

RESOLUTION LIST

SEPTEMBER 3, 2014

- Res. #610 Riverhead Sewer Treatment Plant Upgrade Budget Adjustment**
- Res. #611 General Fund Budget Adjustment**
- Res. #612 General Fund Police Budget Adjustment**
- Res. #613 Riverhead Sewer Fund Budget Adjustment**
- Res. #614 Authorizes Attendance of Assessor at Seminar**
- Res. #615 Authorization Publication of Notice to Amend CDBG Program**
- Res. #616 Authorizes Nelson, Pope & Voorhis, LLC, (NPV) to Move Forward with Submission of WSRR Designation Amendment**
- Res. #617 Classifies Action, Claims Lead Agency and Determines Significance of Special Permit of Theodora Cohen and Calls Public Hearing**
- Res. #618 Grants Special Use Permit Petition of Chernoff Realty Medical Building**
- Res. #619 Accepts the Retirement of a Principal Account Clerk (Janet Griffin)**
- Res. #620 Adopts a Local Law to Add a New Chapter 98A of the Town Code of the Town of Riverhead Entitled "Drop-Off Bins"**
- Res. #621 Adopts a Local Law to Amend Chapter 101 Entitled "Vehicles & Traffic" of the Riverhead Town Code (§101-3. Stop and Yield Intersections; Railroad Crossings; Parking Fields. – Griffing Avenue & Lincoln Street)**
- Res. #622 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. #623 Adopts a Local Law Amending Chapter 47 Entitled "Bays ad Creeks" of the Riverhead Town Code**
- Res. #624 Adopts a Local Law Amending Chapter 107 Entitled "Tidal ad Freshwater Wetlands" of the Riverhead Town Code**
- Res. #625 Adopts a Local Law Amending Chapter 12 Entitled "Coastal Erosion Hazard Areas" of the Riverhead Town Code**

- Res. #626** Authorizes the Supervisor to Execute an Inter-municipal Agreement with the Riverhead Central School District to Provide Mutual Aid and Assistance During Disasters – Renewal for 2014
- Res. #627** Accepts Donation of Ladders for Costco for Use by the Town Fire Marshal's Office
- Res. #628** Rescinds Revocation and Conditionally Restores Taxicab Business License (Day and Night Taxi and Limo Inc.)
- Res. #629** Declares Certain Benches to be Surplus Property and Authorizes the Donation Thereof
- Res. #630** Authorizes Co-Sponsorship with the Riverhead Business Improvement District Management Association, Inc. and Approval of an Agreement with St. George Living History Productions, Inc., Regarding an Event Entitled "The Edgar Allen Poe Festival"
- Res. #631** Ratifies the Appointment of an Interpreter for Police Department and Justice Court
- Res. #632** Grants Peconic Management Group, LLC Exportation/Grading Permit as Provided by Chapter 62 of the Riverhead Town Code
- Res. #633** Authorizing Waiver of 30 Day Notification Required by the New York State Liquor Authority
- Res. #634** Approves Extension of Security Posted by Campo Brothers in Connection with the Subdivision Entitled "Cedar Cove" (Road and Drainage Improvements)
- Res. #635** Approves Chapter 90 Application of the Survival Race, LLC (5K Obstacle Course and Mud Run – September 27th and September 28th, 2014)
- Res. #636** Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendment to Chapter 106 Entitled "Waterways" of the Riverhead Town Code
- Res. #637** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 48 of the Riverhead Town Code Entitled "Beaches and Recreation Areas"
- Res. #638** Authorizes the Supervisor to Execute a Stipulation with the Riverhead PBA
- Res. #639** Pays Bills

Res. #640 Extends Public Comment Period Until September 30, 2014 for Draft Supplemental Generic Environmental Impact Statement for a Comprehensive Development Plan for EPCAL (ERCAL Reuse & Revitalization Plan), Amendment to the Town of Riverhead Comprehensive Master Plan, Amendment to the Zoning Map and Code, Amendment to the Calverton Urban Renewal Plan and Subdivision of the Enterprise Park at Calverton (“EPCAL”)

08.19.14

08.19.14 TABLED
09.03.14 UNTABLED
09.03.14 NOT ADOPTED

**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; 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 depositary 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 any act to draw down (withdraw) monies available through the loan shall require approval by adoption of a resolution of the Town Board; and

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**

09.03.14

There was a motion by Councilman Dunleavy, seconded by Councilman Gabrielsen, to **UNTABLE** CDA resolution #15, motion carried by unanimous vote. Immediately thereafter on a motion by Councilman Dunleavy, seconded by Councilman Gabrielsen, CDA resolution #15 was offered for adoption. Motion failed.

THE VOTE

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

The Resolution Was Thereupon Duly Declared **NOT ADOPTED**

08.19.14
140588

08.19.14 TABLED
09.03.14 UNTABLED
09.03.14 WITHDRAWN

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-c for 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

09.03.14

There was a motion by Councilman Dunleavy, seconded by Councilman Wooten, to **UNTABLE** resolution #588, motion carried. Immediately thereafter Councilman Dunleavy, seconded by Councilman Gabrielsen, motioned to **WITHDRAW** resolution #588. Motion carried by unanimous vote.

WITHDRAWN

**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

08.19.14
140589

08.19.14 TABLED
09.03.14 UNTABLED
09.03.14 NOT ADOPTED

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

The Resolution Was Thereupon Duly Declared **TABLED**

09.03.14

There was a motion by Councilman Dunleavy, seconded by Councilman Wooten, to **UNTABLE** resolution #589, motion carried by unanimous vote. Immediately thereafter on a motion by Councilman Dunleavy, seconded by Councilwoman Giglio, resolution #589 was offered for adoption. Motion failed

THE VOTE

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

The Resolution Was Thereupon Duly Declared **NOT ADOPTED**

TOWN OF RIVERHEAD

Resolution # 610

RIVERHEAD SEWER TREATMENT PLANT UPGRADE

BUDGET ADJUSTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Superintendent of Sewer is requesting a transfer of funds from the Riverhead Sewer District Fund Balance to assist in the funding process of the Riverhead Sewer Treatment Plant Upgrade Capital Project, #20031.

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

	<u>FROM</u>	<u>TO</u>
114.000000.499999 Riverhead Sewer District Fund Balance	9,000	
414.081300.543100.20031 Professional Services, Bond Council		9,000

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 611

GENERAL FUND

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, a budget adjustment is necessary to fund town wide telephone usage.

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>
001.016200.546500 Utilities - Communication	4,000	
001.016250.545600 Cell Phones	23,000	
001.016200.546100 Utilities - Telephone		27,000

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 612

GENERAL FUND
POLICE

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Police Department is requesting a transfer of funds to cover fuel expenses for the Bay Constable.

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>
001.031200.542900 Police, Fuel	8,000	
001.031220.542900 Bay Constable Fuel		8,000

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 613

RIVERHEAD SEWER FUND

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Superintendent of Sewer is requesting a budget adjustment for the pump repair at the Cranberry Street Pump Station.

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

	<u>FROM</u>	<u>TO</u>
114.081300.524000 Plant Equipment	7,700	
114.081300.541103 Pump Station Maintenance		7,700

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 614

AUTHORIZES ATTENDANCE OF ASSESSOR AT SEMINAR

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on October 5 – October 8, 2014, the Annual Meeting and Seminar on Assessment Administration is being held in Lake Placid, New York, and

WHEREAS, 1 member of the Board of Assessors has expressed an interest and desire in attending said seminar.

NOW, THEREFORE, BE IT RESOLVED, that the assessor is hereby authorized to attend said seminar, and

BE IT FURTHER RESOLVED, that the use of a Town vehicle is hereby authorized, and

BE IT FURTHER RESOLVED, that the costs of registration, deposit, travel, lodging and meals, not to exceed a total of \$1,300.00, and

BE IT FURTHER RESOLVED, that expenses incurred for tuition, travel, lodging and meals are subject to reimbursement by the State of New York to the Town of Riverhead upon completion of said seminar, and

BE IT FURTHER RESOLVED, that the remainder of the expenses which are not reimbursed by the State of New York to the Town of Riverhead, will be reimbursed to the assessor upon proper submission of receipts in accordance with the Town's Travel and Conference Policy, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Assessor's Office and the Accounting Department, and

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 615

AUTHORIZATION PUBLICATION OF NOTICE TO AMEND CDBG PROGRAM

Councilman Wooten offered the following resolution,
which was seconded by Councilman Gabrielsen

WHEREAS, the Town of Riverhead desires to amend its FY 2013 Community Development Block Grant (“CDBG”) Program; and

WHEREAS, such an amendment requires notification of the public prior to submission of the amendment for transfer of funds and budget modification to provide for public comment.

THEREFORE, BE IT RESOLVED, that the Town Clerk is hereby authorized to publish the attached notice in the News Review on Thursday, September 11, 2014, and

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a copy of this resolution to Jill Rosen-Nikoloff-Thompson, Director, Suffolk County Community Development and notification of this resolution to the Community Development Department and the Accounting Department.

THE VOTE

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

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**PUBLIC NOTICE
AMENDMENT TO TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

The Town of Riverhead is proposing the following changes to its Community Development Block Grant Program:

<u>Year 2013</u>	<u>Current</u>	<u>Proposed Change</u>	<u>Amended Budget</u>
Home Improvement Program	\$80,409	(-\$30,409.00)	\$50,000.00
<u>Year 2013</u>	<u>Current</u>	<u>Proposed Change</u>	<u>Amended Budget</u>
Downtown Pedestrian Safety Improvement	\$0.00	+\$30,409.00	\$30,409.00

Interested citizens may submit comments on or before Friday, October 17, 2014 to:

Town of Riverhead
Community Development Office
200 Howell Avenue
Riverhead, NY 11901

The Town Board will consider a Resolution authorizing the proposed change at the October 21, 2014, Board Meeting to be held at 7:00 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY 11901.

Dated: September 11, 2014

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD, NEW YORK

DIANE WILHELM, TOWN CLERK

COUNTY OF SUFFOLK COUNTY
OFFICE OF COMMUNITY DEVELOPMENT
CONTRACT BUDGET MODIFICATION REQUEST

The program budget contained in the Agreement of 2013 between the
COUNTY OF SUFFOLK AND Town of Riverhead

Is hereby amended as follows:

LINE NO. (HEADING)	DESCRIPTION (as changed)	\$ BEFORE	\$ AFTER	\$ CHANGE + or -
060101-14A-13	Home Improvement Program	\$80,409	\$50,000	-\$30,409
New Project	Street Lighting	\$0	-\$30,409	+\$30,409

NET CHANGE	0.00
------------	------

Except as set forth above, this budget modification shall not be deemed to change any conditions or provision in the said Agreement.

By: _____ By: _____

Name: Sean Walter

Name: Jill Rosen-Nikoloff-Thompson

Title: Supervisor

Title: Director

Date:

Dept.: Community Development

Municipality: Town of Riverhead

Date:

TOWN OF RIVERHEAD

Resolution # 616

**AUTHORIZES NELSON, POPE & VOORHIS, LLC, (NPV) TO MOVE FORWARD
WITH SUBMISSION OF WSRR DESIGNATION AMENDMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the New York Department of State (NYSDOS) solicited applications from municipalities to participate in the Brownfield Opportunity Areas (BOA) Program for assistance in redeveloping brownfields, abandoned or vacant buildings and areas of economic distress by funding a range of pre-development activity necessary to attract investment to transform underutilized properties for new uses; and

WHEREAS, the Community Development Department submitted a BOA grant application that was awarded to the Town by NYSDOS in the amount of \$567,000 to assist with redevelopment of dormant and blighted lands along the Main Street/NYS Route 25/Peconic River corridor and return underutilized sites to productive use through sound planning and implementation strategies for the area as a whole, and

WHEREAS, the BOA grant work plan encourages community outreach and engagement during the implementation of the grant; and

WHEREAS, the Town Board through an appropriate RFP process selected Nelson, Pope & Voorhis, LLC, (NPV) to facilitate implementation of the above-referenced BOA grant goals including hosting open houses and community outreach events; and

WHEREAS, a portion of the BOA grant goal includes analysis of a change to the New York State Wild, Scenic and Recreational Rivers System ("WSRR") designation of a portion of the western portion of the corridor from its current Recreational category to a Community category; and

WHEREAS, NPV has prepared the analysis that was presented to the Town Board and the public at a public work session on August 21, 2014 to support a request to the New York Department of Environmental Conservation ("NYSDEC") to request the change to WSRR designation of a portion of the western portion of the corridor from its current Recreational category to a Community category.

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby authorizes submission of the WSRR designation change request from its current Recreational category to a Community to NYSDEC as outlined on the attached map; and

RESOLVED, that the Town Clerk shall send a copy of this resolution to Community Development, the Planning Department and the Town Attorney; and

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

THE VOTE

Giglio Yes No

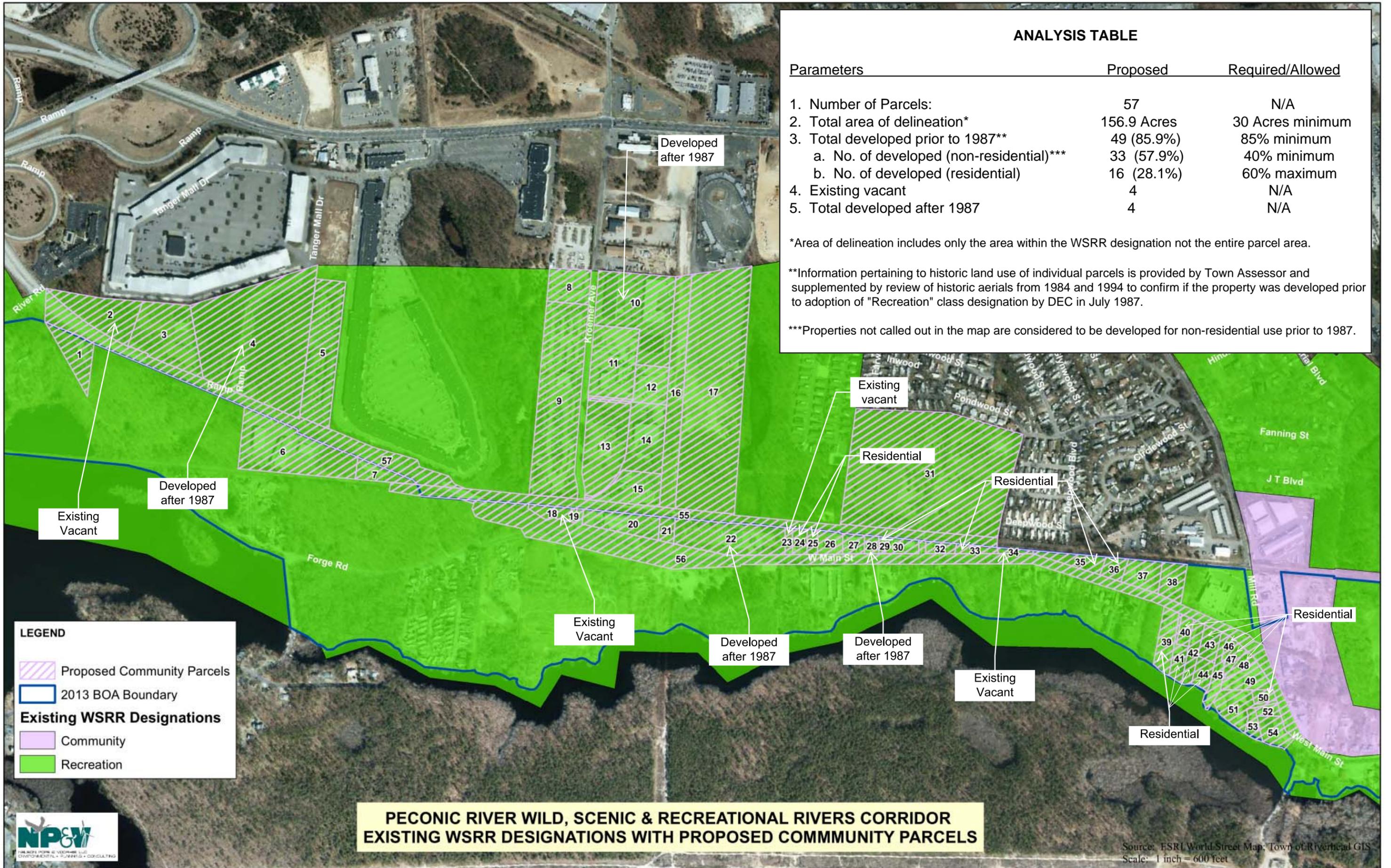
Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted



ANALYSIS TABLE

Parameters	Proposed	Required/Allowed
1. Number of Parcels:	57	N/A
2. Total area of delineation*	156.9 Acres	30 Acres minimum
3. Total developed prior to 1987**	49 (85.9%)	85% minimum
a. No. of developed (non-residential)***	33 (57.9%)	40% minimum
b. No. of developed (residential)	16 (28.1%)	60% maximum
4. Existing vacant	4	N/A
5. Total developed after 1987	4	N/A

*Area of delineation includes only the area within the WSRR designation not the entire parcel area.

**Information pertaining to historic land use of individual parcels is provided by Town Assessor and supplemented by review of historic aerials from 1984 and 1994 to confirm if the property was developed prior to adoption of "Recreation" class designation by DEC in July 1987.

***Properties not called out in the map are considered to be developed for non-residential use prior to 1987.

LEGEND

- Proposed Community Parcels
- 2013 BOA Boundary
- Existing WSRR Designations**
- Community
- Recreation

**PECONIC RIVER WILD, SCENIC & RECREATIONAL RIVERS CORRIDOR
EXISTING WSRR DESIGNATIONS WITH PROPOSED COMMUNITY PARCELS**



PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Ave., Riverhead, New York on September 16, 2014 at 7:05 PM to consider the special use permit of Theodora Cohen to convert an existing 1,698sq.ft. storage building for use as a single family dwelling unit on a 0.45ac. parcel zoned Downtown Center, Office (DC-3); such property being located at 761 East Main Street (SR25) Riverhead and more particularly described as SCTM 0600-127-7-24.1.

Dated: Riverhead, New York
September 3, 2014

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

TOWN OF RIVERHEAD

Resolution # 618

**GRANTS SPECIAL USE PERMIT PETITION
OF CHERNOFF REALTY MEDICAL BUILDING**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Ira Chernoff pursuant to Article XXVIA and Section 108-282B.(1) of the Riverhead Town Code, for the construction of a two story medical office building of 12,510sq. ft. gross floor area and a 6,000 sq. ft. unfinished basement together with related improvements on 1.855 acre of land zoned Rural Corridor (RLC); such property more particularly described as SCTM Nos. 0600-85-3-8 & 0600-85-3-12.7, and

WHEREAS, special use permits were granted by Resolution No. 598 of June 19, 2007 and then by Resolution No. 650 in August of 2011 with both permits expired without construction having commenced, and

WHEREAS, the petition was referred to the Suffolk County Planning Commission for its report and recommendation; such Planning Commission concluding the matter to be one of local determination, and

WHEREAS, the requisite public hearing was held on the matter on June 17, 2014, and

WHEREAS, the applicant was directed to seek the prerequisite relief necessary for the Town Board to act upon the petition and the Zoning Board of Appeals issued all identified variances by Appeal No. 11-12, dated April 14, 2011 which has been kept current by extensions; the third and last having been obtained with expiration of April 14, 2015, and

WHEREAS, , the Riverhead Town Board has carefully considered the merits of the special use permit petition, the SEQRA record created to date, the report of the Riverhead Planning Department, the report of the Suffolk County Planning Commission, the testimony made at the relevant public hearing as well as all other pertinent planning, zoning and environmental information, now

THEREFORE, BE IT RESOLVED, that that in the matter of the special use permit petition of Chernoff Realty Medical Building, the Riverhead Town Board determines the action to be Unlisted without significant adverse impacts upon either the natural or social environment and that an Environmental Impact Statement need not be prepared, and

BE IT FURTHER RESOLVED, that in the matter of the special use permit petition of Chernoff Realty Medical Building, the Riverhead Town Board hereby makes the following findings:

- i. that the site is particularly suitable for the location of such use in the community;
- ii. that the lot area is appropriate for the proposed use;
- iii. that proper access facilities from New York State Route 25 will be provided;
- iv. that adequate off-street parking stalls will be provided according to code;
- v. that adequate provisions will be made for the disposal of waste water and storm water runoff;
- vi. that the intensity of the proposed use is justified in the light of similar uses within applicable zoning use district, and

BE IT FURTHER RESOLVED, that based upon its findings, the Riverhead Town Board hereby grants the Special Use Permit petition of Chernoff Realty Medical Building to allow the construction of a two story medical office building of 12,510 sq. ft. gross floor area and a 6,000 sq. ft. unfinished basement together with related improvements on 1.855 acre of land zoned Rural Corridor (RLC); such real property more particularly described as Suffolk County Tax Map Nos. 0600-85-3-8 & 0600-85-3-12.7, and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Charles Cuddy, Attorney at Law, as agent, and that all Town Hall departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 619

ACCEPTS THE RETIREMENT OF A PRINCIPAL ACCOUNT CLERK

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town has received notification from Janet Griffin, Principal Account Clerk, in the Finance Department, indicating her intent to retire effective September 19, 2014.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby accepts the retirement of Janet Griffin.

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Financial Administrator and the Personnel Officer. Town Hall Departments may review and obtain a copy of this resolution from electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 620

ADOPTS A LOCAL LAW TO ADD A NEW CHAPTER 98A OF THE TOWN CODE OF THE TOWN OF RIVERHEAD ENTITLED, "DROP-OFF BINS"

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law for the addition of a new Chapter 98A entitled "Drop-Off Bins"; and

WHEREAS, a public hearing was held on the 5th day of August, 2014 at 2:15 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law for the addition of a new Chapter 98A entitled "Drop-Off Bins" is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD NOTICE OF ADOPTION

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law for the addition of a new Chapter 98A entitled "Drop-Off Bins" at its regular meeting held on September 3, 2014. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

CHAPTER 98A Zoning Drop-Off Bins

§ 98A-1. Legislative intent.

In protecting the health, safety and welfare of persons in the Town of Riverhead, the Town Board, by the enactment of this chapter and its subsequent amendments, provides for the proper permitting, maintenance and storage with regard to drop-off bins stored within the areas set aside in shopping centers and other retail, service, office and public assembly spaces within the Town and to further ensure that all drop-off bins do not become a potential problem with regard to visual blight, traffic or pedestrian safety. By enforcing this chapter, the Town will upgrade the appearance of such spaces and enhance the quality of our suburban life, as well as protect our environment.

§ 98A-2. Definitions.

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

APPLICANT - Any person, business entity or corporation that applies to the town for an approval to store or place a drop-off bin upon a premise pursuant to the provisions of this chapter.

CODE - Code of the Town of Riverhead.

DROP-OFF BINS - Freestanding receptacles, sometimes referred to as "drop-off boxes," "collection containers," "bins," "depositories," "clothing bin", etc., which are generally metal in composition, with a depository drawer or chute, placed on any property or premise for the purpose of receiving clothing, shoes, household items and the like from the public for donation, not-for-profit, charitable or other purposes.

LANDSCAPED AREAS - Any area on or about the premises described herein, including parking lot islands, which is used for the placement of landscaping, such as shrubbery, trees, grass and flowers.

OWNER - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title or deed to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON - An individual, partnership, association, firm, company, corporation, organization or other entity.

PERMITEE - Any person who has received a drop-off bin permit.

PREMISES - A lot, plot or parcel of land, easement or public way, including any structures thereon.

PROPERTY - see "premise".

PUBLIC WAY - Any area of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

QUALIFIED APPLICANT - Any exempt entity as qualified under IRS Code § 501(C)(3).

REGISTRANT - Any person, business entity or corporation that applies to the town and has obtained an approval to store or place a drop-off bin upon a premise pursuant to the provisions of this chapter.

TOWN - Town of Riverhead.

§ 98A-3. Permit required.

A. Permit required. It shall be unlawful for any person, business entity or corporation except for the Town of Riverhead or other municipal agency to maintain, place or store or cause to be maintained, placed or store a drop-off bin upon any premise without having first obtained a permit issued by the Building Department.

§ 98-A-4. Requirements for Drop-Off Bins.

- (1) The responsibility for compliance with this chapter is with the owner, registrant or managing agent, as well as any person which places or stores a drop-off bin within the Town.
- (2) Only charitable organizations which are recognized pursuant to IRS /Code § 501(c)(3) shall be permitted to apply for and obtain a drop-off bin permit.
- (3) Drop-off bins as defined in § 98A-2 above are only permitted in the Destination Retail (DRC), and Business Center (BC) Zoning Districts within the Town. Notwithstanding the foregoing, drop-off bins shall be allowed on any premises containing a church, temple, house of worship or other religious institution, regardless of the zoning district in which it is located.
- (4) There shall be a limit of no more than two (2) drop-off bins on any tax map lot.

- (5) No drop-off bin shall cover a ground surface area greater than five (5) feet by five (5) feet nor be higher than six (6) feet in height.
- (6) Drop-off bins shall be located such that each bin shall be located at least fifty (50) feet off the front property line and at least twenty-five (25) feet off any side yard property line.
- (7) Each drop-off bin shall contain the name, principal address and telephone number of the owner of the drop-off bin. The lettering shall be at least two inches high.
- (8) It shall be unlawful for any person, owner, registrant or managing agent as defined in this chapter to cause or allow the stockpiling of any donated items, goods or wares outside of any drop-off bin located within the Town.
- (9) It shall be unlawful for any person, owner, registrant or managing agent as defined in this chapter to cause or allow storage and or placement of any drop-off bin within any landscaped area, public way, or in parking spaces.
- (10) It shall be unlawful for any person, owner, registrant or managing agent as defined in this chapter to cause or allow storage and or placement of drop-off bins that interfere with any approved site plan pursuant to chapter 108 of this code with specific regard to traffic flow or parking areas.
- (11) In the event that the ownership of a drop-off bin for which a drop off bin permit is issued is transferred, the new owner shall register the drop-off bin within 30 days of the closing of title pursuant to the requirements set forth in this chapter. Any drop-off bin permit issued under this chapter is not transferable upon owners. If the drop-off bin is not registered as required by this chapter there will be a presumption that said premise is being utilized without a valid drop-off bin permit in violation of this chapter.

§ 98A-5. Application for a drop-off bin, Permit fees.

A. Application Requirements. An application for placement or storage of a drop-off bin shall be made in writing to the Building Department on a form provided therefor and approved by the Town Building and Planning Administrator. The application shall include the following:

- (1) The street address and Tax Map designation (section, block and lot or lots) of the premises intended for the placement or storage of a drop-off bin.

- (2) A copy of the most recent deed and real property tax bill, confirming the ownership of record of the premise for which a drop-off bin permit is being sought.
- (3) The name and permanent address and telephone number of the applicant.
- (4) If the applicant is not the owner of the premise as defined in this chapter, each application for a drop-off bin permit shall be accompanied by an affidavit, signed by each owner of the premise sworn to under oath which authorizes the applicant or registrant to store a drop-off bin upon his or her premise. Said form shall also contain the owner's name, permanent address, and telephone number.
- (5) An approved site plan depicting the location of the drop-off bin, or if there is no approved site plan depicting the drop-off bin, the applicant shall submit a survey depicting the proposed location of the drop-off bin. For the purposes of this section, any site plan review may be waived, provided the drop-off bin meets all requirements set forth in this chapter
- (6) Each application shall be executed by and sworn to under oath by the owner of the premise for which the drop-off bin is proposed to be placed.
- (7) In addition, the applicant shall also submit a copy of the IRS Code section 501(C)(3) exemption.

B. Issuance.

(1) In order to approve the issuance of drop-off bin permit the Town Building and Planning Administrator must determine that the proposed location of the drop-off bin complies with all the provisions of this chapter and that the proposed location does not interfere with the flow of pedestrian and/or vehicular traffic on the subject premises.

(2) A drop-off bin permit (sticker) shall be issued by the Building Department for each drop-off bin being permitted and shall indicate the following:

(a) The drop-off bin permit number.

(b) The name(s) and telephone number(s) of the registrant.

C. Posting. A drop-off bin permit (sticker) issued by the Building Department shall be affixed prior to placement or storage to each and every drop-off bin used by the permit holder or registrant for the collection and storage of new or used goods or wares.

(1) The permit sticker shall be at all times legible and placed on the same side of the drop-off bin as the chute used for the deposit of the goods or wares.

(2) In addition to the foregoing subsections (1) above, all provisions of New York State General Business Law § 399-bbb relating to the required posting and marking of information relating to the identification and provenance of the drop-off bin must be complied with.

§ 98A-6. Fees, term and renewal.

A. Fees. Any application fee shall be set by the Town Board by resolution.

B. Term. The term of the drop-off bin permit shall be for a term of one calendar year.

C. Renewal. Application for the renewal of a drop-off bin permit shall be filed no later than 30 days prior to its expiration. The application shall be verified and shall set forth the information listed in § 98A-5 of this chapter. Forms for the renewal application shall be supplied by the Building Department and shall be requested by the applicant or owner within 30 days of expiration of his or her permit.

§ 98A-6. Compliance.

All Drop-off bins in use before the effective date of this chapter shall be in compliance with said specifications set forth within six months of the effective date of this chapter.

§ 98A-7. Penalties for offenses; continuing offenses.

A. Any person, owner, occupant or registrant as defined in this chapter which violates any provision of this chapter or assists in the violation of any provision of this chapter shall be guilty of a violation, punishable:

(1) By a fine of not less than \$500 and not exceeding \$2,500 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.

(2) By a fine of not less than \$2,500 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two offenses, both of which were committed within a period of five years.

(3) By a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offenses of a series of offenses, all of which were committed within a period of five years.

B. Each week's continued violation shall constitute a separate additional violation.

C. Impounding of illegal drop-off bin.

- (1) Any drop-off bin which is illegally present on any property within the Town of Riverhead is subject to being impounded by the Town of Riverhead without notice to the owner of the drop-off bin or property owner.
- (2) Any drop-off bin which is impounded is subject to a fee of \$250.00 for transportation of said drop-off bin and a fee of \$250.00 per day for storage for each day of impounding.
- (3) Ten days after notification to the proper owner that the drop-off bin has been impounded said drop-off bin in shall be forfeited to the Town of Riverhead and used sold or destroyed at the sole discretion of the Town of Riverhead.

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

Dated: Riverhead, New York
September 3, 2014

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 621

ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE
(§101-3. Stop and yield intersections; railroad crossings; parking fields. - Griffing Ave. & Lincoln St.)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

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

WHEREAS, a public hearing was held on the 19th day of August, 2014 at 7:10 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

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

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code at its regular meeting held on September 3, 2014.

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

Chapter 101
VEHICLES AND TRAFFIC
ARTICLE III
Traffic Regulations

§ 101-3. Stop and yield intersections; railroad crossings; parking fields.

- A. Stop intersections. The following intersections are designated as stop intersections, and stop signs shall be erected at such intersections as follows:

Intersection	Stop Sign On	Entrance From
<u>Lincoln Street</u>	<u>Griffing Avenue</u>	<u>North and South</u>

- Underline represents addition(s)

Dated: Riverhead, New York
September 3, 2014

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution #622

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 Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

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 September 11, 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 Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Not Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 7th day of October, 2014 at 2:05 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, form 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
September 3, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

TOWN OF RIVERHEAD

Resolution # 623

**ADOPTS A LOCAL LAW AMENDING CHAPTER 47 ENTITLED
“BAYS AND CREEKS” OF THE RIVERHEAD TOWN CODE**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 47 entitled “Bays and Creeks” of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 19th day of August 2014 at 7:20 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 47 entitled “Bays and Creeks” of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 47 entitled "Bays and Creeks", of the Riverhead Town Code at its meeting held on September 3, 2014. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 47. BAYS AND CREEKS
Article III. General Provisions

§ 47-24. Form of applications.

A. The application for a permit shall comply with the directions and standards for a "Chapter 47 and/or Chapter 107 Conservation Advisory Council Application for Permit (CAC-1)."

B. The Director of the Planning Department shall retain the original permit application for his/her files and distribute one copy each to the board or department vested with the authority to make a decision to approve, approve with conditions or deny the application ~~Town Board~~, the Conservation Advisory Council, and any other board, department, agency deemed interested or involved in the application. ~~all other involved agencies.~~

C. ~~The Conservation Advisory Council shall review all completed permit applications and provide a written recommendation to the Town Board, other involved agencies and the applicant, stating its findings and conclusions, within 30 days of its receipt of the completed application. However, such thirty-day time period shall not apply where an environmental impact statement is to be prepared by the applicant, in which case a sixty-day time period shall apply, and said sixty-day time period shall commence from the date a final environmental impact statement has been accepted by the lead agency exercising jurisdiction over the project.~~ commence review within 30 days of referral from the Planning Department. The Conservation Advisory Council shall issue a report and recommendation to approve, approve with conditions or deny the application within 60 days from the initial referral to the Conservation Advisory Council. In the event that an application is determined to be incomplete and/or additional information is requested by the Conservation Advisory Council, the Conservation Advisory Council shall advise the applicant within 30 days from the date of referral and grant applicant 30 days to provide the information and/or supplement the application. The 60 day time period to issue a report and recommendation shall not apply where an environmental impact statement is to be prepared by the applicant, in which case said 60 day period shall not commence until a final environmental impact statement has been accepted by the lead agency exercising jurisdiction over the project.

D. ~~The Town Board may accept, modify, or reject the recommendation of the Conservation Advisory Council within 15 days of submittal by the Conservation Advisory Council to the Town Board. Such fifteen-day period shall commence upon the lapse of three days from mailing of a copy of the recommendation of the Conservation Advisory Council to the applicant or service upon the Town Board, whichever shall be later. If either the applicant or the Town Board desires a modification of the recommendation of the Conservation Advisory Council, a public hearing shall be held upon prior reasonable public notice published in the official newspaper of the Town, and the Town Board shall hold a public hearing on the permit application. The Town Board shall, after the required~~

~~public hearing, then render a decision to deny, approve or approve with conditions the permit application. In rendering a decision of approval with conditions or denial of a permit, the Town Board shall state, in writing, its findings of fact and conclusions. The decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the permit application to the applicant, together with the decision and conditions, if any, imposed by the Town Board attached.~~

The Conservation Advisory Council shall deliver a copy of the report and recommendation to the Planning Department, and, in turn, the Planning Department shall deliver a copy to the board or department vested with authority to approve, approve with conditions, or deny the application and mail a copy to the applicant within 5 days of receipt of the Conservation Advisory Council's report and recommendation. The Town Board, Planning Board, or Building Department, as the case may be, may approve, modify or reject the recommendation of the Conservation Advisory Council within 15 days of receipt of the report and recommendation. Such 15 day period shall commence upon the lapse of 3 days from mailing of a copy of the decision of the Conservation Advisory Council to the applicant or service upon the board or department, whichever shall be later. In the event that the board or department seeks to modify or reject the recommendation of the Conservation Advisory Council, the board or department shall publish its decision, including its findings of fact and conclusions in the official newspaper of the Town, except for an application within the jurisdiction of the Town Board shall require that Town Board hold a public hearing upon reasonable notice published in the official newspaper of the Town prior to modification or rejection of the Conversation Advisory Council's recommendation. The Town Board shall, after the required public hearing, then render a decision to deny, approve or approve with conditions the permit application. In rendering a decision of approval, approval with conditions or denial of a permit, the Town Board shall state, in writing, its findings of fact and conclusions. The decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the permit application to the applicant, together with the decision and conditions, if any, imposed by the Town Board.

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

Dated: Riverhead, New York
September 3, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

TOWN OF RIVERHEAD

Resolution # 624

**ADOPTS A LOCAL LAW AMENDING CHAPTER 107 ENTITLED
“TIDAL AND FRESHWATER WETLANDS” OF THE RIVERHEAD TOWN CODE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 107 entitled “Tidal and Freshwater Wetlands” of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 19th day of August 2014 at 7:25 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 107 entitled “Tidal and Freshwater Wetlands” of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 107 entitled "Tidal and Freshwater Wetlands", of the Riverhead Town Code at its meeting held on September 3, 2014. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 107. TIDAL AND FRESHWATER WETLANDS

§ 107-5. Permitted acts.

The acts set forth in 107-4 are permissible if done pursuant to the terms and conditions of a permit approved by the ~~Town Board and/or the Riverhead Conservation Advisory Council, or pursuant to an approved and filed subdivision map or building permit carrying final approval.~~ board or department vested with the authority to review, approve, approve with conditions, or deny an application for the proposed activity or use and/or related to an activity or use, i.e. application to construct bulk head on residential lot-Building Department, deposit fill within 150 feet boundary of freshwater wetlands related to a site plan-Planning Board. To the extent the provisions of the Town Code do not identify the board or department vested with the authority to review, approve, approve with conditions, or deny the application, the Town Board shall have the authority to approve, approve with conditions or deny the application. As set forth in the provisions below, the Planning Department, acting on behalf of the board or department vested with the authority to render a decision to approve, approve with conditions, or deny the application, shall refer all applications to the Conservation Advisory Council for report and recommendation.

§ 107-6. Application for permit.

A. All ~~applicants~~ applications for a permit to do any of the acts regulated or permitted by §§107-4 and 107-5 shall present an original and three copies of the ~~permit- completed~~ application, together with other required information outlined in this chapter, to the ~~office of the Town Conservation Advisory Council~~ Planning Department. ~~An and an~~ application fee of \$100.00 is to be paid to the Town Clerk. All applications and copies thereof must be accompanied by or included the following information:

§ 107-7. Procedure for issuance of permit; display of permit; inspections.

A. The Director of the Planning Department shall retain the original permit application for his/her files and distribute one copy each to the board or department vested with the authority to make a decision to approve, approve with conditions or deny the application ~~Town Board~~, the Conservation Advisory Council, and any other board, department, agency deemed interested or involved in the application. ~~all other involved agencies.~~

B. The Conservation Advisory Council shall ~~review all completed permit applications and provide a written recommendation to the Town Board, other involved agencies and the applicant, stating its findings and conclusions, within 21 days of its receipt of said application. However, such twenty-one-day time period shall not apply where an environmental impact statement is to be prepared by the applicant, in which case said sixty-day time period shall not commence until a final environmental impact statement has been accepted by the lead agency exercising jurisdiction over the project.~~

commence review within 30 days of referral from the Planning Department. The Conservation Advisory Council shall issue a report and recommendation to approve, approve with conditions or deny the application within 60 days from the initial referral to the Conservation Advisory Council. In the event that an application is determined to be incomplete and/or additional information is requested by the Conversation Advisory Council, the Conversation Advisory Council shall advise the applicant within 30 days from the date of referral and grant applicant 30 days to provide the information and/or supplement the application. The 60 day time period to issue a report and recommendation shall not apply where an environmental impact statement is to be prepared by the applicant, in which case said 60 day period shall not commence until a final environmental impact statement has been accepted by the lead agency exercising jurisdiction over the project.

~~C. The Conservation Advisory Council decision shall be binding unless modified by the Town Board within 10 days of submittal by the Conservation Advisory Council to the Town Board. Such ten-day period shall commence upon the lapse of three days from mailing of a copy of the decision of the Conservation Advisory Council to the applicant or service upon the Town Board, whichever shall be later. If either the applicant or the Town Board desires a modification of the decision of the Conservation Advisory Council, a public hearing shall be held upon prior reasonable public notice published in the official newspaper of the Town, and the Town Board shall hold a public hearing on the permit application. The Town Board shall, after the required public hearing, then render a decision to deny, approve or approve with conditions the permit application. In rendering a decision of approval, approval with conditions or denial of a permit, the Town Board shall state, in writing, its findings of fact and conclusions. The decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the permit application to the applicant, together with the decision and conditions, if any, imposed by the Town Board attached. shall deliver a copy of the report and recommendation to the Planning Department, and, in turn, the Planning Department shall deliver a copy to the board or department vested with authority to approve, approve with conditions, or deny the application and mail a copy to the applicant within 5 days of receipt of the Conservation Advisory Council's report and recommendation. The Town Board, Planning Board, or Building Department, as the case may be, may approve, modify or reject the recommendation of the Conservation Advisory Council within 15 days of receipt of the report and recommendation. Such 15 day period shall commence upon the lapse of 3 days from mailing of a copy of the decision of the Conservation Advisory Council to the applicant or service upon the board or department, whichever shall be later. In the event that the board or department seeks to modify or reject the recommendation of the Conservation Advisory Council, the board or department shall publish its decision, including its findings of fact and conclusions in the official newspaper of the Town, except for an application within the jurisdiction of the Town Board shall require that Town Board hold a public hearing upon reasonable notice published in the official newspaper of the Town prior to modification or rejection of the Conversation Advisory Council's recommendation. The Town Board shall, after the required public hearing, then render a decision to deny, approve or approve with conditions the permit application. In rendering a decision of approval, approval with conditions or denial of a permit, the Town Board shall state, in writing, its findings of fact and conclusions. The decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the permit~~

application to the applicant, together with the decision and conditions, if any, imposed by the Town Board.

D. The All ~~decisions of the Town Board~~ regarding a permit application shall be judicially reviewable.

§ 107-7.1. Standards for issuance of permit to clear native vegetation.

A. The Conservation Advisory Council shall use the following criteria when ~~considering~~ evaluating an application for a permit under § 107-7 to clear native vegetation unless the applicant demonstrates that the proposed clearing:

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

Dated: Riverhead, New York
September 3, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

TOWN OF RIVERHEAD

Resolution # 625

**ADOPTS A LOCAL LAW AMENDING CHAPTER 12 ENTITLED
“COASTAL EROSION HAZARD AREAS” OF THE RIVERHEAD TOWN CODE**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 12 entitled “Coastal Erosion Hazard Areas” of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 19th day of August 2014 at 7:15 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 12 entitled “Coastal Erosion Hazard Areas” of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 12 entitled "Coastal Erosion Hazard Areas", of the Riverhead Town Code at its meeting held on September 3, 2014. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 12. COASTAL EROSION HAZARD AREAS

§ 12-28 Coastal erosion management permit.

B. Each application for a coastal erosion management permit:

(1) Must be accompanied by the required fee or fees as established in § 12-27 herein.

~~(2) Must be received by the Administrator and shall be referred to the Conservation Advisory Council of the Town of Riverhead for an advisory report and recommendation. Such report shall be issued to the Administrator within 62 days from the date of referral. The Conservation Advisory Council shall commence review within 30 days of referral from the Planning Department. The Conservation Advisory Council shall issue a report and recommendation to approve, approve with conditions or deny the application within 60 days from the initial referral to the Conservation Advisory Council. In the event that an application is determined to be incomplete and/or additional information is requested by the Conservation Advisory Council, the Conservation Advisory Council shall advise the applicant within 30 days from the date of referral and grant applicant 30 days to provide the information and/or supplement the application. The 60 day time period to issue a report and recommendation shall not apply where an environmental impact statement is to be prepared by the applicant, in which case said 60 day period shall not commence until a final environmental impact statement has been accepted by the lead agency exercising jurisdiction over the project.~~

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

Dated: Riverhead, New York
September 3, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

TOWN OF RIVERHEAD

Resolution # 626

AUTHORIZES THE SUPERVISOR TO EXECUTE AN INTERMUNICIPAL AGREEMENT WITH THE RIVERHEAD CENTRAL SCHOOL DISTRICT TO PROVIDE MUTUAL AID AND ASSISTANCE DURING DISASTERS – RENEWAL FOR 2014

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead (Town) and the Riverhead Central School District (District) are desirous of providing aid and assistance to Town taxpayers during disasters, either natural or manmade; and

WHEREAS, the Town and the District agree that the health and well being of the community will best be protected through the concerted efforts of governmental entities, districts, and agencies; and

WHEREAS, the Town and the District agree that the promotion and coordination of this assistance through this Agreement is desirable for the effective and efficient provision of mutual aid and assistance in order to prevent, minimize, repair, and alleviate injury or damage resulting from any such disaster.

NOW, THEREFORE, BE IT RESOLVED that the Supervisor is hereby authorized to execute an Intermunicipal Agreement Renewal for 2014 with the Riverhead Central School District in substantially the form annexed hereto; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Riverhead Central School District, 700 Harrison 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 certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**RENEWAL FOR 2014
INTERMUNICIPAL AGREEMENT
FOR EMERGENCY PREPAREDNESS AND EVACUATION
PROCEDURES AND PROVISIONS
BETWEEN**

THE TOWN OF RIVERHEAD AND RIVERHEAD CENTRAL SCHOOL DISTRICT

This Agreement, made and entered into this day of September 2014, by and between the Town of Riverhead, a municipal corporation of the State of New York, hereinafter referred to as “Town” with offices for the transaction of business located at 200 Howell Avenue, Riverhead, NY and Riverhead Central School District with offices for the transaction of business located at 700 Osborne Avenue, Riverhead, NY hereinafter referred to as “District”.

WITNESSETH:

WHEREAS, the governing bodies of the Town and District are desirous of providing aid and assistance to our taxpayers when the threat of a disaster, either natural or manmade, including tropical storms, hurricanes and nor’easters, threaten the Riverhead Area and the Town recommends or orders “Evacuation” or declares a “State of Emergency”.

WHEREAS, the Town and District agree that concerted efforts of the Town and District are required to implement evacuation procedures and provisions to protect the health and well-being of the community.

WHEREAS, the promotion and coordination of this assistance through this Agreement is desirable for the effective and efficient provision of aid and assistance such that injury or damage from any such disaster may be prevented, minimized or alleviated.

WHEREAS, the Town has researched town records and determined that approximately 1500 residents reside in structures which pre-date the provisions of the New York State Building Code designed to prevent significant and catastrophic damage to residential structures caused by hurricane-force winds and rains with potential flooding and nor’easters with high winds, rain, snow and ice and therefore are vulnerable to damage risking the safety of the inhabitants.

WHEREAS, the Town seeks to utilize District property during periods of “Evacuation” due to impending and/or forecasted disasters and declared “State of Emergencies” to temporarily shelter Town residents forced to leave their homes due to the potential or realized health and safety issues caused or created by the emergency or disaster.

WHEREAS, in addition, as many of the 1500 residents identified above are elderly and do not have transportation to travel to a shelter, the Town seeks to utilize District buses and drivers to transport these residents to and from designated locations to the shelter.

WHEREAS, the Town and District will coordinate staff, including but not limited to Town police, fire, engineering and highway personnel and District security, mechanical (bus garage),

and food service personnel to ensure the health, safety and welfare of all individuals being transported to and from and seeking shelter at District-owned property.

WHEREAS, this Agreement recognizes and does not supersede present and future mutual aid agreements or intermunicipal agreements among the signatories of this Agreement.

WHEREAS, this Agreement does not limit any party jurisdiction's ability to enter into mutual aid agreements in the future with neighboring municipalities, local or regional government entities, emergency response organizations and public health departments/agencies.

WHEREAS, this Agreement does not limit any parties' right to apply for any type of state or federal emergency assistance and seek reimbursement for services performed and costs incurred in performing the tasks identified in this Agreement.

NOW, THEREFORE, the Town and District agree as follows:

1. The Town and District agree that for purposes of this Agreement the Supervisor of the Town of Riverhead shall be vested with the sole and exclusive authority to recommend or order "Evacuation" and declare a "State of Emergency". The recommendation or order for "Evacuation" and "State of Emergency" shall include natural or man-made disasters.
2. The Town and District shall each designate an authorized representative in accordance with this Agreement. The authorized representative of the Town may request the assistance of the District by contacting the authorized District representative. The authorized representative of the District may authorize the following aid:
 - a. The District shall permit use of District property located at 700 Osborne Avenue, Riverhead, NY and commonly known as "Riverhead High School" for the limited purpose of sheltering Town residents during a state of emergency due to forecast or realized natural or man-made disasters.
 - b. The District shall permit use of the District buses and arrange for District personnel to operate the buses for the limited purpose of transporting residents to and from designated locations within the Town, described in Exhibit "A" annexed hereto and made part hereof, and the District property. In addition, upon notification from the Town of a forecasted or predicted disaster of a magnitude likely to result in the state of emergency, the District shall fuel a sufficient number of buses to mitigate time and complications which may arise due to the lack of electricity required to operate fueling stations and alleviate the need for generator power to fuel the buses.
 - c. The District shall arrange security and/or custodial personnel to assist with the use of the District property.
 - d. The District may designate such other personnel necessary to efficiently and effectively respond to the state of emergency, assist in transportation of residents, and coordinate any and all aspects of the use of District property for shelter.

3. The Town and District agree that in exchange for the aid set forth in provisions 2 (a)-(d) above, the Town shall provide the following:
 - a. The Town shall deliver and install, with assistance of District personnel, a 25-KiloWatt generator at the District property and such other available and necessary equipment required to operate the shelter. The Town agrees to maintain the generator and the District agrees to allow the generator to be placed on District property and to provide such electricity as needed for the operation of the generator.
 - b. The Town shall provide police personnel to assist with the order and security of use of the District property as and for a temporary shelter.
 - c. The Town shall provide Engineering and Building & Grounds personnel to assist with the delivery of necessary equipment, movement of furniture, and installation of temporary equipment which may be required to provide shelter on District property.
 - d. Town personnel shall follow the management protocol and procedures of the District at all times while on District property.
4. The Town and District agree that either Town or District may contract for emergency response services, i.e. American Red Cross, to assist in the operation of the shelter and, in the event any such agreement/contract provides for management of the operation of the shelter, the Town and District shall follow the management protocol and procedures of the emergency response organization and offer such support as may be requested by said emergency response organization.
5. The Town and District agree that the District's Agreement with the Red Cross, dated February 13, 2009, shall supercede this Agreement the event the Red Cross requires use of the District's facilities during an emergency. In the event of any conflict between the terms of this Agreement and the terms of the District's Agreement with the Red Cross, the terms of the District's Agreement with the Red Cross shall prevail.
6. The Town and District agree that the provisions of this Agreement shall only apply to requests for assistance made by and to the authorized representative of each entity.
7. The Town and District agree that requests for assistance may be made verbally or in writing; and, if verbal, the request shall be confirmed in writing at the earliest possible date, but no later than 5 calendar days following the verbal request. In addition, written requests shall provide the following information: a description of the function for which assistance is needed; the amount or type of personnel, equipment, material, services or supplies and other resources needed and an estimated length of time the items will be needed; and, the specific place and time for the staging of the District's response and at point of contact at the location.
8. The Town and District recognize that especially during an emergency, the requirements for the protection of the public health and safety may require work, services and supplies beyond that contained either in oral or written requests. Nothing in this Agreement should be construed to limit the ability of either the Town or District and its personnel to respond in any manner necessary for the preservation of the public health

and safety. To the extent such services or supplies are extended, the provisions of this Agreement shall apply.

9. The Town and District agree that this provision of aid and assistance is voluntary. Neither the Town nor District shall be required to deplete its own resources.
10. The Town and District agree that to the extent assistance is to be provided under this Agreement, the District shall determine the extent of assistance and same may be recalled at the sole discretion of the District; provided however, that the Town shall determine the scope of services to be delivered by the District.
11. The Town and District agree that employees (referred to as personnel above) shall remain employees of the Town or District, as the case may be, at all times. The employees designated by the Town or District to participate and aid in the emergency relief shall continue under the command and control of their regular supervisors. The Town and District shall be responsible for its own employees' wages, benefits and similar obligations. If applicable, the Town and District shall provide for the payment of workers compensation and death benefits to the personnel of its own jurisdiction.
12. The Town and District agree that the Town shall reimburse the District for the cost of all fuel required to transport residents to and from designated locations within the Town and the District property. In addition, the Town and District agree that the Town shall reimburse the District for salary of all personnel designated and employed to assist with the emergency relief.
 - a. The costs for District personnel's time required to undertake the services identified above shall be payable by the Town at the actual rate incurred by the District and as stated in the labor contract in effect on the date of the rendition of services. The District and Town agree that all efforts shall be made to perform the required services within District personnel contracted hours, however, in the event an employee is required to work on overtime, the District shall be reimbursed at the District employee(s) overtime rate.
 - b. The Town and District agree that in any fiscal year the District provides service and seeks reimbursement for fuel, utilities, water and food costs or personnel, the District shall keep appropriate records of the services performed, costs incurred, and reimbursements and contributions received. Such records shall be available for, and shall be subject to audit as is otherwise required by law for municipal financial records. Such records shall also be summarized in a financial statement that will be issued to the Town upon request.
 - c. The District shall prepare and present an itemized voucher for payment on an approved form supplied by the Town for such purposes.
13. The Town and District shall each either maintain commercial comprehensive general liability policies or shall maintain self-insured liability loss exposures. Each party shall

provide to the other a copy of current certificates of insurance. Any lapse in coverage shall be grounds for immediate termination of this Agreement.

- a. To the extent permitted by law, the Town and District agree that it shall protect, indemnify and hold harmless the other and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorneys' fees, arising out of and resulting from the acts or omissions or the negligence of the other party in connection with the services described or referred to in this Agreement. Each party shall defend the other and its officers, officials, employees, agents and other persons in any suit, including appeals, or at a party's option, pay reasonable attorneys' fees for defense of any such suit arising out of the acts or omissions or negligence of the other party, its officers, officials, employees, or agents, if any, in connection with the services described or referred to in this Agreement.
 - b. Each party shall cooperate with the other in connection with the investigation, defense, or prosecution of any action, suit or proceeding in connection with this Agreement.
 - c. The Town and District, by entering into this agreement, have not waived any governmental immunity or limitation of damages which may be extended by operation of law.
 - d. The provisions of this Section shall survive the termination of this Agreement.
14. The Town and District agree that any communication, notice, report, or other submission necessary or required to be made by the parties regarding this Agreement shall be in writing, except as set forth in paragraph 6 above, and delivered to the other party or its designated representative at the following addresses or at such other address that may be specified in writing by the parties:

By Personal Delivery and First Class Mail; or First Class and Certified Mail, Return Receipt Requested; or by Nationally Recognized Overnight Courier Service or Fax transmittal or Email:

For the Town of Riverhead:

Sean Walter, as Supervisor for Town of Riverhead and Commissioner of
the Town of Riverhead Police Department

200 Howell Avenue

Riverhead, New York 11901

Email: walter@riverheadli.com

Fax No. (631)727-6712

With a copy to the Office of the Town Attorney at the same address:

Attention: Robert F. Kozakiewicz, Town Attorney

Email: rfk@riverheadli.com

Fax No. (631) 727-6152

For the Riverhead Central School District:

Sam M. Schneider, Assistant Superintendent for Finance & Operations

Riverhead Central School District

700 Osborne Avenue

Riverhead, New York 11901

Email: sam.schneider@riverhead.net

With a copy to:

Christopher Venator, Esq.

Ingerman Smith, LLP.

150 Motor Parkway, Suite 400

Hauppauge, New York 11788

15. In the event either the Town or District receives a notice of claim or becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third party defendant) to any legal action or proceeding related to this Agreement, it shall immediately deliver to the other party, and to the Office of the Town Attorney and Christopher Venator, Esq., counsel for the District, at the addresses set forth above, copies of all papers filed by or against it.
16. The Town and District agree that any communication or notice regarding termination of this Agreement shall be in writing and shall be given to the Town or District at the addresses set forth above and must be delivered as set forth in paragraph 13 above.
17. This Agreement shall remain in effect for one (1) year from the date of execution. The Agreement may be renewed for successive one (1) year terms upon the mutual written agreement of the parties. Either party may withdraw from this agreement by sending 30 days written notice to all parties.
18. This Agreement, together with Schedule "A", represents the entire and integrated agreement between the Town and the District and supersedes all prior negotiations,

representations, or agreements, either written or oral. This agreement may be amended only by written instrument signed by both the Town and District.

19. No waiver shall be inferred from any failure or forbearance by the County or Town to enforce any provision of this Agreement in any particular instance or instances, but the same shall otherwise remain in full force and effect notwithstanding any such failure or forbearance.
20. This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without regard to conflict of laws. Venues shall be designated in Suffolk County; New York or the United States District Court for the Eastern District of New York.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on their behalf.

TOWN OF RIVERHEAD

RIVERHEAD CENTRAL SCHOOL DISTRICT

Sean M. Walter, Supervisor

Gregory Meyer, President
Board of Education

TOWN OF RIVERHEAD

Resolution # 627

ACCEPTS DONATION OF LADDERS FROM COSTCO FOR USE BY THE TOWN FIRE MARSHAL'S OFFICE

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Riverhead COSTCO has offered to donate two (2) little giant megamax 17' ladders with air deck (Item #787841) to the Town of Riverhead Fire Marshal's Office; 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 the two (2) 17' ladders at no cost to the Town is in the best interest of the residents of the Town of Riverhead.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Riverhead hereby accepts the donation of two (2) little giant megamax 17' ladders with air deck from Riverhead COSTCO; and be it further

RESOLVED, that the Town Supervisor may execute such other documents as deemed necessary to carry out the intent of this resolution; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Daniel M. Bray, AGM Loc. #785, 1768 Old Country Road, 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 Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 628

RESCINDS REVOCATION AND
CONDITIONALLY RESTORES TAXICAB BUSINESS LICENSE
(Day and Night Taxi and Limo Inc.)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, by registered letter dated July 15, 2014, the Town Clerk notified Day and Night Taxi and Limo Inc. (Day & Night) that the Taxicab Business License issued on July 9 2014 under permit No. 1019 was revoked pursuant to Town Code section 99-16A; and

WHEREAS, on or about July 17, 2014, Mohammad A. Gondal, on behalf of Day & Night surrendered that license; and

WHEREAS, by written notice filed with the Town Clerk on July 31, 2014, Day & Night by Mohammad A. Gondal sought an appeal of that revocation; and

WHEREAS, a public hearing was held on the 19th day of August, 2014 at 7:30 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, seven (7) documents were received into evidence and made part of the public hearing records, including but not limited to: (1) Copy of the Bill of Sale Agreement; (2) Copy of NYS Department of State Filing Receipt for Day & Night; (3) Copy of the Taxicab Business License issued on July 9, 2014; and (4) Copy of the Notice appealing the revocation; and

WHEREAS, testimony was received from Mohammad A. Gondal and Riasat Ali on behalf of Day & Night; and

WHEREAS, Mohammad A. Gondal testified, in sum and substance, as follows:

- (a) that he purchased Day & Night on July 9, 2014, confirming the same statement made in his Notice filed on July 31, 2014;
- (b) that he had no interest in Day & Night prior to acquiring the business on July 9, 2014;
- (c) that this was his first venture into the taxicab business;
- (d) that he was negligent in failing to ensure that all his drivers were fully licensed;
- (e) that in the event the revocation is lifted, he would agree to limit operation of the taxicabs to two individuals who currently hold valid Town of Riverhead Operators Licenses;

- (f) that insurance was in effect from July 9, 2014 covering all taxis being operated by Day & Night;
- (g) that upon surrendering the license, Day & Night ceased taxi services within the Town of Riverhead; and
- (h) that in the event the revocation is lifted, he would agree to limit operation of the taxicab business to two cabs; namely a 2004 Dodge and 2006 Dodge; and

WHEREAS, a proposed Stipulation has been exchanged between the Town of Riverhead and Day & Night.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby rescinds the revocation of the Taxicab Business License issued on July 9 2014 under permit No. 1019 and conditionally restores the Taxicab Business License issued on July 9 2014 under permit No. 1019 for a period of six months from the date hereof subject to and conditioned upon a Stipulation being entered into by the Town and Day and Night in substantially the form exchanged; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to execute a Stipulation in substantially the form exchanged between the Town of Riverhead and Day & Night; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Anthony H. Palumbo, Esq., 13235 Main Road, P.O. Box 132, Mattituck, New York 11952; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 629

DECLARES CERTAIN BENCHES TO BE SURPLUS PROPERTY AND AUTHORIZES THE DONATION THEREOF

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead Procurement Policy, which was amended by Resolution #198 adopted by the Town Board on March 15, 2011, authorizes the Town to dispose of personal property; and

WHEREAS, pursuant to Guideline 8 of the Town's Procurement Policy the Town is authorized to dispose of surplus/obsolete property based upon an evaluation by the Town Financial Administrator, with the assistance of the department head, regarding estimated surplus value and, thereafter, recommendation of Financial Administrator to the Town Board regarding disposal or sale; and

WHEREAS, the Town of Riverhead is in possession of several benches which were originally donated to the Town by Tanger Outlet Center; and

WHEREAS, the Manorville Fire Department is in need of benches at the Manorville memorial site and made inquiry to the Town regarding possible surplus benches; and

WHEREAS, the Town of Riverhead wishes to donate the three (3) benches to the Manorville Fire Department Memorial.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board is hereby authorized to donate three (3) benches to the Manorville Fire Department Memorial; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Manorville Fire Department, 14 Silas Carter Road, Manorville, NY 11949; the Engineering Department and the Accounting Department; and be it further

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

THE VOTE

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

TOWN OF RIVERHEAD

Resolution # 630

AUTHORIZES CO-SPONSORSHIP WITH THE RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION, INC., AND APPROVAL OF AN AGREEMENT WITH ST. GEORGE LIVING HISTORY PRODUCTIONS, INC., REGARDING AN EVENT ENTITLED "THE EDGAR ALLEN POE FESTIVAL"

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead enacted a local law pursuant to Town Board Resolution no. 222 of 1991 thereby establishing the Town of Riverhead Business Improvement District which is governed by the Riverhead Town Board; and

WHEREAS, upon the recommendation of the Riverhead Business Improvement District Management Association, Inc. (BIDMA), the Town of Riverhead Business Improvement District wishes to co-sponsor an event entitled "The Edgar Allen Poe Festival" commencing on Friday, October 31, 2014, and ending on Sunday, November 2, 2014, and enter an agreement with BIDMA and St. George Living History Productions, Inc., for the design, coordination and implementation of such a festival; and

WHEREAS, the Riverhead Business Improvement District Management Association, Inc., pursuant to contract, needs the consent and approval of the Town of Riverhead Business Improvement District to facilitate Town of Riverhead Business Improvement District-related events.

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead Business Improvement District shall co-sponsor with the Riverhead Business Improvement District Management Association, Inc., an event entitled "The Edgar Allen Poe Festival" and authorizes the town supervisor to enter an agreement with BIDMA and St. George Living History Productions, Inc., for the design, coordination and implementation of an event entitled "The Edgar Allen Poe Festival" commencing on Friday, October 31, 2014, and ending on Sunday, November 2, 2014, subject to a BIDMA approval resolution; and be it further

RESOLVED, that the Town Supervisor is authorized to execute the subject agreement in a form to be approved by the Town Attorney's Office; and be it further

RESOLVED, that the Riverhead Business Improvement District Management Association, Inc., shall provide all documentation regarding valid and proper expenditures for this event, to the Riverhead Town Accounting Department; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Raymond Pickersgill, President, Riverhead Business Improvement District Management Association, Inc., 49 East Main Street, 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 certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the _____ of _____, 2014, among the TOWN OF RIVERHEAD, a municipal corporation with its principal offices at 200 Howell Avenue, Riverhead, New York, 11901, and the RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION, INC., a not-for-profit corporation organized and existing under the laws of the State of New York, with its office located at 49 East Main Street, Riverhead, New York 11901, (hereinafter referred to as collectively ("TOWN/BIDMA")) and ST. GEORGE LIVING HISTORY PRODUCTIONS INC., a corporation existing under the laws of the State of New York with a principal place of business at 40 Matsunaye Drive, Medford, New York, 11763 (hereinafter referred to as "Consultant").

In consideration of the mutual promises herein contained, TOWN/BIDMA and Consultant agree as follows:

1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in **Schedule A** attached hereto and made a part hereof.

2. RELATIONSHIP OF PARTIES

The Consultant shall render scope of services as an independent contractor and not as an employee of TOWN/BIDMA. No deductions from Consultant's pay will be made and no fringe benefits of any kind will be provided to Consultant by TOWN/BIDMA, including by way of example, but not limitation, health insurance benefits, paid vacation or any other employee benefits. In addition, the Consultant shall not have the authority to enter into any contract or agreement to bind TOWN/BIDMA and shall not represent to anyone that Consultant has such authority.

3. TERM OF AGREEMENT

The Agreement shall commence on September 3, 2014, and terminate on November 2, 2014, unless extended by mutual written consent of all parties.

4. PAYMENT

For those services delineated in *Schedule A*, BIDMA will pay Consultant \$11,000.00, payable as follows: \$5,500.00 within five (5) business days of contract execution and the remaining balance of \$5,500.00 within five (5) business days of satisfactory completion of the scope of services as set forth in the attached **Schedule A**. The TOWN/BIDMA shall not have any liability or responsibility for any other expenses or costs except in the event of an insufficient number of recruited volunteer performers, as determined among Town/BIDMA and Consultant. In that event, BIDMA shall be obligated to pay up to a maximum of \$200.00 per performer to be recruited among

Consultant, Town/BIDMA as independent contractors of BIDMA, regarding a maximum of five (5) performers for entertainment services to be rendered encompassing the entire festival period, including but not limited to audition, preparation and performance.

5. INTELLECTUAL PROPERTY RIGHTS

The parties acknowledge that the scope of services as proposed by the Consultant involve a series of entertainment presentations, based in whole or in part on scripted material formed from the creativity of Consultant which is acknowledged to be the intellectual property of Consultant, including the term "Edgar Allen Poe Festival". However, Consultant agrees that in consideration of the fee for scope of services, TOWN/BIDMA may enjoy the perpetual and unlimited right to use, photograph and/or record in whatever medium so desired and use such entertainment presentations for whatever purpose TOWN/BIDMA deem appropriate in their sole discretion. Consultant, and any parties so photographed and/or recorded shall not be entitled to and waive in perpetuity any compensation, monetarily or otherwise, regarding TOWN/BIDMA's use and enjoyment of such entertainment presentations, as used, photographed, and/or recorded, including but not limited to cablecast on the Town's cable television channel(s) in perpetuity; and TOWN/BIDMA's perpetual use and enjoyment shall survive the termination and/or completion of the scope of services and contract period which is a material term of this Agreement. In addition, Consultant agrees and warrants that Consultant shall use any recorded material encompassing scope of services in a lawful, ethical and appropriate manner. These obligations shall survive the termination of this Agreement. In addition, Consultant warrants and represents that Consultant shall obtain, if applicable, all copyright and trademark licenses and approvals at its sole cost and expense for the subject scope of services.

6. ASSIGNMENT AND SUBCONTRACTING

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

7. TERMINATION

In addition to the termination provisions as stated in paragraph 3 above, or any extension agreed to by all parties in writing, this Agreement may be terminated at any time by TOWN/BIDMA without cause. In the event of such termination, TOWN/BIDMA shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement specifically regarding scope of services rendered to the date of termination minus offset for any costs and expenses incurred by TOWN/BIDMA. In addition, TOWN/BIDMA shall be entitled to a pro rata refund of any fees for services unrealized or not performed to the date of termination of the Agreement.

8. RECORDS

Consultant shall keep accurate records of the time spent in the performance of services hereunder. The Town shall, until the expiration of seven years after final payment under

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

9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that the Consultant determines that a change order is required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the TOWN/BIDMA, its departments, officers, agents, members and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, Esq., Deputy Town Attorney, Riverhead Town Attorney's Office, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to Sal St. George, c/o St. George Living History Productions Inc., 40 Matsunaye Drive, Medford, New York, 11763.

11. COMPLIANCE WITH LAWS

Consultant shall comply with all applicable federal, state and local laws and ordinances and regulations in the performance of its services under this Agreement. Consultant will notify TOWN/BIDMA immediately if Consultant's work for TOWN/BIDMA becomes the subject of a government audit or investigation. Consultant will promptly notify TOWN/BIDMA if Consultant is indicted, suspended or debarred. Consultant represents that Consultant has not been convicted of fraud or any other felony arising out of a contract with any local, state or federal agency. In carrying out the work required hereunder, Consultant agrees not to make any communication to or appearance before any person in the executive or legislative branches of the local, state or federal government for the purpose of influencing or attempting to influence any such persons in connection with the award, extension, continuation, renewal, amendment or modification of any contract or agreement. Consultant may perform professional or technical services that are rendered directly in the preparation, submission or

negotiation activities preceding award of a TOWN/BIDMA agreement/contract or to meet requirements imposed by law as a condition for receiving the award but only to the extent specifically detailed in the statement of work. Professional and technical services are limited to advice and analysis directly applying Consultant's professional and technical discipline.

12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance with policy limits of at least \$1,000,000.00 per occurrence/and in the aggregate, including sexual abuse/molestation liability coverage of \$1,000,000.00 per occurrence/ and in the aggregate. Such certificate of insurance, including proper endorsement, shall name the "Town of Riverhead" and "Riverhead Business Improvement District Management Association, Inc." as additional insured and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the TOWN/BIDMA, and their respective departments, officers, agents, members and employees, harmless against any and all claims, actions, demands, losses, expenses, damages, fines, judgments, settlements, penalties including attorney's fees both pre-and post-judgment, against TOWN/BIDMA, and their respective departments, officers, agents, members and employees arising out of the acts or omissions of Consultant under this Agreement. Consultant shall provide the certificate of insurance, including proper endorsement, including the designated "additional insureds" within five (5) business days of contract execution. Town/BIDMA reserve the right to cancel this contract, upon immediate notice, in the event Consultant fails to provide the certificate of insurance. In event of such contract cancellation, Town/BIDMA shall be entitled to an immediate refund of all fees provided to Consultant.

13. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead or BIDMA which any such official, employee, representative shall receive either directly or indirectly anything of value whether monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town or BIDMA, or contract with the Town or BIDMA for sale of any product or service. Consultant further represents and covenants that neither it nor any of its employees or representatives has offered or shall offer any gratuity to the TOWN/BIDMA, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment with respect thereto. Consultant further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with TOWN/BIDMA.

14. WARRANTY and REPRESENTATIONS:

(a) Consultant warrants and represents to TOWN/BIDMA that: (i) Consultant shall perform and execute the scope of services required hereunder to the best of its ability and in accordance with the highest industry-accepted standards and practices for

services and transactions of this type; (ii) Consultant further warrants and represents that Consultant is free to enter into this Agreement and fully perform its obligations hereunder and is under no obligation to any third party which will restrain or in any way affect the performance of its obligations hereunder.

(b) Consultant further warrants and represents that all scope of services for each and every particular presentation shall be performed in a professional manner. Furthermore, Consultant acknowledges that TOWN/BIDMA are relying upon Consultant's general skill, talent, expertise and professional judgment in the performance of the scope of services.

15. DISCLOSURE

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

16. CURE OF CONSULTANT'S DEFAULT/FORCE MAJEURE/DISPUTES

If Consultant shall default in the performance of the Agreement or any other duty imposed upon the Consultant hereunder, TOWN/BIDMA may (but shall not be required to), without notice to Consultant and with or without terminating this Agreement, cure and rectify such default(s) and either deduct the reasonable cost of cure and rectification from compensation due to Consultant hereunder or TOWN/BIDMA may directly bill Consultant for such reasonable costs. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. TOWN/BIDMA and Consultant agree that this Agreement and any attached schedules or exhibits shall be governed by, and construed in accordance with, the laws of the State of New York, without regard to conflict of laws principles. TOWN/BIDMA and Consultant further agree that Suffolk County, New York, is the proper location for venue and all jurisdictional purposes, including but not limited to personal and in rem jurisdiction. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with its terms. HOWEVER, any delay or failure by either party hereto in the performance of its obligations hereunder shall not constitute a default hereunder or give rise to any claim for damages if, and only to the extent and for such period of time that, (i) such delay or failure is caused by an event or occurrence beyond the control and without the fault or negligence of such party or any subcontractor or other party acting under or through such party, and (ii) said party is unable to prevent such delay or failure through the exercise of reasonable diligence. Events that shall be deemed to be beyond the control of the parties hereto shall include, but not be limited to: acts of God or the public enemy; expropriation or confiscation of facilities by governmental or military authorities; changes in applicable laws; war, rebellion, sabotage or riots; floods, unusually severe weather that could not reasonably have been anticipated; fires, explosions, or other catastrophes; or other similar occurrences. In addition, in the event that weather conditions render completion of scope of services involving proposed outdoor events impracticable, all parties agree to exercise

reasonable diligence in either securing an alternative venue for such entertainment services or substituting an equal or comparable entertainment service at such date and time both practicable and acceptable to all parties.

17. WAIVER CONSIDERATION

The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

18. ENTIRE AGREEMENT

This Agreement contains the entire agreement of the parties hereto and there are no other promises or conditions in any other agreement whether oral or written.

19. AMENDMENT

Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if documented in writing and signed by each party.

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

By: Sean M. Walter, Town Supervisor
TOWN OF RIVERHEAD

By: Salvatore St. George, President
ST. GEORGE LIVING HISTORY
PRODUCTIONS INC.

DATE: _____

DATE: _____

By: Raymond Pickersgill, President
RIVERHEAD BUSINESS IMPROVEMENT DISTRICT
MANAGEMENT ASSOCIATION, INC.

DATE: _____

The Edgar Allan Poe Festival

Schedule A & Consultant Deliverables

Duration: October 31, 2014, to November 2, 2014

In consideration of the fee schedule delineated in paragraph no. 4 of the attached agreement, Consultant agrees to provide the following entertainment services:

Friday, October 31st

Event Start:

3:00 pm-6:00 pm: Main Street Businesses Trick or Treating: Coordination of trick or treating session and business façade/window **Halloween decorations** with BIDMA and interested parties.

6:00 pm-7:00 pm: Holiday-themed Parade on Main Street: Design, Coordination and Implementation with BIDMA and interested parties.

Saturday, November 1st

3:00 pm to 6:00 pm: Holiday-themed Street Performances: Design, Coordination and Implementation of holiday-themed street performances utilizing performers to be recruited among Consultant and BIDMA.

Saturday, November 1st and Sunday, November 2nd

Time and Duration: TBD **The Ghost Writers:** Design, Coordination and Implementation of a fictitious meeting among Edgar Allen Poe, Mary Shelley and Bram Stoker who will discuss the inspirations and

experiences that stimulated the origins of their most famous ghoulish stories at an indoor venue to be provided and facilitated by BIDMA. Performers shall be recruited among Consultant and BIDMA. Performances: 2-4. Duration: approximately 45 minutes per performance.

Saturday, November 1st and Sunday, November 2nd

Time: TBD**The Monster Mash Revue:** Design, Coordination and Implementation of a toe-tapping rollicking musical comedy revue featuring a cast of youngsters and adult performers singing and dancing to holiday-themed songs such as *Monster Mash, Witch Doctor, Ghostbusters, the Addams Family, Purple People Eater* and others. Performers shall be volunteers recruited from the Riverhead area and surrounding environs by Consultant and BIDMA. Performances: 4 per day. Duration of each performance: approximately 15 minutes per performance. Locale: Indoor venue to be provided and facilitated by BIDMA.

Saturday, November 1st and/or Sunday, November 2nd

Time: TBD**Celebrity Author Reading(s):** Recruitment, Coordination and Implementation of author presentation(s) expounding on how the words, thoughts and stories of Edgar Allen Poe have influenced their own work. Author(s) will read one of their favorite Poe tales or poems. Consultant and BIDMA shall collaborate on recruiting authors. Duration: approximately 15-30 minutes.

Saturday, November 1st or Sunday, November 2nd

Time: TBD**A Vincent Price/Edgar Allen Poe Movie Celebration:** Coordination of holiday-themed movie(s) subject to consent, agreement and participation of Riverhead-area movie venues.

All events are subject to substitution of equal or comparable production value.

In addition, Consultant shall undertake design, coordination and/or implementation of the following activities:

- An Edgar Allan Poe historical exhibit with items on-loan from the Edgar Allan Poe Museum in Richmond Virginia.
- Restaurants featuring Poe inspired culinary delights such as Poe's Potions, Monster Mash Potatoes, Poe Boy Sandwiches, Yummy Mummy Cakes and more.
- An Edgar Allan Poe look-alike contest.
- Storytellers roaming the town telling ghost stories to the children.
- The Edgar Allan Poe Spook-tacular Parade will signal the final of the Festival.
- A **Walking Dead** exhibit provided by AMC television.
- Vincent Price daughter or similar celebrity appearances.

Additional Consultant Responsibilities

1. Staff Recruitment:

- Establish Committee (Suffolk Theater, Vail Leavitt, EEAC, Library)
- Stage Managers-recruit volunteers
- Costumes-to be independently provided by subject volunteers.
- Rehearsal for subject performances and events.
- Musicians
- Storytellers
- Promotional Items
- Coordination of Actors & Performances

2. Publicity campaign

- Edgar Allan Poe Look Alike Contest
- Recruit & Audition Actors/Actresses

3. Creative Development

- Create original holiday-themed performance material (copyright to remain with Consultant/Author)

- Conceptualize artistic installations

4. **Coordinate Creation of Volunteer Committees:**

- Publicity Committee
- Parade Committee
- Merchant Committee
- Restaurant Committee
- Volunteer Management Committee
 - Adult Volunteers
 - Child Volunteers
- Command Center Operation

5. **General Outreach & Promotion**

- Attend East Hampton Authors Night 2014 to promote event and recruit potential talent (www.easthamptonauthorsnight.com)
 - Command Center, Logistics & Safety Planning
-

BIDMA Responsibilities

- 1. Provide Consultant with appropriate outdoor and indoor venues regarding subject events, activities, rehearsals and performances.**

TOWN OF RIVERHEAD

Resolution # 631

**RATIFIES THE APPOINTMENT OF AN INTERPRETER FOR POLICE DEPARTMENT
AND JUSTICE COURT**

Councilman Wooten 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, Maribel D. Krotschinsky, 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 Maribel D. Krotschinsky, 28 Belleview Avenue, Brookhaven, New York, 11719; 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 Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

AGREEMENT

BETWEEN, **THE TOWN OF RIVERHEAD**, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as "**TOWN**" and **MARIBEL D. KROTSCHINSKY**, residing at 28 Belleview Avenue, Brookhaven, New York, 11719, hereinafter referred to as "**CONTRACTOR**".

WITNESSETH

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 September 1, 2014.

Dated: Riverhead, New York
September , 2014

TOWN OF RIVERHEAD

By: _____
SEAN M. WALTER
Town Supervisor

MARIBEL D. KROTSCHINSKY

TOWN OF RIVERHEAD

Resolution # 632

GRANTS PECONIC MANAGEMENT GROUP, LLC
EXPORTATION/GRADING PERMIT AS PROVIDED BY CHAPTER 62
OF THE RIVERHEAD TOWN CODE

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Peconic Management Group, LLC is the owner of the subject property located at 715 Roanoke Avenue, Riverhead, New York, further described as Suffolk County Tax Map No. 0600-126-2-9.1; and

WHEREAS, Raj Mehta, of Peconic Management Group, LLC, has petitioned the Town Board for an permit pursuant to Chapter 62 of the Riverhead Town Code for the exportation of 400 cubic yards of soils in connection with the construction of two new medical professional office buildings with related improvements, as depicted on a survey dated June 27, 2014, prepared by Nathan Taft Corwin III Land Surveyor; and

WHEREAS, the Town Board has reviewed and considered the application for the aforementioned importation permit; and

WHEREAS, the owner's Architect, James v. DeLuca, R.A., has submitted a letter dated August 7, 2014, indicating a total of 400 cubic yards of soil to be exported and such exportation of soils will be supported by a manifest from the owner and approved by the Town of Riverhead's Engineering and Building Departments.

NOW THEREFORE BE IT RESOLVED, that based upon the foregoing, the Town Board hereby grants the excavation/grading permit requested by the owner, such permit authorizing the exportation of not more than 400 cubic yards of soils in accordance with the application and calculations of James V. DeLuca, R.A., pursuant to the site plan submitted with the application for exportation/grading dated July 31, 2013; and be it further

RESOLVED, that the Building Department is hereby authorized to accept and collect all exportation/grading permit fees concurrently with the issuance of the Building Permit in the amount of \$800.00 dollars, representing \$2.00 per cubic yard for the exportation of said soils, in addition to a permit fee of \$100.00; be it further

RESOLVED, that the exportation/grading permit is conditioned upon specific hours of operation, between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday; and be it further

RESOLVED, the owner grants permission to the Town of Riverhead to randomly oversee the exportation of said soils and to enter the site to perform soil boring tests, if necessary, during the construction of said project; and be it further

RESOLVED, that upon the conclusion of the exportation/grading operations, the owner's engineer shall provide certification to the Building Department confirming the total of 400 cubic yards was exported off of the property; and be it further

RESOLVED, that the exported materials shall not be imported to any parcel within the Town of Riverhead without a Chapter 62 permit for said importation; and be it

RESOLVED, that this approval is subject to all provisions of Chapter 62 of the Riverhead Town Code; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Raj Mehta, Peconic Management Group, LLC, 715 Roanoke Avenue, Riverhead, NY 11901; and be it further

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

THE VOTE

Giglio Yes No

Wooten Yes No

Gabrielsen - ABSTAIN

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 633

**AUTHORIZING WAIVER OF 30 DAY NOTIFICATION REQUIRED
BY THE NEW YORK STATE LIQUOR AUTHORITY**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, STTTC, LLC d/b/a AVO Mexican Grill, 6274 Route 25A, Wading River, New York intends to apply for a wine/beer application for 6274 Route 25A, Wading River; and

WHEREAS, pursuant to Alcohol Beverage Control Law §110-b, an applicant must give the municipality thirty (30) days' notice of the pending liquor license application unless the municipality consents to waive this thirty (30) day requirement; and

WHEREAS, STTTC, LLC d/b/a AVO Mexican Grill has requested that the Town waive the thirty (30) day notification required by the New York State Liquor Authority in an effort to expedite the application for the liquor license to STTTC, LLC d/b/a AVO Mexican Grill from the New York State Liquor Authority; now therefore be it

RESOLVED, that the Town Board of the Town of Riverhead, be and hereby offers no objection to and waives the thirty (30) day notice period in regard to application by STTTC, LLC d/b/a AVO Mexican Grill for a wine/beer license from the New York State Liquor Authority, allowing to expedite submission of the liquor license application; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Genesis Ceballos, Rezzonator Services, 244 5th Avenue, S251, New York, New York 10001; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

New York, August 19, 2014

Re: STTTC, LLC DBA AVO Mexican Grill
6274 Route 25A,
Wading River, NY 11792
Request to Waive 30 Day Notification for a Liquor License

FILED IN OFFICE OF
DIANE M. WILHELM
TOWN CLERK
2014 AUG 25 P 3:31

Dear Riverhead Town Clerk,

My name is Genesis Ceballos and I am the representative for the case mentioned above. As per my phone conversation with Mr. Robert Kozakiewicz, this letter is to request a waiver of the 30-Day Municipality Notification for this NEW Liquor License Application. (**Community Board Notice Attached**)

Owners Steven Dietz and Joe Goeller have been making preparations for over one year to bring a Mexican style eatery to the Wading River area. You may refer to the attached article for further information on the intended operation.

Mr. Dietz and Mr. Goeller are excited to bring something new to the Wading River area and are hoping to open to the public with a Beer & Wine license within the next 4 weeks.

We respectfully request that if possible you waive the 30 day notification period so that these applicants do not experience delays with their liquor license application.

Thank you for your time and attention to this matter.

If you have any further questions feel free to contact me at 347.642.5077. Email info@rezzonatorservices.com, Fax 888.502.5620.

Best Wishes,



Genesis Ceballos
Representative

Please Read Attached Letter Thank you!

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date

State of New York
Executive Department
Division of Alcoholic Beverage Control
State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board

(Page 1 of 2 of Form)

1. Date Notice was Sent: (mm/dd/yyyy)

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

- New Application
- Renewal
- Alteration
- Corporate Change

FILED IN OFFICE OF
 DIANE M. WILHELM
 TOWN CLERK
 2014 AUG 25
 3:37

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board

Applicant/Licensee Information

4. License Serial Number, if not New Application: Expiration Date, if not New Application:

5. Applicant or Licensee Name:

6. Trade Name (if any):

7. Street Address of Establishment:

8. City, Town or Village: ,NY Zip Code:

9. Business Telephone Number of Applicant/Licensee:

10. Business Fax Number of Applicant/Licensee:

11. Business E-mail of Applicant/Licensee:

For New applicants, provide description below using all information known to date.
For Alteration applicants, attach complete description and diagram of proposed alteration(s).
For Current Licensees, set forth approved Method of Operation only.
Do Not Use This Form to Change Your Method of Operation.

12. Type(s) of Alcohol sold or to be sold: ("X" One) Beer Only Wine & Beer Only Liquor, Wine & Beer

13. Extent of Food Service: ("X" One) Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef) Tavern/Cocktail Lounge/Adult Venue/Bar (Alcohol sales primarily; Meets legal minimum food availability requirements)

14. Type of Establishment: ("X" all the apply)

- Recorded Music Live Music Disc Jockey Juke Box Karaoke Bar Stage Shows
- Patron Dancing (small scale) Cabaret, Night Club (Large Scale Dance Club) Catering Facility
- Capacity of 600 or more patrons Topless Entertainment Restaurant Hotel
- Recreational Facility (Sports Facility/Vessel) Club (e.g. Golf Club/Fraternal Org.) Bed & Breakfast
- Seasonal Establishment

15. Licensed Outdoor Area: ("X" all the apply)

- None Patio or Deck Rooftop Garden/Grounds Freestanding Covered Structure
- Sidewalk Cafe Other (specify):

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

State of New York
 Executive Department
 Division of Alcoholic Beverage Control
 State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board

(Page 2 of 2 of Form)

16. List the floor(s) of the building that the establishment is located on:

17. List the room number(s) the establishment is located in within the building, if appropriate:

18. Is the premises located with 500 feet of three or more on-premises liquor establishments? Yes No

19. Will the license holder or a manger be physically present within the establishment during all hours of operation? Yes No

20. Does the applicant or licensee own the building in which the establishment is located? ("X" One) Yes (If Yes SKIP 21-24) No

Owner of the Building in Which the Licensed Establishment is Located

21. Building Owner's Full Name:

22. Building Owner's Street Address:

23. City, Town or Village: State: Zip Code:

Attorney Representing the Applicant in Connection with the Applicant's License Application Noted as Above for the Establishment Identified in this Notice

25. Attorney's Full Name:

26. Attorney's Street Address:

27. City, Town or Village: State: Zip Code:

28. Business Telephone Number of Attorney:

29. Business Email Address of Attorney:

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

30. Printed Name: Title:

Signature: X Joseph Goller 8/21/2014

Article Regarding Avo Mexican Grill Attention Riverhead Town Clerk Member

Avo Mexican grill coming to Wading River

by Rachel Young Featured No Comments

Like Share 334 Tweet 6  -1 0



The exterior of Avo Mexican Grill, which will soon open in Wading River. (Credit: Grant Parpan)

Get ready for some south of the border cuisine, Wading River: Avo Mexican Grill is preparing to make its debut.

Joe Goller, co-owner of the soon-to-open Route 25A establishment, which is located across the street from CVS/Pharmacy, said he and co-owner Steven Dietz are shooting for a mid-August opening.

"That would be ideal," said Goller, a Northport resident and vice president of operations for Servco in Ronkonkoma. He said the 1,600-square-foot restaurant, which formerly housed an ice cream parlor, was recently painted. It also has a new roof, awnings and expanded parking lot. "But we'll definitely be open by the end of August."

Avo Mexican Grill, which derives the first part of its name from the first three letters of avocado — "We think guacamole is huge," Goller said — will offer counter service and takeout. The menu, he said, will be similar to Chipotle "but a little more gourmet." The 16-seat eatery will feature a salsa bar, festive neon green walls and custom-made light fixtures fashioned from

mason jars.

"We have a bunch of ideas, just nothing finalized," he said of the menu. The restaurant has a beer and wine license, but there is no bar.

Goller said he and Dietz, a Baiting Hollow resident and general manager of Crab Meadow Golf Course in Northport, decided to open a Mexican-style restaurant in Wading River because nothing like it currently exists.

And the pair, Goller said, believe Avo Mexican Grill's location on Route 25A will ensure its success.

"We're very confident it's going to do well," he said. "Wading River is a small town, but we feel the traffic is going to be great. People say they've been waiting for a Mexican place for so long."

: Re:

TOWN OF RIVERHEAD

Resolution # 634

APPROVES EXTENSION OF SECURITY POSTED BY CAMPO BROTHERS IN CONNECTION WITH THE SUBDIVISION ENTITLED "CEDAR COVE" (ROAD AND DRAINAGE IMPROVEMENTS)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Riverhead Town Board, by Resolution #1145 adopted on December 15, 2009, did accept Bank of Smithtown Irrevocable Letter of Credit #100434 in the amount of \$202,000.00 representing road and drainage improvements to be completed within the subdivision entitled, "Cedar Cove" (seven lot subdivision located on the west side of West Lane, Aquebogue, NY) ; and

WHEREAS, by letter dated May 15, 2014, Michael R. Strauss, Esq., attorney for Campo Brothers, has requested that an extension be granted for the performance security representing the road and drainage improvements to be completed within the subdivision; and

WHEREAS, pursuant to Riverhead Planning Board Resolution #2014- 0042 dated June 5, 2014, it is recommended that the performance security be extended for an additional two-year period; and

WHEREAS, Water Key Money in the amount of \$17,500.00 and Park and Recreation Fees in the amount of \$21,000.00 have been paid in connection with this subdivision.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the extension of time for the performance security posted representing the road and drainage improvements to be completed within the subdivision for an additional two-year period as provided by Riverhead Town Code Chapter 108-97 A. (4); and be it further

RESOLVED, that the Town Board hereby accepts the \$2,000.00 fee associated with such extension approval; and be it further

RESOLVED, that this extension shall extend the performance security posted representing the road and drainage improvements to be completed within the subdivision to June 1, 2016; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Michael R. Strauss, Esq., 907 Main Street, Suite 2, Port Jefferson, NY 11777; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 635

**APPROVES CHAPTER 90 APPLICATION OF THE SURVIVAL RACE, LLC
(5K Obstacle Course and Mud Run – September 27th and September 28th, 2014)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on August 20, 2014, James Villepigue of Survival Race, LLC, submitted a Chapter 90 Application for the purpose of conducting a family focused 5K Run, obstacle course and mud run, to include a food concession, music and the sale and service of alcoholic beverages, to be held at the Cornell Cooperative Extension of Nassau County property a/k/a 4-H Camp, located at 3186 Sound Avenue, Riverhead, New York, on Saturday, September 27, 2014 and Sunday, September 28, 2014, between the hours of 9:00 a.m. and 8:00 p.m. on Saturday and between the hours of 9:00 a.m. and 3:30 PM on Sunday; and

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

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

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

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead and all property owners having right, title and interest to Farm Terry Road, as additional insured's; and

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

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

RESOLVED, that the application of James Villepigue of Survival Race, LLC for the purpose of conducting a family focused 5K Run, obstacle course and mud run, to include a food concession, music and the sale and service of alcoholic beverages, to be held at the Cornell Cooperative Extension of Nassau County property a/k/a 4-H Camp, located at 3186 Sound Avenue, Riverhead, New York, on the aforementioned dates and times, is hereby approved; 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 10, 2014**; and be it further

RESOLVED, that this approval is subject to receipt of a fully executed license agreement, together with the requisite license fee as stated in said license agreement , for purposes of the utilization of Police personnel and patrol vehicles, **no later than September 10, 2014**; and be it further

RESOLVED, that a certificate of insurance has been received naming the Town of Riverhead and all property owners having right, title and interest to Farm Terry Road, as additional insured's; and be it further

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

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

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

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 636

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENT TO CHAPTER 106 ENTITLED "WATERWAYS" OF THE RIVERHEAD TOWN CODE

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the September 11, 2014 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 106 entitled "Waterways" of the Riverhead Town Code, 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 certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

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

The Resolution Was 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 11901, on the 7th day of October, 2014 at 2:15 o'clock p.m. to consider a local law amending Chapter 106 entitled "Waterways" of the Riverhead Town Code as follows:

**CHAPTER 106
WATERWAYS**

§ 106-3. Definitions and word usage.

A. The following terms, phrases and their derivatives shall have the meanings given herein:

BOAT

Every vessel propelled in any manner.

CHANNEL SYSTEM

The bed of a natural waterway with well-defined banks presenting the evidence of the flow of tidal waters and commonly or usually traversed by watercraft and, in addition, refers to man-made or stabilized waterways designed for the navigation of watercraft. For the purpose of this chapter, boat basins and bathing areas are included in the "channel system."

COMMERCIAL DOCKAGE

Any catwalk, fixed dock, floating dock, or mooring intended for use other than residential dockage, as defined in this chapter.

FLOATING HOME/CABANA

Any vessel in fact used, designed or occupied as a dwelling unit, business office or source of any occupation or for any private or social club of whatsoever nature, including but not limited to a structure constructed upon a barge or pontoons which is primarily immobile and out of navigation which functions substantially as a land structure while the same is moored or docked within the municipal limits of the Town of Riverhead, whether such vessel is self-propelled or not.

FLOATING OBJECTS

Any anchored marker, platform, raft or other floating contrivance which is not a vessel, and includes but is not limited to bathing beach markers, speed zone markers, information markers, swimming or diving floats, mooring buoys, fishing buoys and ski jumps.

HOUSEBARGE

Any vessel or craft used or designed to be used on the water surface and to provide residential accommodations with sleeping and toilet facilities, whose volume coefficient is greater than 1,500 cubic feet. Volume coefficient is the ratio of the habitable space of a vessel measured in cubic feet to the draft of a vessel measured in feet of depth. Habitable space is any enclosed area used or designed to be used for a person to sleep, sit or eat.

MOTORBOAT

Includes any vessel propelled in whole or in part by an engine or motor, whether inboard or outboard.

NAVIGABLE WATERS

Waterways used or susceptible of being used in their natural or ordinary condition as highways for commerce over which trade and travel are or may be conducted in customary modes of trade and travel on water.

OWNER

Includes the person in whose name the vessel was last registered under Article 48 of the New York State Vehicle and Traffic Law requiring registration and, in any other case, the last known person with title to a vessel.

PARASAILING

A water sport in which a person is pulled behind a vessel by a boom, cable, pole or rope attached to a parachute or other similar object suspending a person in the air over a body of water.

PERMANENT MOORING

The securing of a vessel in the water of the Town of Riverhead on a seasonal or annual basis by means of securing the vessel to a fixed anchor placed on the bottom.

PERSON

Any individual, partnership, association, firm, corporation or any and all combinations of individuals acting in concert.

PIER

A wharf portion of a wharf extending from the shoreline with water on three sides.

REGULATED WATER SPORTS

The following sports performed in any water, channel system or tidewater which include but are not limited to "waterskiing" and "parasailing" and the use of any "water propulsion device" as the terms are defined in this chapter.

RESIDENTIAL HOUSEBOAT

A vessel not designed primarily for residential dwelling units, designed primarily for pleasure craft, recreation and for independent navigation and

not considered a floating home, in accordance with the definition set forth above, and which is being used or occupied for residential purposes.

RESIDENTIAL PURPOSES

The use of a houseboat, vessel or floating home as a dwelling place, residence or place of abode. The term "residential purposes" shall not be construed to prohibit the occasional overnight use of a houseboat incidental to a transient stay by the vessel within the Town of Riverhead between April 1 and November 1 of each year.

RESIDENTIAL DOCKAGE

Any catwalk, fixed dock, floating dock, or mooring intended for use other than commercial dockage, as defined in this chapter.

SKIN DIVING

Includes swimming by any person with the intent to explore or photograph in local waters or to hunt fish therein, including any person using any self-contained underwater breathing apparatus commonly known as an "Aqualung," but shall not include bona fide salvage operations displaying proper signals.

TEMPORARY ANCHORING

The securing of a vessel in a harbor on a temporary basis by means of an anchor carried aboard the vessel.

TIDEWATERS

Waters, whether salt or fresh, wherever the ebb and flow of the tide is felt, including but not limited to coves, rivers, canals and bays.

VESSEL

Any floating craft used or capable of being used as a means of transport or for commercial purposes, whether or not capable of self-propulsion, and includes but is not limited to boats, sailboats, motorboats, barges, scow, dredges, rafts, waverunners or other buoyant devices permitting free flotation.

WATERS

All surface water, whether salt or fresh, within or bordering the Town of Riverhead, including tidewaters and navigable waters.

WATERSKIING

A water sport in which a person is pulled behind a vessel by a boom, cable, pole or rope allowing said person to glide or skim over a body of water.

WATER POPULSION DEVICE

A buoyant board, or jetpack affixed or worn by a person(s) designed to vertically or horizontally lift said person(s) from a body of water, and/or operate below the surface of a body of water, which is powered by a motorized water jet or pump that supplies power by water propulsion, to force an individual(s) into the air and water (examples of such water

propulsion devices include but are not limited to flyboards, Jetpacks, Jetlev's and Hoverboards).

WAKEBOARDING

See "Waterskiing"

WHARF

Any structure built or maintained for the purpose of providing a berth place for vessels.

§ 106-11. ~~Waterskiing~~ Regulated water sports.

A. No person shall operate a vessel on the navigable waters of the Town for towing a person on water skis, a surfboard or similar device unless ~~there~~ there is in such vessel a person other than the operator, of at least 10 years of age, in a position to observe the person being towed.

B. No person shall ~~be towed on water skis, a surfboard or similar device or use or operate a vessel to tow a person thereon~~ conduct any regulated water sport as defined in this chapter on the navigable waters of the Town during the period from sunset to one hour after sunrise.

C. No person shall operate or cause to perform any "regulated water sport" within any "channel system" as the terms are defined in this chapter or within 100 feet of any swimmer or bather, or within a 100 foot radius of any other vessel, nor shall any such person engage in any of the below mentioned regulated water sports within 500 feet of any "shoreline", "residential or commercial dockage", "pier" or "wharf", the following regulated water sports include:

- 1) Waterskiing;
 - a. Exempted from the 500 foot shoreline provision provided above, is any individual which approaches or departs perpendicular to the shoreline for the sole purposes of commencing or ending a water ski ride.
- 2) Operating a "water propulsion device" as defined in this chapter".
- 3) Parasailing.
- 4) Wakeboarding.

~~be towed on water skis, a surfboard or similar device or use or operate a vessel to tow a person thereon in any channel or within 150 feet of any public or semipublic dock or within 100 feet of any swimmer or bather, nor shall any such person engaged in such activities come within 500 feet of the shoreline unless he approaches or departs perpendicular to the shoreline and solely for the purpose of commencing or ending a ride.~~

D. No person shall operate or manipulate any water skis, water propulsion device or similar device without wearing a personal flotation device of Type I, II or III as specified in § **106-12** of this chapter.

E. No person shall operate or manipulate any water skis, water propulsion device, aquaplane or similar device in a reckless or negligent manner so as to endanger the life, limb or property of any person.

- Underscore indicates additions
- Overstrike indicates deletions

Dated: Riverhead, New York
September 3, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 637

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 48 OF THE RIVERHEAD
TOWN CODE ENTITLED "BEACHES AND RECREATION AREAS"**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 48 of the Riverhead Town Code entitled, "Beaches and Recreation Areas" once in the September 11, 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 the Town Clerk be and is hereby directed to forward a copy of this resolution to the Recreation Department and the Town Attorney.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC
HEARING**

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 7th day of October, 2014 at 2:10 o'clock p.m. to consider a local law to amend chapter 48 of the Riverhead Town Code entitled "Beaches and Recreation Areas" as follows:

CHAPTER 48

BEACHES AND RECREATION AREAS

§ 48-1 Definitions.

RECREATION TRAIL

An area designated for use as a walking trail, bicycle path, or hiking trail.

§ 48-25 Recreation trails.

- A. In areas designated as recreation trails, all means of transportation by engine are strictly prohibited except for law enforcement officials, emergency service vehicles and Town representatives maintaining the recreation trails.
- B. Any operator who shall violate any provision of this section, upon conviction thereof, shall be sentenced to a fine of \$500.

Dated: Riverhead, New York
September 3, 2014

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

DIANE M. WILHELM, Town Clerk

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

TOWN OF RIVERHEAD

Resolution # 638

**AUTHORIZES THE SUPERVISOR TO EXECUTE
A STIPULATION WITH THE RIVERHEAD PBA**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the 2012-2015 contract between the Town of Riverhead and the PBA provides for its members for an election of a health insurance buyback; and

WHEREAS, both parties agree to modify said contract to include this provision in retirement if the member is eligible as per Article 1, Section B.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves stipulation of agreement with the Riverhead PBA and authorizes the Town Supervisor to execute same with his signature; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the PBA President, Dixon Palmer, the Personnel Director and the Financial Administrator; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 639

PAYS BILLS

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

ABSTRACT #14-33 Aug 28, 2014 (TBM 9/3/14)			
			Grand
Fund Name	Fund #	Ckrun Total	Totals
GENERAL FUND	1	82,519.61	82,519.61
POLICE ATHLETIC LEAGUE	4	2,000.00	2,000.00
RECREATION PROGRAM FUND	6	16,848.65	16,848.65
HIGHWAY FUND	111	228,905.27	228,905.27
WATER DISTRICT	112	30,592.17	30,592.17
RIVERHEAD SEWER DISTRICT	114	7,548.68	7,548.68
REFUSE & GARBAGE COLLECTION	115	357.95	357.95
STREET LIGHTING DISTRICT	116	1,584.22	1,584.22
PUBLIC PARKING DISTRICT	117	68.84	68.84
AMBULANCE DISTRICT	120	3,243.60	3,243.60
CALVERTON SEWER DISTRICT	124	284.65	284.65
RIVERHEAD SCAVENGER WASTE	128	2,832.98	2,832.98
RISK RETENTION FUND	175	14,963.10	14,963.10
CDBG CONSORTIUM ACCOUNT	181	239.34	239.34
TOWN HALL CAPITAL PROJECTS	406	103,952.06	103,952.06
TRUST & AGENCY	735	105,424.96	105,424.96
CALVERTON PARK - C.D.A.	914	469.92	469.92
TOTAL ALL FUNDS		601,836.00	601,836.00

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 640

EXTENDS PUBLIC COMMENT PERIOD UNTIL SEPTEMBER 30, 2014 FOR DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR A COMPREHENSIVE DEVELOPMENT PLAN FOR EPCAL (EPCAL REUSE & REVITALIZATION PLAN), AMENDMENT TO THE TOWN OF RIVERHEAD COMPREHENSIVE MASTER PLAN, AMENDMENT TO THE ZONING MAP AND CODE, AMENDMENT TO THE CALVERTON URBAN RENEWAL PLAN AND SUBDIVISION OF THE ENTERPRISE PARK AT CALVERTON (“EPCAL”)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, by Resolution adopted on August 7, 2014, the Town Board of the Town of Riverhead, as governing body of the Town of Riverhead and acting as governing body of the Community Development Agency, authorized and directed the Town Clerk to publish and post a Notice of Public Hearing on the Draft Supplemental Generic Environmental Impact Statement, comprehensive development plan for EPCAL (EPCAL Reuse and 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, and provide for the acceptance of written comments until September 15, 2014 pursuant to NYCRR Part 617.9 (a)(4); and

WHEREAS, the Town Board seeks to extend the written comment period until September 30, 2014.

NOW THEREFORE BE IT RESOLVED, that the public comment on the Draft Supplemental Generic Environmental Impact Statement, comprehensive development plan for EPCAL (EPCAL Reuse and 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, be extended until September 30, 2014; and be it further

RESOLVED, that the Town Clerk is hereby directed to post a copy of this resolution to the Town website and forward a certified copy of this resolution to the Riverhead Planning Board, Planning Director and Community Development Agency Director; and be it further

RESOLVED, that the Town Clerk is authorized and directed to forward a copy of this resolution to all involved and interested agencies listed in the EAF (see SEQRA Determination of Significance and Positive Declaration); and be it further

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

THE VOTE

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

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted