

AUGUST 19, 2014

CDA RESOLUTION LIST:

CDA

Res. #15 Authorizes The Town Of Riverhead Community Development Agency to Incur Indebtedness in an Amount Not to Exceed \$6,000,000.00 to be Secured by a Mortgage on Property Known and Described as EPCALand Authorizes the Supervisor to Execute a Loan Agreement, Note and Mortgage or Similar Agreements in Connection therewith on Behalf of the Riverhead Community Development Agency and Such Other Documents as Required in Connection with Such Loan and Mortgage for the Benefit of the Town of Riverhead Community Development Agency and the Town of Riverhead

CDA

Res. #16 Authorizes The Supervisor To Execute Application For Subdivision Of Property Described And Identified In The Comprehensive Development Plan For EPCAL (EPCAL Reuse & Revitalization Plan) And Draft Supplemental Generic Environmental Impact Statement And Authorizes Referral Of The Application For Subdivision To The Planning Board For The Town Of Riverhead

TOWN BOARD RESOLUTION LIST:

Res. #588 Authorizes Town Clerk to Publish and Post a Public Notice to Consider Adopting a Local Law to Override the Tax Levy Limit Established by and Set Forth in Article Two §3-c of the General Municipal Law

Res. #589 Authorizes the Town of Riverhead Community Development Agency to Incur Indebtedness in an Amount Not to Exceed \$6,000,000.00 to be Secured by a Mortgage on Property Known and Described as EPCAL; The Town of Riverhead to Guarantee Such Loan Incurred by the Town Of Riverhead Community Development Agency and Authorizes the Supervisor to Execute a Loan Agreement, Note and Mortgage, or Similar Agreements in Connection Therewith on Behalf of the Riverhead Community Development Agency and Execute a Guaranty of the Town Of Riverhead to Guarantee Such Loan and Such Other Documents as Required in Connection with Such Loan, Mortgage and Guaranty for the Benefit of the Town of Riverhead Community Development Agency and the Town of Riverhead

- Res. #590** Rescinds Resolution #579 of 2014 (Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Transfer of Development Rights - §108-330. – Redemption of Preservation Credits.)
- Res. #591** Authorizes the Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (Transfer of Development Rights) (§108-330. Redemption of Preservation Credits.)
- Res. #592** Suffolk County District Attorney’s Forfeited Asset Sharing Program Budget Adoption
- Res. #593** Town Board Direction to Personnel Director & Financial Administrator to Process Town Justice Allen Smith’s Request for Retirement Benefits
- Res. #594** Terminates the Employment of a Laborer in the Sanitation Department (Brett Kurz)
- Res. #595** Authorizes the Acceptance of Donation from Nile Rodgers Productions, Inc.
- Res. #596** Recreation Fund Budget Adjustment
- Res. #597** General Fund Budget Adjustment
- Res. #598** Accepts Donation of Park Improvements for the Duke Dog Park from Riverhead MTAS, Inc. (Move the Animal Shelter)
- Res. #599** Authorizes the Supervisor to Issue a Letter to the Suffolk County Department of Health Services Allowing the Use of Pine Barrens Credits Originating from Property Located in Riverhead for Use in Islip
- Res. #600** Ratifies the Appointment of a Bus Driver to the Recreation Department (Dawn Detmer)
- Res. #601** Town Board Declares Lead Agency and Authorizes Town Clerk to Publish and Post Public Notice to Consider a Change of Zone from DC-4 to DC-1 for the Property Located at 24 East Second Street, Riverhead, NY, SCTM #0600-128-5-25.1

- Res. #602 Approves Chapter 90 Application of the Original Endless Summer Championship Car Shows, LLC (September 21, 2014 at Splish Splash Water Park)**
- Res. #603 Approves the Chapter 90 Application of Garden of Eve, LLC (L.I. Garlic Festival)**
- Res. #604 Approves the Chapter 90 Application of Hallockville Inc. (Fall Festival & Craft Fair – September 13th and 14th, 2014)**
- Res. #605 Ratifies the Approval of the Chapter 90 Application of Home Depot Development of Maryland, Inc. (Tent Sale – August 14th, 2014 through October 6th, 2014)**
- Res. #606 Appoints Interpreter for Police Department and Justice Court (Rossana Froehlich)**
- Res. #607 Authorizes the Supervisor to Execute application for Subdivision of Property Described and Identified in the Comprehensive Development Plan for EPCAL (EPCAL Reuse & Revitalization Plan) and Draft Supplemental Generic Environmental Impact Statement and Authorizes Referral of the Application for Subdivision to the Planning Board for the Town of Riverhead**
- Res. #608 Pays Bills**
- Res. #609 Rescinds Resolution Number 334 of 2014 (Authorizes the Supervisor to Execute a Professional Services Agreement with Business Automation Services (BAS))**

**TOWN OF RIVERHEAD
Community Development Agency**

Resolution # 15

AUTHORIZES THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY TO INCUR INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$6,000,000.00 TO BE SECURED BY A MORTGAGE ON PROPERTY KNOWN AND DESCRIBED AS EPCAL AND AUTHORIZES THE SUPERVISOR TO EXECUTE A LOAN AGREEMENT, NOTE AND MORTGAGE OR SIMILAR AGREEMENTS IN CONNECTION THEREWITH ON BEHALF OF THE RIVERHEAD COMMUNITY DEVELOPMENT AGENCY AND SUCH OTHER DOCUMENTS AS REQUIRED IN CONNECTION WITH SUCH LOAN AND MORTGAGE FOR THE BENEFIT OF THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY AND THE TOWN OF RIVERHEAD

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

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

WHEREAS, the Town of Riverhead has previously incurred certain economic development/urban renewal costs at or related to EPCAL on behalf of the Town of Riverhead Community Development Agency in an amount not less than \$2,800,000.00 ("Prior Economic Development Expenditures"); and

WHEREAS, the Town of Riverhead Community Development Agency expects to incur costs and expenses in connection with the ongoing development of the revised land use plan, associated zoning, updated market assessment, subdivision plan and proposed sale of certain land parcels at EPCAL; and

WHEREAS, the Town of Riverhead Community Development Agency proposes to incur a non-restoring line of credit loan evidenced by a note ("Note") from Suffolk County National Bank ("Lender") secured by a mortgage on the property known and described as EPCAL ("Mortgage"), in an amount not to exceed \$6,000,000.00, for a maximum term of two years, at an interest rate of prime plus 0% floating, with no prepayment penalty ("Loan"), in order to repay to the Town of Riverhead all or a portion of the Prior Economic Development Expenditures and to pay for a portion of the Riverhead Community Development Agency's costs and expenses to be incurred in connection with the ongoing development of the revised land use plan, associated

zoning, updated market assessment, subdivision plan and proposed sale of certain land parcels at EPCAL; and

WHEREAS, the Town of Riverhead, in order induce the Lender to extend the Loan, proposes to guaranty the Loan pursuant to Section 503-a(3) of Article 15 of the New York General Municipal Law ("Urban Renewal Law"); and

WHEREAS, the Town Board, acting as governing body of the Community Development Agency, by resolution #4 adopted on February 4, 2014, did authorize the Supervisor to execute an agreement with Harris Beach, PLLC for legal services related to and necessary to secure a short term loan to be incurred by the Community Development Agency secured by property owned by the Community Development Agency located within EPCAL in an amount not to exceed \$6,000,000 and legal services related to the lease, sale or increment financing related to specific projects or infrastructure within EPCAL subject to the following: (1) an agreement between Harris Beach, PLLC and the Town of Riverhead Community Development Agency which includes (a) a restriction that fee for legal services related to a short term loan secured by property located within EPCAL shall not exceed the municipal rate of \$275.00 per hour (b) professional liability insurance equal to the amount of any such loan or financing secured for the Community Development Agency, (c) authorization, via Town Board resolution, for all such other tasks and/or assignments related to negotiation and/or preparation of documents for development projects and/or infrastructure improvements within EPCAL (d) the fees for all such other tasks and/or assignments outlined in 1 (c) shall not be borne by the Town of Riverhead and instead the fees for such services will be made the responsibility of any development project/lessee/purchaser of lands within EPCAL, and (e) such other terms deemed necessary and appropriate by the Office of the Town Attorney of the Town of Riverhead; and

WHEREAS, Harris Beach, PLLC was consulted and did provide legal advice with respect to all matters referenced in paragraphs 2 through 7 above.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board acting on behalf of the Town of Riverhead Community Development Agency does hereby authorize the Town of Riverhead Community Development Agency to incur the Loan, issue the Note, secure the Loan with the Mortgage on the property known and described as EPCAL, and enter into and provide such agreements and such other documents as may be required to effectuate the Loan and the Mortgage, and authorizes the payment of \$25,000.00 as and for commitment fee to Suffolk County National Bank; and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor acting on behalf of the Town of Riverhead Community Development Agency to execute a loan agreement or similar agreement, the Note a mortgage and such other documents as may be required to effectuate the Loan and the Mortgage, and authorizes the payment of \$25,000.00 as and for commitment fee to Suffolk County National Bank; and be it further

RESOLVED, that upon the direction of the Supervisor, the Financial Administrator is authorized to prepare and deliver such reports as may be required by the Lender

related to said Loan and prepare required accounting records, i.e. operating accounts, transfer of proceed reports, for and on behalf of the Town of Riverhead Community Development Agency to record said Loan and any such transactions involving said Loan; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Harris Beach, PLLC, and a copy to Christine Kempner, Community Development Agency Director, and Office of the Town Attorney; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared TABLED

TABLED

**TOWN OF RIVERHEAD
Community Development Agency**

Resolution # 16

**AUTHORIZES THE SUPERVISOR TO EXECUTE APPLICATION FOR SUBDIVISION
OF PROPERTY DESCRIBED AND IDENTIFIED IN THE COMPREHENSIVE
DEVELOPMENT PLAN FOR EPCAL (EPCAL REUSE & REVITALIZATION PLAN)
AND DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
AND AUTHORIZES REFERRAL OF THE APPLICATION FOR SUBDIVISION TO
THE PLANNING BOARD FOR THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on December 8, 2011, VHB Engineering, Surveying and Landscaping Architecture, P.C. (VHB), on behalf of the Town and Community Development Agency (CDA), presented, during an open and public session of the Town Board, a plan for development and an alternate plan for development (hereinafter referred to as development plan "B") incorporating the recommendations and findings of the market study prepared by RKG; and

WHEREAS, the Town Board, as governing body of the Town of Riverhead and acting as governing body of the Town of Riverhead Community Development Agency, by Town Board Resolution #937 of 2011, accepted and adopted the findings and recommendations for EPCAL redevelopment prepared by RKG Associates (RKG) and also authorized VHB to proceed towards the requisite State Environmental Quality Review (SEQR) of their alternative plans for development; and

WHEREAS, by CDA Resolution # 5 of 2013, adopted on May 7, 2013, the Town Board, as governing body of the Town of Riverhead and acting as governing body of the Town of Riverhead Community Development Agency, accepted for SEQR purposes the Full Environmental Assessment Form (EAF) Part I, the Alternative Subdivision Sketch C for Enterprise Park at Calverton dated April 26, 2013 and the draft scope of issues necessary for the anticipated Draft Supplemental Generic Environmental Impact Statement (SGEIS) prepared by VHB for that portion of land within EPCAL owned by the Community Development Agency; and

WHEREAS, the Part 1 of the Full Environmental Assessment Form, a subdivision sketch plan (referred to as Alternative Subdivision Sketch C for Enterprise Park at Calverton dated April 26, 2013) and a preliminary Draft Scope for the Draft Supplemental Generic Environmental Impact Statement were distributed to all involved agencies indicating the Town Board's intention to declare itself as lead agency if upon expiration of the coordination period no objections to same had been received by the Town Board; and

WHEREAS, the Town Board, as governing body of the Town of Riverhead and acting as governing body of the Town of Riverhead Community Development Agency, upon completion of coordinated review pursuant to 6 NYCRR Part 617.6 and having received no objection from any involved agencies did, by adoption of CDA Resolution

#10 on June 18, 2013, declare itself to be the lead agency for the proposed action, classified it as a Type I action pursuant to 6 NYCRR Part 617.4 and having determined the proposed action had the potential to result in significant adverse impacts, adopted a Positive Declaration of Significance requiring that, pursuant to 6 NYCRR Part 617.10, a Draft Supplemental Generic Environmental Impact Statement be prepared; and

WHEREAS, the Town Board determined that the proposed action has the potential to result in significant adverse impacts to the environment and adopted a Positive Declaration requiring that a Draft Supplemental Generic Environmental Impact Statement be prepared; and

WHEREAS, by CDA Resolution #11 adopted on June 18, 2013, the Town Board authorized the Town Clerk to publish and post Notice of Scoping Hearing upon the Draft Scope for Draft Supplemental Generic Environmental Impact Statement required for a comprehensive development plan for EPCAL, including Amendment to Zoning and Subdivision for EPCAL; and

WHEREAS, on July 17, 2013, the Town Board, acting as governing body of the Community Development Agency, conducted a public Scoping Hearing on the Draft Scope for the Draft Supplemental Generic Environmental Impact Statement supporting the proposed action to wit: the creation of a conceptual development plan (Reuse & Revitalization Plan) including subdivision (referred to as Alternative Subdivision Sketch C for Enterprise Park at Calverton dated April 26, 2013) of the EPCAL property into 50 lots for ultimate redevelopment with a mix of uses (e.g., business [commercial and retail], industrial, residential, recreation, utilities) and the retention of substantial open space; the amendment to the Town of Riverhead Comprehensive Plan; the amendment of the zoning code and zoning map of the Town of Riverhead to rezone the 2,323.9 acre EPCAL property consistent with the Reuse & Revitalization Plan for property owned by the CDA within EPCAL described as approximately 2,323.9 acres of real property located south of Middle Country Road (SR25), north of Grumman Boulevard and east of Wading River Manor Road (CR25), Calverton Hamlet, being more particularly described as Suffolk County Tax Map No. 0600-135-1-7.1,7.2,7.33&7.4.; and

WHEREAS, for a period of one week after the close of the public hearing on the Draft Scope, the Town Board did accept written comments on the Draft Scope for the Draft Supplemental Generic Environmental Impact Statement; and

WHEREAS, the Town Board and members of the Planning Staff for the Town of Riverhead, with the assistance and participation of VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB), did review all comments made at the public Scoping Hearing and all written comments received pursuant to the Notice of Scoping Hearing; and

WHEREAS, the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by CDA Resolution #14 adopted on October 1, 2013, did thereby adopt a Final Scope for the Draft Supplemental Generic Environmental Impact Statement supporting the proposed action, to wit: the creation of a conceptual development plan (Reuse & Revitalization Plan) including subdivision of the EPCAL property into 50 lots for ultimate redevelopment with a mix of uses (e.g., business [commercial and retail], industrial, residential, recreation, utilities) and the retention of substantial open space; the amendment to the Town of Riverhead Comprehensive Plan; the amendment of the

zoning code and zoning map of the Town of Riverhead to rezone the 2,323.9 acre EPCAL property consistent with the Reuse & Revitalization Plan for property owned by the CDA within EPCAL described as approximately 2,323.9 acres of real property located south of Middle Country Road (SR25), north of Grumman Boulevard and east of Wading River Manor Road (CR25), Calverton Hamlet, being more particularly described as Suffolk County Tax Map No. 0600-135-1-7.1,7.2,7.33&7.4; and

WHEREAS, pursuant to NYCRR 617.9(a) and (b) after adoption of the Final Scope and consistent with the Final Scope, the Town Board and members of the Planning Staff for the Town of Riverhead, with the assistance and participation of VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB), did complete a Draft Supplemental Generic Environmental Impact Statement; and

WHEREAS, pursuant to NYCRR 617.9 (a)(2), the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by Town Board Resolution # 582 adopted on August 7, 2014, did accept and determine that the Draft Supplemental Generic Environmental Impact Statement was adequate with respect to its scope and content for the purpose of commencing public review; and

WHEREAS, pursuant to NYCRR 617.9 (a)(3), the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by Town Board Resolution # 582 adopted on August 7, 2014, did prepare a Notice of Completion of the Draft Supplemental Generic Environmental Impact Statement and authorized and directed the Town Clerk pursuant to 6 NYCRR Part 617.12 to file and publish the Notice of Completion, together with the Draft Supplemental Generic Environmental Impact Statement; and

WHEREAS, pursuant to NYCRR 617.9(a)(4), the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by Town Board Resolution # 583 on August 7, 2014, determined that it is appropriate to hold a public hearing on the Draft Supplemental Generic Environmental Impact Statement and provide for public comment through the forum of a public hearing and submission of written comment and further determined that it is appropriate to conduct a combined hearing for the Draft Supplemental Generic Environmental Impact Statement, comprehensive development plan for EPCAL (EPCAL Reuse & Revitalization Plan), amendment to the Town of Riverhead Comprehensive Master Plan, creation and adoption of a Planned Development (PD) Zoning District, amendment to the zoning map of the Town of Riverhead to rezone the subject property to the PD Zoning District, and amendment to the Calverton Urban Renewal Plan

WHEREAS, the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by Town Board Resolution #584 adopted on August 7, 2014, the Town Board did refer the EPCAL Reuse & Revitalization Plan (an updated and amended urban renewal plan for the redevelopment of a portion of property identified and designated as an urban renewal area under the original urban renewal Plan "Calverton Enterprise Park Urban Renewal Plan"), which as fully described in the EPCAL Reuse & Revitalization Plan and Draft Supplemental Generic Environmental Impact Statement for the EPCAL Reuse & Revitalization Plan includes subdivision of the EPCAL property into 50 lots for ultimate redevelopment with a mix of uses (e.g., business [commercial and retail], industrial, residential, recreation, utilities) and the retention of substantial open space;

the amendment to the Town of Riverhead Comprehensive Plan; the amendment of the zoning code and zoning map of the Town of Riverhead to rezone the 2,323.9 acre of the EPCAL property consistent with the Reuse & Revitalization Plan; and

WHEREAS, pursuant to the Town Code for the Town of Riverhead Chapter 108 Article XX, the Planning Board for the Town of Riverhead is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, and to approve preliminary plats within that part of the Town outside the limits of any incorporated city or village and the Planning Board is further authorized and empowered to approve the development of plats already filed in the office of the Suffolk County Clerk or Register of Suffolk County if such plats are entirely or partially undeveloped.

NOW, THEREFORE, BE IT RESOLVED, the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, authorizes the Supervisor to complete and execute an application for subdivision and such other documents related to and necessary to complete the application and/or procedural prerequisites related to referral of the application to the Planning Board of the Town of Riverhead; and be it further

RESOLVED, that after completion and execution of the requisite application for subdivision, the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, authorizes the submission of the application for subdivision to the Town of Riverhead Planning Board; and be it further

RESOLVED, that the Town Clerk is authorized and hereby directed to post this resolution on the Town's website www.townofriverheadny.gov; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to VHB Engineering, Surveying and Landscaping Architecture, P.C., 2150 Joshua's Path, Suite 300, Hauppauge, NY 11788; Supervisor of the Town of Riverhead, Sean W. Walter; Members of the Town Board of the Town of Riverhead; Christine Kempner, Community Development Agency Director; Rick Hanley, Planning Director; Jefferson Murphree, Building and Planning Administrator; and Annemarie Prudenti, Deputy Town Attorney, and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared ADOPTED

TOWN OF RIVERHEAD

Resolution # 588

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE
TO CONSIDER ADOPTING A LOCAL LAW TO OVERRIDE THE TAX
LEVY LIMIT ESTABLISHED BY AND SET FORTH IN ARTICLE TWO §3-c OF
THE GENERAL MUNICIPAL LAW**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on June 24, 2011, the New York State Legislature enacted Chapter 97 of the New York State Laws of 2011, hereinafter referred to as "General Municipal Law Article Two §3-c" or simply "General Municipal Law§3-c ; and

WHEREAS, General Municipal Law §3-c expressly authorizes local governments, such as the Town of Riverhead, to override the tax levy limit by the adoption of a local law approved by a vote of at least sixty percent (60%) of the total voting power of the Town Board for the Town of Riverhead; and

WHEREAS, at the request of the Town Board, the Office of the Town Attorney prepared a Local Law to Override the Tax Levy Limit established in General Municipal Law §3-cfor the budget year 2015.

NOW, THEREFORE, BE IT RESOLVED the Town Clerk be and is hereby authorized to publish the attached public notice to consider adopting a Local Law to Override the Tax Levy Limit established in General Municipal Law 3-c once in the August 28, 2014 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the sign board at Town Hall; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared TABLED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 16th day of September, 2014 at 7:20 o'clock p.m. to consider a "Local Law to Override the Tax Levy Limit established by and set forth in General Municipal Law §3-cas follows:

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY AND SET FORTH IN GENERAL MUNICIPAL LAW § 3-C

Section 1. Legislative Intent

It is the intent of this Local Law to allow the Town of Riverhead to override the limit on the amount of real property taxes that may be levied by the Town of Riverhead, Suffolk County, New York pursuant to General Municipal Law 3-c and to allow the Town of Riverhead, Suffolk County, New York to adopt a town budget for town purposes and any other special or improvement districts governed by the town board for the fiscal year 2015 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

The Town of Riverhead is dependent upon the real property tax to fund town services and the Town does not have the authority to raise sales taxes or income taxes. The non-property tax revenues, sales taxes and New York State Aid to Municipality ("AIM") payments are subject to market fluctuations and the ability of federal, state and local governments to share revenue with the Town of Riverhead. While the Town of Riverhead has made significant efforts to reduce spending in an effort to avoid piercing the tax levy limit, the decline in revenue and depletion of available fund balance reserves in the general fund, together with the potential increase in costs to provide town services and fund town operations for 2015 will likely require adoption of a budget in excess of the tax levy limit.

Section 2. Authority

This local law adopted pursuant General Municipal Law § 3-c (5) which expressly authorizes a local government's governing body to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Riverhead, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year 2015 that requires a real property tax levy in excess of the limit established by and set forth in General Municipal Law § 3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Dated: Riverhead, New York
August 19, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

TOWN OF RIVERHEAD

Resolution # 589

AUTHORIZES THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY TO INCUR INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$6,000,000.00 TO BE SECURED BY A MORTGAGE ON PROPERTY KNOWN AND DESCRIBED AS EPCAL; THE TOWN OF RIVERHEAD TO GUARANTEE SUCH LOAN INCURRED BY THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY AND AUTHORIZES THE SUPERVISOR TO EXECUTE A LOAN AGREEMENT, NOTE AND MORTGAGE, OR SIMILAR AGREEMENTS IN CONNECTION THEREWITH ON BEHALF OF THE RIVERHEAD COMMUNITY DEVELOPMENT AGENCY AND EXECUTE A GUARANTY OF THE TOWN OF RIVERHEAD TO GUARANTEE SUCH LOAN AND SUCH OTHER DOCUMENTS AS REQUIRED IN CONNECTION WITH SUCH LOAN, MORTGAGE AND GUARANTY FOR THE BENEFIT OF THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY AND THE TOWN OF RIVERHEAD

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

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

WHEREAS, the Town of Riverhead has previously incurred certain economic development/urban renewal costs at or related to EPCAL on behalf of the Town of Riverhead Community Development Agency in an amount not less than \$2,800,000.00 ("Prior Economic Development Expenditures"); and

WHEREAS, the Town of Riverhead Community Development Agency expects to incur costs and expenses in connection with the ongoing development of the revised land use plan, associated zoning, updated market assessment, subdivision plan and proposed sale of certain land parcels at EPCAL; and

WHEREAS, the Town of Riverhead Community Development Agency proposes to incur a non-restoring line of credit loan evidenced by a note ("Note") from Suffolk County National Bank ("Lender") secured by a mortgage on the property known and described as EPCAL ("Mortgage"), in an amount not to exceed \$6,000,000.00, for a maximum term of two years, at an interest rate of prime plus 0% floating, with no prepayment penalty ("Loan"), in order to repay to the Town of Riverhead all or a portion of the Prior Economic Development Expenditures and to pay for a portion of the

Riverhead Community Development Agency's costs and expenses to be incurred in connection with the ongoing development of the revised land use plan, associated zoning, updated market assessment, subdivision plan and proposed sale of certain land parcels at EPCAL; and

WHEREAS, the Town of Riverhead, in order to induce the Lender to extend the Loan, proposes to guaranty the Loan pursuant to Section 503-a(3) of Article 15 of the New York General Municipal Law ("Urban Renewal Law"); and

WHEREAS, pursuant to Section 503-a(3) of the Urban Renewal Law, such guaranty shall be authorized by a resolution of the Town Board, which resolution shall be adopted by at least a two-thirds vote of the total voting strength of the Town Board and shall prescribe the manner in which such guarantee shall be evidenced; and

WHEREAS, the Town Board, acting as governing body of the Community Development Agency, by resolution #4 adopted on February 4, 2014, did authorize the Supervisor to execute an agreement with Harris Beach, PLLC for legal services related to and necessary to secure a short term loan to be incurred by the Community Development Agency secured by property owned by the Community Development Agency located within EPCAL in an amount not to exceed \$6,000,000 and legal services related to the lease, sale or increment financing related to specific projects or infrastructure within EPCAL subject to the following: (1) an agreement between Harris Beach, PLLC and the Town of Riverhead Community Development Agency which includes (a) a restriction that fee for legal services related to a short term loan secured by property located within EPCAL shall not exceed the municipal rate of \$275.00 per hour (b) professional liability insurance equal to the amount of any such loan or financing secured for the Community Development Agency, (c) authorization, via Town Board resolution, for all such other tasks and/or assignments related to negotiation and/or preparation of documents for development projects and/or infrastructure improvements within EPCAL (d) the fees for all such other tasks and/or assignments outlined in 1 (c) shall not be borne by the Town of Riverhead and instead the fees for such services will be made the responsibility of any development project/lessee/purchaser of lands within EPCAL, and (e) such other terms deemed necessary and appropriate by the Office of the Town Attorney of the Town of Riverhead; and

WHEREAS, Harris Beach, PLLC was consulted and did provide legal advice with respect to all matters referenced in paragraphs 2 through 7 above.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the Town of Riverhead Community Development Agency to incur the Loan, issue the Note, secure the Loan with the Mortgage on the property known and described as EPCAL and enter into and provide such agreements and such other documents as may be required to effectuate the Loan and the Mortgage, and authorizes the payment of \$25,000.00 as and for commitment fee to Suffolk County National Bank; and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor acting on behalf of the Town of Riverhead Community Development Agency to execute a loan agreement or similar agreement, the Note, a mortgage and such other documents as

may be required to effectuate the Loan and the Mortgage, and authorizes the payment of \$25,000.00 as and for commitment fee to Suffolk County National Bank; and be it further

RESOLVED, that the Town Board does hereby authorize the Town of Riverhead to guaranty the Loan and the Supervisor acting on behalf of the Town of Riverhead to execute and deliver a guaranty, or similar agreement evidencing the guaranty of the Town of Riverhead of all principal of and interest on the Loan and such other documents as may be required to effectuate such guaranty; and be it further

RESOLVED, that upon the direction of the Supervisor, the Financial Administrator is authorized to prepare and deliver such reports as may be required by the Lender related to said Loan and prepare required accounting records, i.e. operating accounts, transfer of proceed reports, for and on behalf of the Town of Riverhead to record said Loan and any such transactions involving said Loan; and be it further

RESOLVED, that upon the direction of the Supervisor, the Financial Administrator is authorized to deposit any amounts received from the Town of Riverhead Community Development Agency as repayment of Prior Economic Development Expenditures into the General Fund of the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Harris Beach, PLLC, and a copy to Christine Kempner, Community Development Agency Director, and Office of the Town Attorney; and be it further

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

THE VOTE

Giglio Yes No

Wooten - ABSENT

Gabrielsen Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared TABLED

TOWN OF RIVERHEAD

Resolution # 590

RESCINDS RESOLUTION #579 OF 2014
(AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF
THE RIVERHEAD TOWN CODE (TRANSFER OF DEVELOPMENT RIGHTS - §108-
330. – Redemption of preservation credits.)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, it has been determined to rescind Resolution #579 dated August 5, 2014 and to publish and post the subject zoning amendment.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby rescinds Resolution #579 of 2014; and be it further

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

THE VOTE

Giglio Yes No

Wooten - ABSENT

Gabrielsen Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared ADOPTED

TOWN OF RIVERHEAD

Resolution # 591

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF
THE RIVERHEAD TOWN CODE
(TRANSFER OF DEVELOPMENT RIGHTS)
(§108-330. Redemption of preservation credits.)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the August 28, 2014 issue of the News Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten - ABSENT

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 16th day of September, 2014 at 7:10 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

ARTICLE LXII
ZONING
Transfer of Development Rights

§ 108-330. Redemption of preservation credits.

D. Retirement Community (RC) Zoning Use District. Preservation credits may be used to increase the development yield associated with site plan applications made to the Town Board pursuant to Article XXIII of the Riverhead Zoning Ordinance. In its review and approval of such site plan applications, the Town Board may increase the allowable development yield at a rate of one dwelling unit per preservation credit redeemed, not to exceed four dwelling units per 40,000 square feet. In its review and approval of subdivision within the RC Zoning Use District utilizing preservation credits, the Planning Board shall condition the final map approval upon the redemption of the appropriate number of credits, with the signature and recording of the subdivision predicated upon the redemption and retiring of the appropriate number of preservation credits. The purchase of preservation credits shall not be required to increase the allowable development yield when the purchase of an equivalent number of Pine Barren Credits is required by the Suffolk County Health Department. Notwithstanding the foregoing, in order to be exempt from the purchase of preservation credits to increase development yield based on the purchase of Pine Barrens Credits, the purchase and use of Pine Barren Credits can only be from properties located within the Town of Riverhead.

- Underline represents addition(s)

Dated: Riverhead, New York
August 19, 2014

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 592

SUFFOLK COUNTY DISTRICT ATTORNEY'S FORFEITED ASSET SHARING PROGRAM

BUDGET ADOPTION

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, \$5,150 has been received from Suffolk County District Attorney Thomas J. Spota by the Town of Riverhead Police Department to purchase an all-terrain vehicle to be utilized by the Department.

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

		<u>FROM</u>	<u>TO</u>
001.034389.493210	Public Safety - Federal Aid	5,150	
001.031200.524101	New Vehicles		5,150

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 593

TOWN BOARD DIRECTION TO PERSONNEL DIRECTOR & FINANCIAL ADMINISTRATOR TO PROCESS TOWN JUSTICE ALLEN SMITH'S REQUEST FOR RETIREMENT BENEFITS

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, pursuant to the applicable provisions of the Town of Riverhead Employee Benefits and Policies and pursuant to the rules and regulations of the New York State & Local Retirement System, Town Justice Allen Smith has sufficient years of service credit and otherwise qualifies to retire; and

WHEREAS, pursuant to the rules and regulations of the New York State & Local Retirement System, a retiree may continue public employment subject to such other applicable provisions of law, i.e. RSSL §§211, 212; and

WHEREAS, Allen Smith completed and filed his application for service retirement with the New York State & Local Retirement System and, in turn, the New York State & Local Retirement System notified the Town that Mr. Smith applied for retirement effective June 19, 2013 and requested that the Town complete Accrued Payment and Leave Credits (Form RS6221) as and for the effective date of retirement.

NOW THEREFORE BE IT RESOLVED, that the Town Board does hereby direct the Personnel Department and Office of the Financial Administrator to complete Accrued Payment and Leave Credits (Form RS6221) and such other forms to accept and effectuate Allen Smith's retirement effective June 19, 2013; and be it further

RESOLVED, that the Personnel Director shall advise Mr. Smith of his responsibility to comply with the rules and regulations of New York State & Local Retirement System regarding post retirement public employment, to wit: Town Justice, that may affect his retirement benefits; and

RESOLVED, the Town Clerk is hereby directed to forward a certified copy of this resolution to Allen Smith, the Personnel Officer and the Financial Administrator; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten - ABSENT

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 594

TERMINATES THE EMPLOYMENT OF A LABORER IN THE SANITATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Supervisor Walter

WHEREAS, Brett Kurz (“Kurz”) has been cumulatively absent from work for over 260 work days due to a work-related injury sustained on June 28, 2010; and

WHEREAS, on July 8, 2014, the Town of Riverhead (the “Town”), sent correspondence to Kurz notifying him that the Town intended to terminate his employment on August 19, 2014 pursuant to Section 71 of the Civil Service Law (“CSL § 71”) ; and

WHEREAS, said notice dated July 8, 2014, provided Kurz an opportunity to attend a hearing scheduled on August 11, 2014 if he wished to contest his termination with the Town pursuant to CSL § 71; and

WHEREAS, Kurz did not contest his termination with the Town and did not attend the hearing scheduled on August 11, 2014.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 71 of New York State Civil Service Law, this Town Board hereby terminates Brett Kurz, a Laborer in the Riverhead Town Sanitation Department, effective August 19, 2014; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Brett Kurz, the Sanitation Supervisor, the Financial Administrator, the Town Attorney and the Personnel Director; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared ADOPTED

TOWN OF RIVERHEAD

Resolution # 595

**AUTHORIZES THE ACCEPTANCE OF DONATION
FROM NILE RODGERS PRODUCTIONS, INC.**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Nile Rodgers Productions, Inc has expressed a desire to donate the sum of \$2,500.00 for the express purpose of assisting in the funding of the Town of Riverhead Police Athletic League programs; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, the Town of Riverhead accepts the donation from Nile Rodgers Productions, Inc and pursuant to the terms and conditions of the donation the Town Board authorizes the following budget adjustment to fund Police Athletic League programs:

		<u>From</u>	<u>To</u>
004.092705.471000	PAL Donations	2,500	
004.031200.543613	Football Referee Expense		1,500
004.073102.543614	Soccer Referee Expense		1,000

RESOLVED, that the Town Clerk shall provide a copy of this resolution to the Financial Administrator and Lt. Richard Boden; and

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten - ABSENT

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared ADOPTED

TOWN OF RIVERHEAD

Resolution # 596

RECREATION FUND

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Superintendent of Recreation is requesting a budget adjustment for the printing of the Fall Brochure.

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

	<u>FROM</u>	<u>TO</u>
006.073100.543405 Travel	2,500	
006.070200.549000 Miscellaneous	2,000	
006.071100.542512 Signs	1,800	
006.076200.542600 Printing		6,300

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 597

GENERAL FUND

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Superintendent of Recreation is requesting a budget adjustment for the printing of the Fall Brochure.

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

		<u>FROM</u>	<u>TO</u>
001.073105.515500	Personal Services	2,000	
001.071100.515501	Skate Park Attendants	2,000	
001.073105.542100	Supplies	500	
001.070200.542600	Printing		4,500

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 598

**ACCEPTS DONATION OF PARK IMPROVEMENTS FOR THE DUKE DOG PARK
FROM RIVERHEAD MTAS, INC. (MOVE THE ANIMAL SHELTER)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Riverhead MTAS, Inc. (Move the Animal Shelter) is a 501c organization whose goal is to generate donations for the relocation and construction of a new municipal animal shelter and the creation of dog parks throughout the Town; and

WHEREAS, Riverhead MTAS, Inc. has offered to donate park improvements, material and labor to the Duke Dog Park located at Stotzky Park; and

WHEREAS, Riverhead MTAS offered to donate material valued at less than \$20,000.00 such that competitive bidding is not required by General Municipal Law section 103; and

WHEREAS, Riverhead MTAS offered to donate labor, individuals volunteering their time and expertise, valued at less than \$30,000.00 such that competitive bidding is not required by General Municipal Law section 103; and

WHEREAS, pursuant to New York State Town Law §64-8, the Town may take by gift any real or personal property for public use or benefit; and

WHEREAS, the Town Board finds that acceptance of these park improvements at no cost to the Town is in the best interest of the residents of the Town of Riverhead

WHEREAS, Riverhead MTAS has represented that the amount of work to be done is below the threshold that would require this to go to competitive bidding pursuant to GML 103§; and

WHEREAS, a certificate of insurance naming the Town of Riverhead as an additional insured must be provided by Riverhead MTAS providing coverage in a minimum amount of \$1,000,000.00 for MTAS, its employees and all volunteers for the Duke Dog Park improvement project prior to the start of the project; and

WHEREAS, Riverhead MTAS must execute a hold harmless agreement with the Town of Riverhead, defending and indemnifying the Town of Riverhead; and

WHEREAS, to the extent that Riverhead MTAS determines that the project requires Riverhead MTAS to retain the services of any individual or entity as opposed to

volunteers (no pay), Riverhead MTAS agrees that the cost for labor may not exceed the statutory limit (\$30,000) set forth in General Municipal Law 103 and Riverhead MTAS shall comply with "Prevailing Wage Rate" set forth in the New York State Labor Law which requires public work contractors and subcontractors to pay laborers, workers or mechanics employed in the performance of a public work contract not less than the prevailing rate of wage and to provide supplements (fringe benefits) in accordance with prevailing practices.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Riverhead hereby accepts the donation of park improvements for Duke Dog Park from Riverhead MTAS, Inc. subject to and conditioned upon (1) submission of plan for improvements (including identification of material and location of proposed improvements) to the Recreation Department for approval; (2) material and labor shall not exceed the statutory monetary limits set forth in General Municipal Law 103, (3) a certificate of insurance naming the Town of Riverhead as an additional insured must be provided by Riverhead MTAS providing coverage for MTAS and all volunteers for the Duke Dog Park improvement project prior to the start of the project, and (4) Riverhead MTAS must execute a hold harmless agreement with the Town of Riverhead, defending and indemnifying the Town of Riverhead prior to the start of the project; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Riverhead MTAS, Inc., c/o Denise Lucas, P.O. Box 635, Riverhead, NY 11901; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared ADOPTED

TOWN OF RIVERHEAD

Resolution # 599

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

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

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

WHEREAS, Kei Cheung of CKG Property Inc. has requested the use of one (1) Pine Barrens credit (Pine Barrens Credit Ref # 0600-108) originating from property located in the Town of Riverhead (Suffolk County Tax Map #0600-118.00-04.00-005.005, 013.000, 014.000) to increase the available sanitary density for premises located at Hale Street, Brentwood, Town of Islip; and

WHEREAS, by letter dated July 31, 2013, the Town of Islip has authorized said transfer.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to issue a letter in substantially the same form as attached to the Suffolk County Department of Health Services approving the use of said Riverhead Pine Barrens credit(s) on premises located at Hale Street, Brentwood, Town of Islip, New York, further described as Suffolk County Tax Map No. 0500-073.00-03.00-035.003; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Kei Cheung, CKC Property, Inc., 173 Davenport Street, Lindenhurst, New York 11775; the Planning Department and the Office of the Town Attorney.

THE VOTE

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

The Resolution Was Thereupon Duly Declared ADOPTED



TOWN OF RIVERHEAD

M. Walter, Town Supervisor

200 Howell Avenue, Riverhead, NY 11901
Tel: (631) 727-3200 / Fax: (631) 727-6712
www.townofriverheadny.gov

August 20, 2014

J. T. McGuire
Suffolk County Department of Health Services
Office of Wastewater Management
360 Yaphank Avenue, Suite 2C
Yaphank, New York 11980

Re: Kei Cheung – CKC Property, Inc.
Town of Islip
Suffolk County Tax Map #0500-073.00-03.00-033.003
SCDHS Ref. # S05-13-0017

Dear Mr. McGuire:

This shall confirm that the Town Board of the Town of Riverhead consents to the use of one credit under Pine Barrens Certificate # 600-108, a Town of Riverhead Pine Barrens Credit of which CKG Property Inc. is the purported certificate holder, to enhance the available sanitary density on properties known as Hale Street, Brentwood, Town of Islip, New York and bearing Suffolk County Tax Map Nos. 0500--073.00-03.00-033.003.

Kindly contact this office with any questions you may have.

Very truly yours,

Sean M. Walter,
Supervisor

TOWN OF RIVERHEAD

Resolution # 600

RATIFIES THE APPOINTMENT OF A BUS DRIVER TO THE RECREATION DEPARTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

NOW THEREFORE BE IT RESOLVED, that effective August 18, 2014 through and including December 31, 2014, this Town Board hereby appoints Dawn Detmer to the position of Bus Driver, Level 3, to be paid at the rate of \$13.00 per hour and

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 601

TOWN BOARD DECLARES LEAD AGENCY AND AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A CHANGE OF ZONE FROM DC-4 TO DC-1 FOR THE PROPERTY LOCATED AT 24 EAST SECOND STREET, RIVERHEAD, NY, SCTM# 600-128-5-25.1

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead is the owner of certain property located at 24 East Second Street. Riverhead, NY, SCTM# 600-128-5-25.1; and

WHEREAS, the property currently lies within the DC-4 Zoning Use District; and

WHEREAS, by Resolution #428 adopted on June 5, 2014, the Town Board authorized the Office of the Town Attorney to proceed with negotiation and preparation of documents to effectuate the sale of property at 24 East Second Street, Riverhead, NY known as the 2nd Street Firehouse to Robert Castaldi and/or Castle Restoration; and

WHEREAS, the intended purchaser of the premises, proposes to utilize the subject premises for an indoor farmer's market and/or agri-tourism center; and

WHEREAS, the Town Board of the Town of Riverhead would like to effect a change of zone to amend the Zoning Use District Map of the Town of Riverhead to provide for the change from DC-4 to DC-1 Use District for real property more particularly known as SCTM # 600-128-5-25.1; and

WHEREAS, the Intent of the Downtown Center 4, Office/Residential Transition (DC-4) Zoning Use District is to allow, maintain, and foster a downtown neighborhood of homes and offices that is less intensive than the Downtown Center 1: Main Street (DC-1) and Downtown Center 3: Office (DC-3) Zoning Use Districts. The DC-4 Zoning Use District does not allow for any retail or personal services; and

WHEREAS, The Permitted uses in DC-4 are, in part, as follows:

- (1) Offices, professional and public.
- (2) Single-family dwelling units.
- (3) Townhouses.
- (4) Places of worship.
- (5) Funeral homes; and

WHEREAS, the intent of the Downtown Center 1, Main Street (DC-1) Zoning Use District is to allow, maintain, and foster a traditional downtown character along Main Street, with a pedestrian-friendly streetscape, active ground-floor uses, a twenty-four-hour presence from upper-story residential, with a compact, walkable scale; and

WHEREAS, The Permitted uses for DC-1 are, in part, as follows:

- (1) Retail stores.
- (2) Banks.
- (3) Personal service businesses.
- (4) Indoor public markets.
- (5) Art galleries and studios.
- (6) Museums, libraries, aquariums and other cultural attractions; and

WHEREAS, by Resolution No.: 491, adopted on July 1, 2014, the Riverhead Town Board authorized that the Town Board, on its own motion, to consider a change of zone for the subject property from DC-4 to DC-1; and

WHEREAS, Town Board has determined that the request is not within the jurisdiction of Riverhead Planning Board; and

WHEREAS, the Town Board has determined that this request is not within the jurisdiction of the Suffolk County Planning Commission; and

WHEREAS, the Town Board wishes to proceed to requisite public hearing.

NOW THEREFORE BE IT RESOLVED, that the Town Board declares itself Lead Agency; and be it further

RESOLVED, that the Town Clerk is hereby authorized to publish the attached public notice for a public hearing to consider a change for zone from DC-4 to DC-1 for the property located at 24 East Second Street. Riverhead, NY, SCTM# 600-128-5-25.1, once in the August 28, 2014 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to post same on the sign board at Town Hall; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 16th day of September, 2014 at 7:15 o'clock p.m. to a change of zone from DC-4 to DC-1 for the property located at 24 East Second Street, Riverhead, NY, SCTM# 600-128-5-25.1 as follows:

WHEREAS, the Town of Riverhead is the owner of certain property located at 24 East Second Street. Riverhead, NY, SCTM# 600-128-5-25.1; and

WHEREAS, the property currently lies within the DC-4 Zoning Use District; and

WHEREAS, by Resolution #428 adopted on June 5, 2014, the Town Board authorized the Office of the Town Attorney to proceed with negotiation and preparation of documents to effectuate the sale of property at 24 East Second Street, Riverhead, NY known as the 2nd Street Firehouse to Robert Castaldi and/or Castle Restoration; and

WHEREAS, the intended purchaser of the premises, proposes to utilize the subject premises for an indoor farmer's market and/or agri-tourism center; and

WHEREAS, the Town Board of the Town of Riverhead would like to effect a change of zone to amend the Zoning Use District Map of the Town of Riverhead to provide for the change from DC-4 to DC-1 Use District for real property more particularly known as SCTM # 600-128-5-25.1; and

WHEREAS, the Intent of the Downtown Center 4, Office/Residential Transition (DC-4) Zoning Use District is to allow, maintain, and foster a downtown neighborhood of homes and offices that is less intensive than the Downtown Center 1: Main Street (DC-1) and Downtown Center 3: Office (DC-3) Zoning Use Districts. The DC-4 Zoning Use District does not allow for any retail or personal services; and

WHEREAS, The Permitted uses in DC-4 are, in part, as follows:

- (1) Offices, professional and public.
- (2) Single-family dwelling units.
- (3) Townhouses.
- (4) Places of worship.
- (5) Funeral homes; and

WHEREAS, the intent of the Downtown Center 1, Main Street (DC-1) Zoning Use District is to allow, maintain, and foster a traditional downtown character along Main Street, with a pedestrian-friendly streetscape, active ground-floor uses, a twenty-four-hour presence from upper-story residential, with a compact, walkable scale; and

WHEREAS, The Permitted uses for DC-1 are, in part, as follows:

- (1) Retail stores.
- (2) Banks.
- (3) Personal service businesses.

- (4) Indoor public markets.
- (5) Art galleries and studios.
- (6) Museums, libraries, aquariums and other cultural attractions; and

WHEREAS, by Resolution No.: 491, adopted on July 1, 2014, the Riverhead Town Board authorized that the Town Board, on its own motion, to consider a change of zone for the subject property from DC-4 to DC-1; and

WHEREAS, Town Board has determined that the request is not within the jurisdiction of Riverhead Planning Board; and

WHEREAS, the Town Board has determined that this request is not within the jurisdiction of the Suffolk County Planning Commission.

NOW THEREFORE BE IT RESOLVED, that the Town Board declares itself Lead Agency and seeks to hold a public hearing on September 16, 2014 at 7:15 o'clock p.m. to consider a change for zone from DC-4 to DC-1 for the property located at 24 East Second Street. Riverhead, NY, SCTM# 600-128-5-25.1.

Dated: Riverhead, New York
August 19, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

TOWN OF RIVERHEAD

Resolution # 602

**APPROVES CHAPTER 90 APPLICATION OF THE ORIGINAL ENDLESS SUMMER
CHAMPIONSHIP CAR SHOWS, LLC
(September 21, 2014 at Splish Splash Water Park)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on July 31, 2014, Jennifer M. Goodman, on behalf of the Original Endless Summer Championship Car Shows, LLC (hereinafter referred to as "Champion Car Shows"), submitted a Chapter 90 Application for the purpose of conducting a Car Show to be held in the parking lot of Splish Splash Water Park located at 2549 Splish Splash Drive, Calverton, New York, on Sunday, September 21, 2014, having a rain date of Sunday, September 28, 2014, between hours of 6:00 a.m. and 5:00 p.m.; and

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED, that the Chapter 90 Application of Champion Car Shows for the purpose of conducting a Car Show to be held in the parking lot of Splish Splash Water Park located at 2549 Splish Splash Drive, Calverton, New York, on Sunday, September 21, 2014, having a rain date of Sunday, September 28, 2014, between hours of 6:00 a.m. and 5:00 p.m., is hereby approved; and be it further

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

RESOLVED, that any necessary tent permits be obtained and any tent

installations and all electrical work shall comply with the applicable provisions of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

RESOLVED, that an Outdoor Public Safety Plan is to be submitted to the Fire Marshal's office **no later than August 22, 2014**; and be it

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to The Original Endless Summer Championship Car Shows, LLC, P.O. Box 1287, Medford, New York 11763; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared ADOPTED

TOWN OF RIVERHEAD

Resolution # 603

APPROVES THE CHAPTER 90 APPLICATION OF GARDEN OF EVE, LLC
(L.I. GARLIC FESTIVAL)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on June 25, 2014, Eve Kaplan, on behalf of Garden of Eve, LLC submitted a Chapter 90 Application for the purpose of conducting an "Annual Long Island Garlic Festival" featuring vendors selling garlic and garlic related products and crafts to be held at 4558 Sound Avenue, Riverhead on Saturday, September 20, 2014 and Sunday, September 21, 2014 between the hours of 10:00 a.m. and 6:00 p.m.; and

WHEREAS, Garden of Eve, LLC has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

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

WHEREAS, the applicable Chapter 90 fee has been paid.

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

RESOLVED that the Chapter 90 Application of Garden of Eve, LLC for the purpose of conducting an "Annual Long Island Garlic Festival" featuring vendors selling garlic and garlic related products and crafts to be held at 4558 Sound Avenue, Riverhead on Saturday, September 20, 2014 and Sunday, September 21, 2014 between the hours of 10:00 a.m. and 6:00 p.m. is hereby approved; and be it further

RESOLVED, that approval for this event shall be subject to the following:

- Receipt of required Suffolk County Department of Health Vendors Temporary Food Service Permit;
- Receipt of required Public Gathering/Emergency Medical Services (EMS) information;

RESOLVED, that the required \$192.00 administrative fee for the use of Riverhead Town Police personnel and vehicle(s) for this event has been submitted by the applicant and received by the Office of the Town Attorney; and be it further

RESOLVED, that this approval is subject to receipt of an Outdoor Public Safety Plan, to be submitted to the Fire Marshal's office no later than September 1, 2014; and be it further

RESOLVED, that no parking shall be permitted along the roadway or on the farm lots located on the south side of Sound Avenue; and be it further

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

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Garden of Eve, LLC, P.O. Box 216, Aquebogue, New York, 11931; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared ADOPTED

TOWN OF RIVERHEAD

Resolution # 604

APPROVES THE CHAPTER 90 APPLICATION OF HALLOCKVILLE INC.
(Fall Festival & Craft Fair – September 13th and 14th, 2014)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on July 31, 2014, Hallockville Inc. submitted a Chapter 90 Application for the purpose of conducting a Fall Festival & Craft Fair to be held at the Hallockville Farm Museum, located at 6038 Sound Avenue, Riverhead, New York, on Saturday, September 13th, 2014 and Sunday, September 14th, 2014, between the hours of 10:00 a.m. and 5:00 p.m.; and

WHEREAS, Hallockville Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

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

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

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

RESOLVED, that the Chapter 90 Application of Hallockville Inc. for the purpose of conducting a Fall Festival & Craft Fair to be held at the Hallockville Farm Museum, located at 6038 Sound Avenue, Riverhead, New York, on Saturday, September 13th, 2014 and Sunday, September 14th, 2014, between the hours of 10:00 a.m. and 5:00 p.m., is hereby approved; and be it further

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

RESOLVED, that approval for this event shall be subject to the following:

- Receipt of required Suffolk County Department of Health Vendors Temporary Food Service Permit;
- Receipt of required Emergency Medical Services (EMS) information;

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

RESOLVED, that this approval is subject to receipt of an Outdoor Public Safety Plan, to be submitted to the Fire Marshal's office **no later than September 1, 2014**; and be it further

RESOLVED, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and the National Fire Protection Association 102 (Tents & Membrane Structures); and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Hallockville, Inc., 6038 Sound Avenue, Riverhead, New York, 11901; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 605

**RATIFIES THE APPROVAL OF THE CHAPTER 90 APPLICATION OF HOME DEPOT
DEVELOPMENT OF MARYLAND, INC.**

(Tent Sale – August 14th, 2014 through October 6th, 2014)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on August 8, 2014, Suzanne Russo, on behalf of Home Depot Development of Maryland, Inc., submitted a Chapter 90 Application for the purpose of erecting a tent for the display and sale of rugs at the location of 1550 Old Country Road, Riverhead, New York, to be held on August 14th, 2014 through October 6th, 2014, between the hours of 6:00 a.m. and 10:00 p.m.; and

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

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

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

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

NOW THEREFORE BE IT RESOLVED, that the application of Home Depot Development of Maryland, Inc. for the purpose of erecting a tent for the display and sale of rugs at the location of 1550 Old Country Road, Riverhead, New York, to be held on August 14th, 2014 through October 6th, 2014, between the hours of 6:00 a.m. and 10:00 p.m., is hereby approved; and be it further

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

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

RESOLVED, that the applicable Chapter 90 Application fee has been paid; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Home Depot Development of Maryland, Inc., Attn: Suzanne Russo, 2455 Paces Fern Road, NW, Atlanta, Georgia, 30339 and Home Depot, Attn: Andrew Carbone, 1550 Old Country Road, Riverhead, New York, 11901; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 606

APPOINTS INTERPRETER FOR POLICE DEPARTMENT AND JUSTICE COURT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town, in connection with its municipal operations, requires services consisting of the following: Language Translation; and

WHEREAS, Rosanna Froehlich, Contractor, is willing to provide the following services to the Town:

Description of Services: Language Translation – Spanish
Date(s) and Hours of Service: On – call, Flexible

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute the attached Agreement in connection with interpreter services of the aforementioned individual; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Rossana Froehlich, P.O. Box 166, Jamesport, New York, 11947; and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared ADOPTED

AGREEMENT

BETWEEN, THE TOWN OF RIVERHEAD, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as "**TOWN**" and **ROSSANA FROEHLICH**, residing at P.O. Box 166, Jamesport, New York, 11947, hereinafter referred to as "**CONTRACTOR**".

W I T N E S S E T H

WHEREAS, the Town, in connection with its municipal operations, requires services consisting of the following: Language Translation; and

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

Description of Services:	Language Translation – Spanish
Date(s) and Hours of Services:	On-call, Flexible

IT IS HEREBY AGREED, by the Town and Contractor as follows:

1. That Contractor shall provide and fully perform to the Town's satisfaction the aforementioned services to the Town on the date(s) and times(s) stated above.
2. In return for Contractor's services, the Town shall pay Contractor as follows: The sum of Fifty (\$50.00) Dollars for the first (1st) hour of service, or part thereof, and Thirty-Five (\$35.) Dollars for each hour, or part thereof, thereafter. That sum shall be payable after the Contractor performs the services described for the Town and after contractor has filed with the Town of Riverhead, vouchers and any other documents reasonably required for payment; and

WHEREAS, either party may terminate this agreement upon 30 days prior written notice; and

WHEREAS, any previously executed agreements are hereby determined to be null and void; and

WHEREAS, this agreement is effective July 1, 2014.

Dated: Riverhead, New York
August , 2014

TOWN OF RIVERHEAD

By: _____
SEAN M. WALTER
Town Supervisor

ROSSANA FROEHLICH

TOWN OF RIVERHEAD

Resolution # 607

AUTHORIZES THE SUPERVISOR TO EXECUTE APPLICATION FOR SUBDIVISION OF PROPERTY DESCRIBED AND IDENTIFIED IN THE COMPREHENSIVE DEVELOPMENT PLAN FOR EPCAL (EPCAL REUSE & REVITALIZATION PLAN) AND DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT AND AUTHORIZES REFERRAL OF THE APPLICATION FOR SUBDIVISION TO THE PLANNING BOARD FOR THE TOWN OF RIVERHEAD

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on December 8, 2011, VHB Engineering, Surveying and Landscaping Architecture, P.C. (VHB), on behalf of the Town and Community Development Agency (CDA), presented, during an open and public session of the Town Board, a plan for development and an alternate plan for development (hereinafter referred to as development plan "B") incorporating the recommendations and findings of the market study prepared by RKG; and

WHEREAS, the Town Board, as governing body of the Town of Riverhead and acting as governing body of the Town of Riverhead Community Development Agency, by Town Board Resolution #937 of 2011, accepted and adopted the findings and recommendations for EPCAL redevelopment prepared by RKG Associates (RKG) and also authorized VHB to proceed towards the requisite State Environmental Quality Review (SEQR) of their alternative plans for development; and

WHEREAS, by CDA Resolution #5 of 2013, adopted on May 7, 2013, the Town Board, as governing body of the Town of Riverhead and acting as governing body of the Town of Riverhead Community Development Agency, accepted for SEQR purposes the Full Environmental Assessment Form (EAF) Part I, the Alternative Subdivision Sketch C for Enterprise Park at Calverton dated April 26, 2013 and the draft scope of issues necessary for the anticipated Draft Supplemental Generic Environmental Impact Statement (SGEIS) prepared by VHB for that portion of land within EPCAL owned by the Community Development Agency; and

WHEREAS, the Part 1 of the Full Environmental Assessment Form, a subdivision sketch plan (referred to as Alternative Subdivision Sketch C for Enterprise Park at Calverton dated April 26, 2013) and a preliminary Draft Scope for the Draft Supplemental Generic Environmental Impact Statement were distributed to all involved agencies indicating the Town Board's intention to declare itself as lead agency if upon expiration of the coordination period no objections to same had been received by the Town Board; and

WHEREAS, the Town Board, as governing body of the Town of Riverhead and acting as governing body of the Town of Riverhead Community Development Agency, upon completion of coordinated review pursuant to 6 NYCRR Part 617.6 and having received no objection from any involved agencies did, by adoption of CDA Resolution

#10 on June 18, 2013, declare itself to be the lead agency for the proposed action, classified it as a Type I action pursuant to 6 NYCRR Part 617.4 and having determined the proposed action had the potential to result in significant adverse impacts, adopted a Positive Declaration of Significance requiring that, pursuant to 6 NYCRR Part 617.10, a Draft Supplemental Generic Environmental Impact Statement be prepared; and

WHEREAS, the Town Board determined that the proposed action has the potential to result in significant adverse impacts to the environment and adopted a Positive Declaration requiring that a Draft Supplemental Generic Environmental Impact Statement be prepared; and

WHEREAS, by CDA Resolution #11 adopted on June 18, 2013, the Town Board authorized the Town Clerk to publish and post Notice of Scoping Hearing upon the Draft Scope for Draft Supplemental Generic Environmental Impact Statement required for a comprehensive development plan for EPCAL, including Amendment to Zoning and Subdivision for EPCAL; and

WHEREAS, on July 17, 2013, the Town Board, acting as governing body of the Community Development Agency, conducted a public Scoping Hearing on the Draft Scope for the Draft Supplemental Generic Environmental Impact Statement supporting the proposed action to wit: the creation of a conceptual development plan (Reuse & Revitalization Plan) including subdivision (referred to as Alternative Subdivision Sketch C for Enterprise Park at Calverton dated April 26, 2013) of the EPCAL property into 50 lots for ultimate redevelopment with a mix of uses (e.g., business [commercial and retail], industrial, residential, recreation, utilities) and the retention of substantial open space; the amendment to the Town of Riverhead Comprehensive Plan; the amendment of the zoning code and zoning map of the Town of Riverhead to rezone the 2,323.9 acre EPCAL property consistent with the Reuse & Revitalization Plan for property owned by the CDA within EPCAL described as approximately 2,323.9 acres of real property located south of Middle Country Road (SR25), north of Grumman Boulevard and east of Wading River Manor Road (CR25), Calverton Hamlet, being more particularly described as Suffolk County Tax Map No. 0600-135-1-7.1,7.2,7.33&7.4.; and

WHEREAS, for a period of one week after the close of the public hearing on the Draft Scope, the Town Board did accept written comments on the Draft Scope for the Draft Supplemental Generic Environmental Impact Statement; and

WHEREAS, the Town Board and members of the Planning Staff for the Town of Riverhead, with the assistance and participation of VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB), did review all comments made at the public Scoping Hearing and all written comments received pursuant to the Notice of Scoping Hearing; and

WHEREAS, the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by CDA Resolution #14 adopted on October 1, 2013, did thereby adopt a Final Scope for the Draft Supplemental Generic Environmental Impact Statement supporting the proposed action, to wit: the creation of a conceptual development plan (Reuse & Revitalization Plan) including subdivision of the EPCAL property into 50 lots for ultimate redevelopment with a mix of uses (e.g., business [commercial and retail], industrial, residential, recreation, utilities) and the retention of substantial open space; the amendment to the Town of Riverhead Comprehensive Plan; the amendment of the

zoning code and zoning map of the Town of Riverhead to rezone the 2,323.9 acre EPCAL property consistent with the Reuse & Revitalization Plan for property owned by the CDA within EPCAL described as approximately 2,323.9 acres of real property located south of Middle Country Road (SR25), north of Grumman Boulevard and east of Wading River Manor Road (CR25), Calverton Hamlet, being more particularly described as Suffolk County Tax Map No. 0600-135-1-7.1,7.2,7.33&7.4; and

WHEREAS, pursuant to NYCRR 617.9(a) and (b) after adoption of the Final Scope and consistent with the Final Scope, the Town Board and members of the Planning Staff for the Town of Riverhead, with the assistance and participation of VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB), did complete a Draft Supplemental Generic Environmental Impact Statement; and

WHEREAS, pursuant to NYCRR 617.9 (a)(2), the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by Town Board Resolution #582 adopted on August 7, 2014, did accept and determine that the Draft Supplemental Generic Environmental Impact Statement was adequate with respect to its scope and content for the purpose of commencing public review; and

WHEREAS, pursuant to NYCRR 617.9 (a)(3), the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by Town Board Resolution #582 adopted on August 7, 2014, did prepare a Notice of Completion of the Draft Supplemental Generic Environmental Impact Statement and authorized and directed the Town Clerk pursuant to 6 NYCRR Part 617.12 to file and publish the Notice of Completion, together with the Draft Supplemental Generic Environmental Impact Statement; and

WHEREAS, pursuant to NYCRR 617.9(a)(4), the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by Town Board Resolution #583 on August 7, 2014, determined that it is appropriate to hold a public hearing on the Draft Supplemental Generic Environmental Impact Statement and provide for public comment through the forum of a public hearing and submission of written comment and further determined that it is appropriate to conduct a combined hearing for the Draft Supplemental Generic Environmental Impact Statement, comprehensive development plan for EPCAL (EPCAL Reuse & Revitalization Plan), amendment to the Town of Riverhead Comprehensive Master Plan, creation and adoption of a Planned Development (PD) Zoning District, amendment to the zoning map of the Town of Riverhead to rezone the subject property to the PD Zoning District, and amendment to the Calverton Urban Renewal Plan

WHEREAS, the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, by Town Board Resolution #584 adopted on August 7, 2014, the Town Board did refer the EPCAL Reuse & Revitalization Plan (an updated and amended urban renewal plan for the redevelopment of a portion of property identified and designated as an urban renewal area under the original urban renewal Plan "Calverton Enterprise Park Urban Renewal Plan"), which as fully described in the EPCAL Reuse & Revitalization Plan and Draft Supplemental Generic Environmental Impact Statement for the EPCAL Reuse & Revitalization Plan includes subdivision of the EPCAL property into 50 lots for ultimate redevelopment with a mix of uses (e.g., business [commercial and retail], industrial, residential, recreation, utilities) and the retention of substantial open space;

the amendment to the Town of Riverhead Comprehensive Plan; the amendment of the zoning code and zoning map of the Town of Riverhead to rezone the 2,323.9 acre of the EPCAL property consistent with the Reuse & Revitalization Plan; and

WHEREAS, pursuant to the Town Code for the Town of Riverhead Chapter 108 Article XX, the Planning Board for the Town of Riverhead is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, and to approve preliminary plats within that part of the Town outside the limits of any incorporated city or village and the Planning Board is further authorized and empowered to approve the development of plats already filed in the office of the Suffolk County Clerk or Register of Suffolk County if such plats are entirely or partially undeveloped.

NOW, THEREFORE, BE IT RESOLVED, the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, authorizes the Supervisor to complete and execute an application for subdivision and such other documents related to and necessary to complete the application and/or procedural prerequisites related to referral of the application to the Planning Board of the Town of Riverhead; and be it further

RESOLVED, that after completion and execution of the requisite application for subdivision, the Town Board, as Lead Agency, and as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, authorizes the submission of the application for subdivision to the Town of Riverhead Planning Board; and be it further

RESOLVED, that the Town Clerk is authorized and hereby directed to post this resolution on the Town's website www.townofriverheadny.gov; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to VHB Engineering, Surveying and Landscaping Architecture, P.C., 2150 Joshua's Path, Suite 300, Hauppauge, NY 11788; Supervisor of the Town of Riverhead, Sean W. Walter; Members of the Town Board of the Town of Riverhead; Christine Kempner, Community Development Agency Director; Rick Hanley, Planning Director; Jefferson Murphree, Building and Planning Administrator; and Annemarie Prudenti, Deputy Town Attorney, and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared ADOPTED

TOWN OF RIVERHEAD

Resolution # 608

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #14-30 Aug 7, 2014 (TBM 8/19/14)			
			Grand
Fund Name	Fund #	Ckrun Total	Totals
GENERAL FUND	1	1,109,239.65	1,109,239.65
POLICE ATHLETIC LEAGUE	4	369.50	369.50
RECREATION PROGRAM FUND	6	66,481.34	66,481.34
HIGHWAY FUND	111	196,190.86	196,190.86
WATER DISTRICT	112	191,511.29	191,511.29
RIVERHEAD SEWER DISTRICT	114	62,544.46	62,544.46
REFUSE & GARBAGE COLLECTION DI	115	6,441.11	6,441.11
STREET LIGHTING DISTRICT	116	36,532.83	36,532.83
PUBLIC PARKING DISTRICT	117	2,240.22	2,240.22
EAST CREEK DOCKING FACILITY FU	122	1,927.80	1,927.80
CALVERTON SEWER DISTRICT	124	1,275.39	1,275.39
RIVERHEAD SCAVENGER WASTE DIST	128	46,616.80	46,616.80
RISK RETENTION FUND	175	20,425.60	20,425.60
CDBG CONSORTIUM ACCOUNT	181	78.43	78.43
TOWN HALL CAPITAL PROJECTS	406	143,101.68	143,101.68
RIVERHEAD SEWER CAPITAL PROJEC	414	484,428.69	484,428.69
TRUST & AGENCY	735	1,127,180.90	1,127,180.90
COMMUNITY PRESERVATION FUND	737	2,200.00	2,200.00
TOTAL ALL FUNDS		3,498,786.55	3,498,786.55

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 608

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #14-31 Aug 14, 2014 (TBM 8/19/14)			
			Grand
Fund Name	Fund #	Ckrun Total	Totals
GENERAL FUND	1	1,298,530.23	1,298,530.23
POLICE ATHLETIC LEAGUE	4	1,543.96	1,543.96
RECREATION PROGRAM FUND	6	321.41	321.41
HIGHWAY FUND	111	549,891.53	549,891.53
WATER DISTRICT	112	210,824.51	210,824.51
RIVERHEAD SEWER DISTRICT	114	120,177.01	120,177.01
REFUSE & GARBAGE COLLECTION DIST	115	54,887.35	54,887.35
STREET LIGHTING DISTRICT	116	23,150.06	23,150.06
PUBLIC PARKING DISTRICT	117	1,300.00	1,300.00
BUSINESS IMPROVEMENT DISTRICT	118	1,000.00	1,000.00
AMBULANCE DISTRICT	120	12,718.09	12,718.09
EAST CREEK DOCKING FACILITY FUND	122	3,300.00	3,300.00
CALVERTON SEWER DISTRICT	124	13,306.65	13,306.65
RIVERHEAD SCAVENGER WASTE DIST	128	48,588.40	48,588.40
RISK RETENTION FUND	175	217.25	217.25
TRUST & AGENCY	735	1,191,170.22	1,191,170.22
CALVERTON PARK - C.D.A.	914	525.63	525.63
TOTAL ALL FUNDS		3,531,452.30	3,531,452.30

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 609

RESCINDS RESOLUTION NUMBER 334 OF 2014

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, by resolution number 334, adopted on May 6, 2014, the Town Board authorized the execution of a Professional Services Agreement with Business Automation Services, Inc. (BAS) to provide professional service for the installation implementation of Integrated Property System software as outlined in proposal dated January 17, 2014 attached for the sum of \$44,160.00 and for professional services consisting of data conversion as outlined in proposal dated January 29, 2014 attached for the sum of \$5,600.00; and

WHEREAS, the 2014 Town Board budget did not provide any funding for procuring these computer services with BAS; and

WHEREAS, due to continuing budgetary constraints facing the Town of Riverhead, the Town Board finds that it would be inappropriate to expend the sum of \$49,760.00 which was not part of the 2014 budget.

THEREFORE BE IT RESOLVED, that the Town Board hereby rescinds resolution number 334; and be it further

RESOLVED, that Town Clerk the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Business Automation Services, Inc., 661 Plank Road, Clifton Park, New York 12065; and be it further

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

There was a motion to consider resolution # 609 by Councilman Dunleavy, seconded by Councilman Gabrielsen. Motion carried.

Immediately thereafter there was a motion toput to vote.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted