youth Court Liaison have been requested to attend this Workshop; and

**NOW, THEREFORE, BE IT, RESOLVED**, that the Town Board hereby authorizes the attendance of the aforementioned personnel at the Workshop in White Plains, with reimbursement of expenses upon submission of proper receipts; and

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Chief of Police and the Office of Accounting.

**THE VOTE**

Cardinale  Yes \_\_\_ No \_\_\_ Kent  Yes \_\_\_ No \_\_\_

Kwasna  Yes \_\_\_ No \_\_\_ Lull  Yes \_\_\_ No \_\_\_

Villella  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_

THEREUPON DULY DECLARED ADOPTED

August 18, 1998

Adopted

TOWN OF RIVERHEAD

Resolution # 736

RATIFIES AUTHORIZATION FOR POLICE ATTENDANCE AT A TRAINING SESSION IN SARATOGA

COUNCILMAN LULL offered the following resolution ,  
which was seconded by COUNCILMAN CARDINAL

**WHEREAS**, the New York State Chiefs of Police held their annual Training Session in Saratoga, New York from July 27 – July 30, 1998; and

**NOW, THEREFORE, BE IT, RESOLVED**, that the Town Board hereby ratifies authorization for the attendance of the Chief of Police at said Training Session with reimbursement of expenses upon submission of proper receipts; and

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Chief of Police and the Office of Accounting.

THE VOTE

Cardinale  Yes  No    Kent  Yes  No  
Kwasna  Yes  No    Lull  Yes  No  
Vilella  Yes  No

THE RESOLUTION WAS  WAS NOT

THEREUPON DULY DECLARED ADOPTED

Adopted

8 / 18 / 98

TOWN OF RIVERHEAD

RESOLUTION # 737

REAPPOINTS MEMBER TO THE BOARD OF ASSESSMENT REVIEW

COUNCILMAN CARDINALE

OFFERED THE FOLLOWING RESOLUTION

WHICH WAS SECONDED BY COUNCILMAN KWASNA

WHEREAS, the term of Board of Assessment Review member Marjorie Acevedo is to expire on September 30, 1998, and

WHEREAS, Marjorie Acevedo has expressed a desire to continue to serve on this Board.

NOW, THEREFORE, BE IT RESOLVED, that Marjorie Acevedo be and is hereby reappointed to the Board of Assessment Review whose term shall be October 1, 1998 through September 30, 2003 in accordance with Section 523 of the Real Property Tax Law, at the annual salary established under Town resolution #96-207, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Marjorie Acevedo, the Assessors' Office, and the Office of Accounting.

THE VOTE

Cardinale ✓ Yes \_\_\_ No \_\_\_ Kent ✓ Yes \_\_\_ No \_\_\_
Kwasna ✓ Yes \_\_\_ No \_\_\_ Lull ✓ Yes \_\_\_ No \_\_\_
Vilella ✓ Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS ✓ WAS NOT \_\_\_
THEREUPON DULY DECLARED ADOPTED

# Adopted

8/18/98

## TOWN OF RIVERHEAD

Resolution # 738

### APPOINTS A FILL-IN LIFEGUARD TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN KWASNA \_\_\_\_\_ offered the following resolution,

which was seconded by \_\_\_\_\_ COUNCILMAN KENT \_\_\_\_\_

**RESOLVED**, that Linda Nicole Keller is hereby appointed to serve as a Fill-In Lifeguard, effective August 18, 1998 to and including, September 7, 1998, to be paid at the rate of \$7.00 per hour and to serve at the pleasure of the Town Board.

**BE IT FURTHER, RESOLVED**, that this position is subject to the following condition (s):

1. Current Suffolk County Lifeguard Certification;
2. All applications and appropriate forms are to be completed (in the Office of Accounting) PRIOR to start date; and

**BE IT FURTHER, RESOLVED**, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

Adopted

8/18/98

TOWN OF RIVERHEAD

Resolution # 739

APPOINTS A FILL-IN LIFEGUARD TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN KENT offered the following resolution,

which was seconded by COUNCILMAN LULL

RESOLVED, that Jessica Frost is hereby appointed to serve as a Fill-In Lifeguard, effective August 18, 1998 to and including, September 7, 1998, to be paid at the rate of \$7.00 per hour and to serve at the pleasure of the Town Board.

BE IT FURTHER, RESOLVED, that this position is subject to the following condition (s):

- 1. Current Suffolk County Lifeguard Certification;
- 2. All applications and appropriate forms are to be completed (in the Office of Accounting) PRIOR to start date; and

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

THE VOTE

Cardinale  Yes  No    Kent  Yes  No  
 Kwasna  Yes  No    Lull  Yes  No  
 Vilella  Yes  No

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

August 18, 1998

Adopted

TOWN OF RIVERHEAD

Resolution # 740

RATIFIES APPOINTMENT OF A 60 DAY TEMPORARY  
PART TIME FOOD SERVICE WORKER IN NUTRITION

COUNCILMAN LULL offered the following resolution ,  
which was seconded by COUNCILMAN CARDINALE

**WHEREAS**, the position of Part Time Food Service Worker exists in the Town of Riverhead Nutrition Center; and

**WHEREAS**, the position was duly posted, and due to the immediate necessity to fill the position the Town Board has authorized the hiring of a 60 Day Temporary Part Time Food Service Worker to fill the time gap.

**NOW, THEREFORE, BE IT, RESOLVED**, effective August 10, 1998, the Town Board hereby appoints William Wilson to the 60 day temporary position of Part Time Food Service Worker at an hourly salary of \$8.4516; and

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to William Wilson, the Nutrition Center and the Office of Accounting.

THE VOTE

Cardinale  Yes \_\_\_ No \_\_\_ Kent  Yes \_\_\_ No \_\_\_  
Kwasna  Yes \_\_\_ No \_\_\_ Lull  Yes \_\_\_ No \_\_\_  
Vilella  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED



August 18, 1998

# Adopted

## TOWN OF RIVERHEAD

Resolution # 742

### EDWARDS & RILEY AVENUE DRAINAGE

#### CAPITAL PROJECT

#### BUDGET ADJUSTMENT

**COUNCILMAN KWASNA**

offered the following resolution ,

which was seconded by **COUNCILMAN KENT**

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

95731.494100.40071	BAN PROCEEDS	<b>FROM:</b>	\$42,000.
106.085422.523008.40071	DRAINAGE CONSTRUCTION	<b>TO:</b>	\$24,000.
106.085400.543301.40071	LEGAL EXPENSE		8,000.
106.085400.543501.40071	ENGINEERING EXPENSE		10,000.

### THE VOTE

Cardinale  Yes  No    Kent  Yes  No  
 Kwasna  Yes  No    Lull  Yes  No  
 Vilella  Yes  No

THE RESOLUTION WAS  WAS NOT   
 THEREUPON DULY DECLARED ADOPTED

August 18, 1998

# Adopted

TOWN OF RIVERHEAD

Resolution # 743

WATER DISTRICT  
BUDGET ADJUSTMENT

COUNCILMAN KENT offered the following resolution ,  
which was seconded by COUNCILMAN LULL

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

112.000000.390599 APPROPRIATED FUND BALANCE

FROM:  
\$20,000.

112.083200.524101 AUTOMOTIVE EQUIPMENT

TO:  
\$20,000.

### THE VOTE

Cardinale  Yes  No    Kent  Yes  No  
Kwasna  Yes  No    Lull  Yes  No  
Vilella  Yes  No

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

August 18, 1998

# Adopted

TOWN OF RIVERHEAD

Resolution # 744

SEWER DISTRICT

BUDGET ADJUSTMENT

COUNCILMAN LULL offered the following resolution ,  
which was seconded by COUNCILMAN CARDINALE

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

114.000000.390599	APPROPRIATED FUND BALANCE	FROM:	\$20,000.
114.081300.524120	CARGO VAN EQUIPMENT	TO:	\$20,000.

THE VOTE

Cardinale  Yes \_\_\_ No \_\_\_    Kent  Yes \_\_\_ No \_\_\_  
 Kwasna  Yes \_\_\_ No \_\_\_    Lull  Yes \_\_\_ No \_\_\_  
 Vilella  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED







Andrea Lohneiss                      Community Development Agency Director  
Cupert Hopkins                      utility (Long Island Power Authority)

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Board authorizes a representative to attend a Zone Conference at Lake Placid on September 10 and 11.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Board authorizes spending funds in the amount of \$39,180 for the administration of the Calverton Enterprise Park

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Board authorizes the supervisor to execute a Memorandum of Agreement with the Department of Labor / Department of Social Services to set forth those programs and services to zone businesses and the local labor market.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to Community Development Director Andrea Lohneiss, Town Attorney Adam Grossman and Financial Administrator Jack Hansen.

# Adopted

RESOLUTION # 748 ABSTRACT #33-98 AUGUST 6, 1998 (TBM 8/18/98)

COUNCILMAN LULL offered the following Resolution which was seconded by  
 COUNCILMAN KWASNA

FUND NAME		CD-7/31/98	CHECKRUN TOTALS	GRAND TOTALS
GENERAL TOWN	001	\$ 800,000.00	\$ 108,959.07	\$ 908,959.07
PARKING METER	002	\$ 20,000.00	\$ -	\$ 20,000.00
AMBULANCE	003	\$ 15,000.00	\$ -	\$ 15,000.00
POLICE ATHLETIC LEAGUE	004	\$ 7,000.00	\$ -	\$ 7,000.00
TEEN CENTER	005	\$ -	\$ -	\$ -
RECREATION PROGRAM	006	\$ -	\$ 2,167.99	\$ 2,167.99
SR NUTRITION SITE COUNCIL	007	\$ -	\$ -	\$ -
D.A.R.E. PROGRAM FUND	008	\$ -	\$ -	\$ -
CHILD CARE CENTER BUILDING FUND	009	\$ -	\$ -	\$ -
YOUTH COURT SCHOLARSHIP FUND	025	\$ -	\$ -	\$ -
SRS DAYCARE BUILDING FUND	027	\$ -	\$ -	\$ -
HIGHWAY	111	\$ 500,000.00	\$ 22,389.54	\$ 522,389.54
WATER	112	\$ -	\$ 16,711.72	\$ 16,711.72
REPAIR & MAINTENANCE	113	\$ 275,000.00	\$ -	\$ 275,000.00
SEWER	114	\$ 500,000.00	\$ 9,865.43	\$ 509,865.43
REFUSE & GARBAGE COLLECTION	115	\$ 175,000.00	\$ 70,290.41	\$ 245,290.41
STREET LIGHTING DISTRICT	116	\$ 90,000.00	\$ 3,783.38	\$ 93,783.38
PUBLIC PARKING DISTRICT	117	\$ 80,000.00	\$ 330.33	\$ 80,330.33
BUSINESS IMPROVEMENT DISTRICT	118	\$ 20,000.00	\$ 4,981.32	\$ 24,981.32
TOR URBAN DEV CORP TRUST ACCT	119	\$ -	\$ -	\$ -
WORKER'S COMPENSATION FUND	173	\$ 350,000.00	\$ 6,207.82	\$ 356,207.82
HOSPITALIZATION SELF INSURANCE	174	\$ -	\$ -	\$ -
RISK RETENTION FUND	175	\$ 8,000.00	\$ 1,725.00	\$ 9,725.00
UNEMPLOYMENT INSURANCE FUND	176	\$ 2,000.00	\$ -	\$ 2,000.00
MAIN STREET REHAB PROGRAM	177	\$ -	\$ -	\$ -
REVOLVING LOAN PROGRAM	178	\$ -	\$ -	\$ -
RESIDENTIAL REHAB	179	\$ -	\$ -	\$ -
DISCRETIONARY/SMALL CITIES	180	\$ -	\$ -	\$ -
CDBG CONSORTIUM ACCOUNT	181	\$ -	\$ 230.74	\$ 230.74
URBAN DEVEL CORP WORKING	182	\$ -	\$ -	\$ -
RESTORE	184	\$ -	\$ -	\$ -
PUBLIC PARKING DEBT SERVICE	381	\$ 7,500.00	\$ -	\$ 7,500.00
SEWER DISTRICT DEBT SERVICE	382	\$ 25,000.00	\$ -	\$ 25,000.00
WATER DEBT SERVICE	383	\$ 100,000.00	\$ -	\$ 100,000.00
GENERAL FUND DEBT SERVICE	384	\$ 80,000.00	\$ -	\$ 80,000.00
SCAVENGER WASTE DEBT	385	\$ 175,000.00	\$ -	\$ 175,000.00
COMM DEVEL AGENCY CAP PROJECT	405	\$ -	\$ -	\$ -
TOWN HALL CAPITAL PROJECTS	406	\$ 275,000.00	\$ 44,659.93	\$ 319,659.93
EIGHT HUNDRED SERIES	408	\$ -	\$ 2,000.00	\$ 2,000.00
WATER IMPROVEMENT CAP PROJ	409	\$ -	\$ -	\$ -
NUTRITION CAPITAL IMPS	441	\$ -	\$ -	\$ -
CHIPS	451	\$ 80,000.00	\$ -	\$ 80,000.00
YOUTH SERVICES	452	\$ 4,000.00	\$ 504.93	\$ 4,504.93
SENIORS HELPING SENIORS	453	\$ -	\$ -	\$ -
EISEP	454	\$ -	\$ -	\$ -
SCAVENGER WASTE CAP PROJ	470	\$ -	\$ -	\$ -
MUNICIPAL FUEL	625	\$ 200,000.00	\$ 2,511.51	\$ 202,511.51
MUNICIPAL GARAGE	626	\$ 20,000.00	\$ 21,636.24	\$ 41,636.24
TRUST & AGENCY	735	\$ -	\$ 11,579.48	\$ 11,579.48
SPECIAL TRUST	736	\$ 150,000.00	\$ -	\$ 150,000.00
COMMUNITY DEVELOPMENT AGENCY	915	\$ -	\$ 3,750.00	\$ 3,750.00
JOINT SCAVENGER WASTE	918	\$ -	\$ 7,580.85	\$ 7,580.85
CENTRAL CLEARING ACCOUNT	999	\$ -	\$ -	\$ -
<b>TOTALS</b>		<b>\$ 3,958,500.00</b>	<b>\$ 341,865.69</b>	<b>\$ 4,300,365.69</b>

Candidate:  Yes  No  
 Kwasna:  Yes  No  
 Vialla:  Yes  No  
 Lull:  Yes  No  
 Kerit:  Yes  No  
**THIRDS**  
 THE RESOLUTION WAS  WAS NOT  
 THEREUPON DULY DECLARED ADOPTED

# Adopted

RESOLUTION # <u>748</u> ABSTRACT #34-98 AUGUST 13, 1998 (TBM 8/18/98)				
COUNCILMAN <u>LULL</u> offered the following Resolution which was seconded by				
COUNCILMAN <u>KWASNA</u>				
FUND NAME		CD-NONE	CHECKRUN TOTALS	GRAND TOTALS
GENERAL TOWN	001	\$ -	\$ 505,453.45	\$ 505,453.45
PARKING METER	002	\$ -	\$ 262.08	\$ 262.08
AMBULANCE	003	\$ -	\$ -	\$ -
POLICE ATHLETIC LEAGUE	004	\$ -	\$ 200.00	\$ 200.00
TEEN CENTER	005	\$ -	\$ -	\$ -
RECREATION PROGRAM	006	\$ -	\$ 12,565.35	\$ 12,565.35
SR NUTRITION SITE COUNCIL	007	\$ -	\$ -	\$ -
D.A.R.E. PROGRAM FUND	008	\$ -	\$ -	\$ -
CHILD CARE CENTER BUILDING FUND	009	\$ -	\$ -	\$ -
YOUTH COURT SCHOLARSHIP FUND	025	\$ -	\$ -	\$ -
SRS DAYCARE BUILDING FUND	027	\$ -	\$ 1,427.42	\$ 1,427.42
HIGHWAY	111	\$ -	\$ 52,834.57	\$ 52,834.57
WATER	112	\$ -	\$ 39,223.36	\$ 39,223.36
REPAIR & MAINTENANCE	113	\$ -	\$ -	\$ -
SEWER	114	\$ -	\$ 26,093.64	\$ 26,093.64
REFUSE & GARBAGE COLLECTION	115	\$ -	\$ 2,495.26	\$ 2,495.26
STREET LIGHTING DISTRICT	116	\$ -	\$ 9,433.70	\$ 9,433.70
PUBLIC PARKING DISTRICT	117	\$ -	\$ 4,027.23	\$ 4,027.23
BUSINESS IMPROVEMENT DISTRICT	118	\$ -	\$ 690.45	\$ 690.45
TOR URBAN DEV CORP TRUST ACCT	119	\$ -	\$ -	\$ -
WORKER'S COMPENSATION FUND	173	\$ -	\$ 1,964.63	\$ 1,964.63
HOSPITALIZATION SELF INSURANCE	174	\$ -	\$ -	\$ -
RISK RETENTION FUND	175	\$ -	\$ 750.00	\$ 750.00
UNEMPLOYMENT INSURANCE FUND	176	\$ -	\$ -	\$ -
MAIN STREET REHAB PROGRAM	177	\$ -	\$ -	\$ -
REVOLVING LOAN PROGRAM	178	\$ -	\$ -	\$ -
RESIDENTIAL REHAB	179	\$ -	\$ -	\$ -
DISCRETIONARY/SMALL CITIES	180	\$ -	\$ -	\$ -
CDBG CONSORTIUM ACCOUNT	181	\$ -	\$ 2,019.20	\$ 2,019.20
URBAN DEVEL CORP WORKING	182	\$ -	\$ -	\$ -
RESTORE	184	\$ -	\$ -	\$ -
PUBLIC PARKING DEBT SERVICE	381	\$ -	\$ -	\$ -
SEWER DISTRICT DEBT SERVICE	382	\$ -	\$ -	\$ -
WATER DEBT SERVICE	383	\$ -	\$ -	\$ -
GENERAL FUND DEBT SERVICE	384	\$ -	\$ -	\$ -
SCAVENGER WASTE DEBT	385	\$ -	\$ -	\$ -
COMM DEVEL AGENCY CAP PROJECT	405	\$ -	\$ -	\$ -
TOWN HALL CAPITAL PROJECTS	406	\$ -	\$ 108,238.71	\$ 108,238.71
EIGHT HUNDRED SERIES	408	\$ -	\$ -	\$ -
WATER IMPROVEMENT CAP PROJ	409	\$ -	\$ -	\$ -
NUTRITION CAPITAL IMPS	441	\$ -	\$ -	\$ -
CHIPS	451	\$ -	\$ -	\$ -
YOUTH SERVICES	452	\$ -	\$ 1,554.55	\$ 1,554.55
SENIORS HELPING SENIORS	453	\$ -	\$ 1,648.38	\$ 1,648.38
EISEP	454	\$ -	\$ 688.86	\$ 688.86
SCAVENGER WASTE CAP PROJ	470	\$ -	\$ -	\$ -
MUNICIPAL FUEL	625	\$ -	\$ 4,190.81	\$ 4,190.81
MUNICIPAL GARAGE	626	\$ -	\$ 5,139.92	\$ 5,139.92
TRUST & AGENCY	735	\$ -	\$ 557,305.72	\$ 557,305.72
SPECIAL TRUST	736	\$ -	\$ -	\$ -
COMMUNITY DEVELOPMENT AGENCY	915	\$ -	\$ -	\$ -
JOINT SCAVENGER WASTE	918	\$ -	\$ 13,390.69	\$ 13,390.69
CENTRAL CLEARING ACCOUNT	999	\$ -	\$ -	\$ -
TOTALS		\$ -	\$ 1,351,597.97	\$ 1,351,597.97

## ADDENDUM TO CONTRACT BETWEEN

**THE TOWN OF RIVERHEAD**, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York 11901, hereinafter referred to as "TOWN" and **RIVERHEAD BUSINESS IMPROVEMENT DISTRICT IMPROVEMENT MANAGEMENT ASSOCIATION, INC.**, with offices at 112 West Main Street, Riverhead, New York, 11901 hereinafter referred to as "BID" dated January 1, 1998.

**IT IS HEREBY MUTUALLY AGREED**, by the parties as of the date above, that One Thousand Six Hundred and 00/100 (\$1,600.00) Dollars shall be transferred from the BID general fund to payroll for the purpose of certain individuals who perform services on behalf of the Riverhead Business Improvement District Management Association, Inc.

**IN WITNESS HEREOF**, this Addendum has been executed by the respective parties as of the date hereinabove set forth.

RIVERHEAD BUSINESS  
IMPROVEMENT DISTRICT  
MANAGEMENT ASSOCIATION, INC.

TOWN OF RIVERHEAD

\_\_\_\_\_  
TIMOTHY YOUSIK

\_\_\_\_\_  
VINCENT G. VILLELLA

APPROVED AS TO FORM

\_\_\_\_\_  
ADAM B. GROSSMAN  
Town Attorney

\_\_\_\_\_  
JACK HANSEN  
Town Financial Administrator

# Adopted

8/18/98

## TOWN OF RIVERHEAD

Resolution # 750

### APPOINTS A PARK ATTENDANT TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN LULL offered the following resolution,  
which was seconded by COUNCILMAN CARDINALE

**RESOLVED**, that Sean McTavey is hereby appointed to serve as a Park Attendant, effective August 19, 1998 to and including, November 30, 1998, to be paid at the rate of \$6.00 per hour and to serve at the pleasure of the Town Board.

**BE IT FURTHER, RESOLVED**, that this position is subject to the following condition (s):

1. All applications and appropriate forms are to be completed (in the Office of Accounting) PRIOR to start date; and

**BE IT FURTHER, RESOLVED**, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

#### THE VOTE

Cardinale  Yes  No    Kent  Yes  No

Kwasna  Yes  No    Lull  Yes  No

Villella  Yes  No

THE RESOLUTION WAS  WAS NOT

THEREUPON DULY DECLARED ADOPTED