

Adopted

7/15/97

TOWN OF RIVERHEAD

Resolution # 589

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE
RE: CHANGE OF MEETING TIME

COUNCILMAN PRUSINOWSKI offered the following resolution, was seconded by

COUNCILMAN LULL

RESOLVED, that the Town Clerk be and is hereby directed to publish and post the attached public notice to amend the location of a regular Town Board meeting once in the July 16, 1997 issue of the Suffolk County Life, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall.

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that the time for the next regularly scheduled meeting of the Riverhead Town Board, to be held on August 5, 1997 at Town Hall, 200 Howell Avenue, Riverhead, New York, shall be at 1:00 o'clock p.m. on that day.

Dated: Riverhead, New York
July 15, 1997

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

THE VOTE

Wittmeier	Aye	Nay
K.wasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon
duly adopted.

Adopted

TOWN OF RIVERHEAD

Resolution # 590

AUTHORIZES HOME RULE REQUEST REGARDING STATE ASSEMBLY BILL 8511

COUNCILMAN LULL offered the following resolution which was
seconded by COUNCILMAN PRUSINOWSKI.

WHEREAS, the New York State Constitution requires that certain bills receive a Home Rule Request before the New York State Legislature can act upon them; and

WHEREAS, Assemblywoman Patricia Acampora has introduced Assembly Bill No. 8511 entitled, "An Act authorizing the creation of a greenway and riverside park in the Town of Riverhead, Suffolk County", which bill requires a Home Rule Request from the Town of Riverhead; and

WHEREAS, the Town Board of the Town of Riverhead be and hereby determines that such Home Rule Request is in the best interests of the Town of Riverhead;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead be and hereby requests that Assembly Bill 8511 be passed; and be it further

RESOLVED, that the Town Supervisor and Town Clerk are hereby authorized to execute and forward the necessary Home Rule Request.

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon
duly adopted.

Adopted

7/15/97

TOWN OF RIVERHEAD

Resolution # 591

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM**

COUNCILMAN KWASNA offered the following resolution, was seconded by

COUNCILMAN WITTMER :

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider a local law to consider the adoption of a Retirement Incentive Program for the Town of Riverhead once in the Suffolk County Life, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall, and be it further

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

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon
duly adopted.

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 5th day of August, 1997, at 1:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider a " Local Law to adopt a 1997 Retirement Incentive Program" as follows:

Local Law to Adopt the 1997 Retirement Incentive Program

A LOCAL LAW electing a retirement incentive program as authorized by Chapter 41, Laws of 1997 for the eligible employees of the Town of Riverhead.

BE IT ENACTED by the Town Board of the Town of Riverhead as follows:

- §1. The Town of Riverhead hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 41, Laws of 1997.
- §2. The commencement date of the retirement incentive program shall be November 1, 1997.
- §3. The open period during which eligible employees may retire and receive the additional retirement benefit, shall be not less than 30 and no more than 60 days in length.
- §4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employee's Retirement System, and it shall be paid by the Town of Riverhead for each employee who receives the retirement benefits payable under this local law.
- §5. This act shall take effect immediately.

Dated: Riverhead, New York
July 15, 1997

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

7/15/97

Adopted

TOWN OF RIVERHEAD

Resolution # 592

REJECTS BIDS FOR DOWNTOWN FACADE IMPROVEMENTS

COUNCILMAN WITTMEIER offered the following resolution, was seconded by

COUNCILMAN KWASNA :

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for downtown facade improvements; and

WHEREAS, two (2) bids were received, opened and publicly read aloud on June 9, 1997 at 11:00 a.m.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead wishes to reject any and all bids submitted for the above project; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Carter-Melence, 104 New York Avenue, P.O. Box 907, Sound Beach, New York, 11789-0907; Stucco of the Hamptons, P.O. Box 2954, Southampton, New York, 11969; Andrea Lohneiss, Community Development Director and the Office of Accounting.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

07/15/97

Adopted

TOWN OF RIVERHEAD

Resolution # 593

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF ISSUANCE OF A DRAFT REQUEST FOR PROPOSALS FOR YARD WASTE COMPOSTING

Councilman **COUNCILMAN PRUSINOWSKI** offered the following resolution, which was
seconded by Councilman **COUNCILMAN LULL** :

RESOLVED, that, in accordance with Section 120-w of the General Municipal Law, the
Town Clerk be and hereby is directed to publish the attached Notice of Issuance of a
Request for Proposals once in the *Suffolk County Life*, the newspaper hereby designated as the
official newspaper for this purpose, Newsday, the State Register and the Environmental Notice
Bulletin, and to post same on the signboard in Town Hall.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon
duly adopted.

**NOTICE OF ISSUANCE
FINAL REQUEST FOR PROPOSALS
FOR YARD WASTE COMPOSTING**

Issuing Agency: Town Board of the Town of Riverhead

Address: Riverhead Town Hall
200 Howell Avenue
Riverhead, New York 11901

Dated: July 15, 1997

Pursuant to Section 120-w of the General Municipal Law of the State of New York, a Draft Request for Proposals ("RFP") will be available after 9:00 a.m. on August 1, 1997 from the Office of the Town Clerk at the above address.

A deposit in the form of cash, certified check or money order payable to the Town of Riverhead in the amount of One Hundred (\$100.00) Dollars must accompany a request for a copy of the RFP. Persons who obtained a copy of the RFP from the Town Clerk will, upon request, receive a copy of the Final RFP at no additional charge. The deposit will be refunded upon the submission by the depositor of a bona fide proposal.

Information copies of the RFP will be available for inspection at the Office of the Town Clerk at the above address between the hours of 9:00 a.m. and 4:00 p.m. on regular business days commencing August 1, 1997.

Proposals submitted in response to the Draft RFP should be delivered to the Riverhead Town Clerk, 200 Howell Avenue, Riverhead, New York 11901 on or before 4:00 p.m. on September 30, 1997.

Dated: July 15, 1997
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
Barbara Grattan, Town Clerk.

7/15/97

Adopted

TOWN OF RIVERHEAD

Resolution #594

AUTHORIZES TOWN SUPERVISOR TO EXECUTE AGREEMENT WITH FIRST CONGREGATIONAL CHURCH REGARDING BENJAMIN PLACE

COUNCILMAN LULL

offered the following resolution, was seconded by

COUNCILMAN PRUSINOWSKI

WHEREAS, by deed dated May 23, 1990 and recorded on August 15, 1990, the Town of Riverhead, acting on behalf of the Town of Riverhead Public Parking District No. 1, became purported owner of premises commonly known as "Benjamin Place"; and

WHEREAS, the west wall of the First Congregational Church has started to spread requiring the installation of two (2) buttresses to stop or arrest further spread of that west wall; and

WHEREAS, Donald A. Denis, AIA, P.C., has notified the Town of Riverhead that the two (2) buttresses, as designed, will encroach approximately 1.1 feet into Benjamin Place.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead be and hereby consents to the installation of the two (2) buttresses subject to execution of an agreement, which is acceptable to the Town Attorney, between the Town of Riverhead and First Congregational Church; and be it further

RESOLVED that the Town Board be and hereby authorizes the Supervisor to execute said agreement; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Donald A. Denis, AIA, P.C., P.O. Box 565, Aquebogue, New York, 11931; the Town Attorney and the Building Department.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

Adopted

JULY 10, 1997

TOWN OF RIVERHEAD

RESOLUTION # 595

RESCINDS RESOLUTION #155 AND

AUTHORIZES RE-BID FOR STEEL TOE SAFETY SHOES AND BOOTS

**COUNCILMAN KWASNA OFFERED THE FOLLOWING RESOLUTION,
WHICH WAS SECONDED BY COUNCILMAN WITTMER**

WHEREAS, RESOLUTION #155 ADOPTED MARCH 4, 1997, AWARDED THE BID FOR STEEL TOE SAFETY SHOES AND BOOTS TO KNAPP SHOES; AND

WHEREAS, EFFECTIVE MARCH 14, 1997, IRON AGE CORPORATION ACQUIRED KNAPP SHOE COMPANY; AND

WHEREAS, IRON AGE CORPORATION CAN NOT HONOR THE BID PRICES AS SET FORTH BY KNAPP SHOES.

NOW, THEREFORE, BE IT, RESOLVED, THE TOWN BOARD HEREBY RESCINDS RESOLUTION #155 AND THE BID AWARDED THEREIN; AND

BE IT FURTHER, RESOLVED, THE TOWN BOARD AUTHORIZES A REBID FOR STEEL TOE SAFETY SHOES AND BOOTS.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

7/15/97

TOWN OF RIVERHEAD

Resolution # 596APPOINTS A FILL-IN LIFEGUARD
TO THE RIVERHEAD RECREATION DEPARTMENT**COUNCILMAN WITTMEIER**

_____ Offered the following
resolution, which was seconded by **COUNCILMAN KWASNA** _____:

RESOLVED, that Ed Meier is hereby appointed to serve as a Fill-In Lifeguar, effective July 16, 1997 to and including September 1, 1997 to be paid at the rate of \$7.00 per hour and to serve at the pleasure of the Town Board.

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

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

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

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

Adopted

7/15/97

TOWN OF RIVERHEAD

Resolution # 597

APPOINTS A SCOREKEEPER
TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN WITTMEIER

Offered the following

resolution, which was seconded
by **COUNCILMAN KWASNA**:

RESOLVED, that Kenneth Turbush is hereby appointed to serve as a Scorekeeper, effective July 16, 1997 to and including September 1, 1997 to be paid at the rate of \$5.25 per hour and to serve at the pleasure of the Town Board.

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

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

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

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon
duiy adopted.

Adopted

7/15/97

TOWN OF RIVERHEAD

Resolution # 598

APPOINTS A FILL-IN SCOREKEEPER
TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN WITTMEIER

Offered the following

resolution, which was seconded
by **COUNCILMAN KWASNA**:

RESOLVED, that Michael Kwasna is hereby appointed to serve as a Fill-In Scorekeeper, effective July 16, 1997 to and including September 1, 1997 to be paid at the rate of \$5.25 per hour and to serve at the pleasure of the Town Board.

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

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

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

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon
duly adopted.

Adopted

7/15/97

TOWN OF RIVERHEAD

Resolution # 599

APPOINTS A FILL-IN BEACH ATTENDANT
TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN WITTMEIER

Offered the following

resolution, which was seconded
by **COUNCILMAN KWASNA** :

RESOLVED, that Courtney Galla is hereby appointed to serve as a Fill-In Beach Attendant, effective July 16, 1997 to and including September 1, 1997 to be paid at the rate of \$6.50 per hour and to serve at the pleasure of the Town Board.

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

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

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

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon
duly adopted.

July 15, 1997

Adopted

TOWN OF RIVERHEAD

Resolution # 600

RATIFIES APPOINTMENT OF RECREATION AIDE TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN WITTMER offered the following resolution,
which was seconded by COUNCILMAN KWASNA

RESOLVED, that Albert Sunshine is hereby appointed to the position of Recreation Aide, with the working title of Bridge Instructor, effective July 10, 1997 to and including December 31, 1997, to be paid at the rate of \$25.00 per hour, and to serve at the pleasure of the Town Board; and

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

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

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

THE VOTE

Wittmeier	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay
Kwasna	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay
Lull	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay
Prusinowski	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay
Stark	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay

The Resolution was thereupon duly adopted.

JULY 10, 1997

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 601

AUTHORIZATION TO PUBLISH BID STEEL TOE SAFETY SHOES & BOOTS

COUNCILMAN PRUSINOWSKI OFFERED THE FOLLOWING RESOLUTION
WHICH WAS SECONDED BY COUNCILMAN LULL :

BE IT RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES THE TOWN CLERK TO ADVERTISE FOR SEALED BIDS FOR STEEL TOE SAFETY SHOES & BOOTS FOR USE BY THE TOWN OF RIVERHEAD.

BE IT RESOLVED, THAT THE TOWN CLERK BE, AND HEREBY IS, AUTHORIZED TO FORWARD A COPY OF THIS RESOLUTION TO ALL DEPARTMENTS.

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon duly adopted.

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the purchase of STEEL TOE SAFETY SHOES & BOOTS for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead New York 11901, until 11:00 a.m. on JULY 30, 1997.

Bid packets, including Specifications, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

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

All bids are to be submitted in a sealed envelope bearing the designation SAFETY TOE SHOES & BOOTS.

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

Barbara Grattan, Town Clerk

7/15/97

Adopted

TOWN OF RIVERHEAD

Resolution # 602

AUTHORIZES THE TOWN OF RIVERHEAD TO SECURE OR DEMOLISH UNSAFE BUILDING(S) OR STRUCTURE(S) (ERNEST BOYCE) PURSUANT TO CHAPTER 54 OF THE RIVERHEAD TOWN CODE

COUNCILMAN LULL offered the following resolution, was seconded by

COUNCILMAN PRUSINOWSKI

WHEREAS, pursuant to Chapter 54 of the Riverhead Town Code entitled, "Unsafe Buildings and Collapsed Structures", certain land and buildings owned by Ernest Boyce located at 23 Melene Street, Riverhead, New York, known and designated as Suffolk County Tax Map #0600-105-2-6, has been determined by the Building Inspector to be unsafe or dangerous to the public; and

WHEREAS, all notices pursuant to Chapter 54 of the Riverhead Town Code have been served; and

WHEREAS, a public hearing was held on the 1st day of July, 1997 at 7:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the owners did not appear at the public hearing and the owner has not taken any steps toward abating the condition by repair and rehabilitation or by demolition and removal in accordance with the procedures set forth in Chapter 54.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby finds the parcel above described contains unsafe buildings or structures as is described at Chapter 54-3; and be it further

RESOLVED, the the Town Board authorizes the Town Engineering Department to assist the Building Department in connection with any work done to remove the danger or in connection with the demolition and removal of any such building or structure; and be it further

RESOLVED, that pursuant to Chapter 54-9, all actual expenses incurred by the Town of Riverhead to remove the danger or in connection with the demolition and removal of any such buildings or structure shall be assessed against the owner; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Ernest Boyce, 23 Melene Street, Riverhead New York 11901; the Building Department; Kenneth Testa, P.E.; the Assessor's Office and the Town Attorney.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

7/15/97

Adopted
TOWN OF RIVERHEAD
Resolution # 603

AMENDS SPECIAL PERMIT OF ROBERT ENTENMANN/THE RACQUET CLUB

Councilperson COUNCILMAN KWASNA offered the following

resolution, which was seconded by Councilperson COUNCILMAN WITTMEIER:

WHEREAS, by resolutions #705 and #328, dated December 16, 1986 and May 19, 1987, respectively, the Town Board of the Town of Riverhead did approve and amend the special permit application of Robert Entenmann for the construction of 222 condominium units, subject to certain conditions; and

WHEREAS, said conditions were specific to the exterior building materials; and

WHEREAS, the present owner/applicant has requested a modification of said resolution in regard to the exterior siding material; and

WHEREAS, the Town of Riverhead Architectural Review Board has considered said request and has advised the Town Board that the new material is acceptable;

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Riverhead does hereby amend the special permit of the Racquet Club to provide for the following:

The substitution of Certainteed Meridian vinyl siding (color: Canyon Blend) for the natural wood siding material; and be it further

RESOLVED, that all other conditions of Town Board resolutions #705 and #328, dated December 16, 1986, and May 19, 1987, respectively, shall remain in full force and effect; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward certified copies of this resolution to James McDonough, AIA, 3 East Deer Park Road, Suite 201, Dix Hills NY 11746, the Riverhead Planning Department, Building Department, and Office of the Town Attorney.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

7/15/97

Adopted

TOWN OF RIVERHEAD

Resolution # 604

RELEASES PERFORMANCE BOND OF SUFFOLK FEDERAL CREDIT UNION

COUNCILMAN WITTMEIER offered the following resolution, was seconded by

COUNCILMAN KWASNA

WHEREAS, Suffolk Federal Credit Union has posted a performance bond in the sum of \$250.00 representing the 5% site plan bond pursuant to Section 108-133 I. of the Riverhead Town Code; and

WHEREAS, by memorandum dated April 28, 1997, from Sharon E. Klos, Building Permits Coordinator of the Riverhead Building Department, said construction has been completed to the Building Department's satisfaction and Certificate of Occupancy #13108 has issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of said performance bond in the sum of Two Hundred Fifty (\$250.00) Dollars; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Suffolk Federal Credit Union, P.O. Box 9005, Medford, New York, 11763; the Building Department; the Planning Department and the Accounting Department.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

Adopted

7/15/97

TOWN OF RIVERHEAD

Resolution # 605

RELEASES PERFORMANCE BOND OF R.I.F.O.W. ASSOCIATES

COUNCILMAN WITTMEIER

offered the following resolution, was seconded by

COUNCILMAN KWASNA

WHEREAS, R.I.F.O.W. Associates has posted a performance bond in the sum of \$9,912.00 representing the 5% site plan bond pursuant to Section 108-133 I. of the Riverhead Town Code; and

WHEREAS, by memorandum dated May 2, 1997, from Sharon E. Klos, Building Permits Coordinator of the Riverhead Building Department, said construction has been completed to the Building Department's satisfaction and Certificate of Occupancy #13142 has issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of said performance bond in the sum of Nine Thousand Nine Hundred Twelve (\$9,912.00) Dollars; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to R.I.F.O.W. Associates, c/o Cula Capital Corp., 190 Willis Avenue, Mineola, New York; the Building Department; the Planning Department and the Accounting Department.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

7/15/97

Adopted

TOWN OF RIVERHEAD

Resolution # 606

**APPROVES APPLICATION OF EAST END ARTS & HUMANITIES COUNCIL
INC.**

COUNCILMAN LULL offered the following resolution, was seconded by

COUNCILMAN PRUSINOWSKI :

WHEREAS, the East End Arts & Humanities Council Inc. has submitted an application for the purpose of conducting their 8th Annual Riverhead Music Festival to be held at Polonaise Park, Polishtown (corner of Osborne Avenue & Lincoln Street), Riverhead, New York, on August 23, 1997, between the hours of 4:00 p.m. and 10:00 p.m.; and

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

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

NOW THEREFORE BE IT RESOLVED, that the application of the East End Arts & Humanities Council Inc. for the purpose of conducting their 8th Annual Riverhead Music Festival to be held at Polonaise Park, Polishtown (corner of Osborne Avenue & Lincoln Street), Riverhead, New York, on August 23, 1997, between the hours of 4:00 p.m. and 10:00 p.m., be and is hereby approved; and be it further

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

RESOLVED, that the Town Board of the Town of Riverhead be and hereby waives the \$100.00 application fee; and be it further

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

THE VOTE

Wittmeier	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay
Kwasna	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay
Lull	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay
Prusinowski	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay
Stark	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay

The Resolution was thereupon duly adopted.

7/15/97

Adopted

1083

TOWN OF RIVERHEAD
Resolution #607

RESOLUTION CALLING PUBLIC HEARING
RE: SPRINT SPECTRUM, L.P. LEASE
WITH THE RIVERHEAD WATER DISTRICT

Adopted _____

COUNCILMAN KWASNA offered the following resolution which was seconded by COUNCILMAN WITTMEIER

WHEREAS, SPRINT SPECTRUM, L.P. has made application to the Town Board of the Town of Riverhead to consider leasing a portion the tank site owned by the Riverhead Water District at Route 58, Riverhead, New York, under the terms and conditions set forth herein, and

WHEREAS, pursuant to Town Law, it is necessary to call a public hearing for all persons wishing to be heard concerning the lease to set forth their comments,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, as governing body of the Riverhead Water District, hereby calls a public hearing to consider the application of SPRINT SPECTRUM, L.P. to enter into a lease with the Riverhead Water District, and it is further

RESOLVED, that the Town Clerk is hereby authorized to publish and post the below notice of public hearing:

PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held at Jamesport Community Center, S. Jamesport Ave., Jamesport, New York, on the 19th day of August, 1997, at 7:15 o'clock in the evening to hear all interested persons with regard to the proposed lease by SPRINT SPECTRUM, L.P. to install equipment at the Route 58 site under certain terms and conditions as agreed to between the parties. A copy of the proposed lease agreement is available at the Office of the Riverhead Town Clerk, for inspection during normal business hours, at 200 Howell Avenue, Riverhead, New York, and it is further

RESOLVED, that certified copies of this resolution be forwarded to Gary Pendzick, Pierre G. Lundberg, Esq., Allen M. Smith, and Sprint Spectrum, L.P.

Adopted

TOWN OF RIVERHEAD

Resolution # 608

APPROVES AMENDMENT OF APPLICATION OF EAST END ARTS COUNCIL

COUNCILMAN WITTMEIER offered the following resolution, which was
seconded by COUNCILMAN KWASNA.

WHEREAS, the East End Arts Council had submitted an application for the purpose of conducting a performance of the American Wind Symphony Orchestra on the Peconic Riverfront on July 8, 1997 at 8:00pm; and

WHEREAS, due to mechanical difficulties with the outdrives of the floating barge, the concert was forced to be postponed; and

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

WHEREAS, the East End Arts Council wishes to receive authorization for the rescheduling of the event to Tuesday, August 5, 1997 at 8:00pm at the Peconic Riverfront, and allow all previous permits, including a Fireworks Permit to be deemed in full force and effect for the new date of August 5, 1997;

NOW, THEREFORE BE IT RESOLVED, that the application of the East End Arts Council for the purpose of conducting a performance of the American Wind Symphony Orchestra on August 5, 1997, including all previous permits, be approved ; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead be and hereby waives the provisions of Chapter 46 of the Code of the Town of Riverhead for this event; and

BE IT FURTHER RESOLVED, that the Town Clerk by and is hereby authorized to forward a certified copy of this resolution to the East End Arts Council, 133 East Main Street, Riverhead; Riverhead Police Department; and the Riverhead Fire Department, 24 East Second Street, Riverhead, NY.

Adopted

7/15/97

TOWN OF RIVERHEAD

Resolution # 609

AUTHORIZES THE TOWN OF RIVERHEAD TO SECURE OR DEMOLISH UNSAFE BUILDING(S) OR STRUCTURE(S) (FREDERICK G. JOHNSON) PURSUANT TO CHAPTER 54 OF THE RIVERHEAD TOWN CODE

COUNCILMAN PRUSINOWSKI offered the following resolution, was seconded by

COUNCILMAN LULL

WHEREAS, pursuant to Chapter 54 of the Riverhead Town Code entitled, "Unsafe Buildings and Collapsed Structures", certain land and buildings owned by Frederick G. Johnson located at 53 Phillips Street, Riverhead, New York, known and designated as Suffolk County Tax Map #0600-106-1-16, has been determined by the Building Inspector to be unsafe or dangerous to the public; and

WHEREAS, all notices pursuant to Chapter 54 of the Riverhead Town Code have been served; and

WHEREAS, a public hearing was held on the 1st day of July, 1997 at 7:05 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the owners did not appear at the public hearing and the owner has not taken any steps toward abating the condition by repair and rehabilitation or by demolition and removal in accordance with the procedures set forth in Chapter 54.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby finds the parcel above described contains unsafe buildings or structures as is described at Chapter 54-3; and be it further

RESOLVED, the the Town Board authorizes the Town Engineering Department to assist the Building Department in connection with any work done to remove the danger or in connection with the demolition and removal of any such building or structure; and be it further

RESOLVED, that pursuant to Chapter 54-9, all actual expenses incurred by the Town of Riverhead to remove the danger or in connection with the demolition and removal of any such buildings or structure shall be assessed against the owner; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Frederick G. Johnson, 53 Phillips Street Riverhead New York 11901; the Building Department; Kenneth Testa, P.E.; the Assessor's Office and the Town Attorney.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 610

AWARDS BID FOR BENJAMIN HOUSE HEATING & AIR CONDITIONING SYSTEM

ADOPTED: July 15, 1997

COUNCILMAN LULL offered the following resolution which was seconded by COUNCILMAN PRUSINOWSKI.

WHEREAS, the Town Clerk was authorized to post and publish a Notice to Bidders for the Benjamin House HVAC System Installation; and

WHEREAS, two (2) bids were received, opened and read aloud on the 2nd day of July 1997.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the Benjamin House Heating & Air Conditioning System be and is hereby awarded to Dominion Construction Corporation for the base bid of \$29,000, plus Alternates 1, 2, and 3, for a total sum of Thirty Four Thousand Dollars, (\$34,000.00); and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to return and all bid bonds received in connection with the above; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Dominion Construction Corporation, 108 Allen Boulevard, Farmingdale, NY 11735, Ken Testa and the Office of Accounting.

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon duly adopted.

FOURTH: that the proposed land use is in keeping with the conclusions of the Urban Renewal Plan for the central business district as adopted by this Town Board; and

BE IT FURTHER RESOLVED, that based upon its findings, this Board hereby approves the special permit petition of the Polish-Russian Restaurant for a tavern use upon the premises subject to the following conditions:

FIRST: that the proposed tavern use shall occur exclusively within the building;

SECOND: that sound levels originating from the use conform to Chapter 81 of the Code of the Town of Riverhead entitled "Noise Control"; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution James DeLucca, as Agent for the applicant, the Riverhead Planning Board and the Riverhead Planning Department.

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon duly adopted.

7/15/97

Adopted

TOWN OF RIVERHEAD

Resolution # 612

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW ESTABLISHING PECONIC RIVER ARTS DISTRICT AT RIVERHEAD

COUNCILMAN WITTMEIER offered the following resolution, was seconded by

COUNCILMAN KWASNA :

WHEREAS, the Riverhead Town Board desires the creation of an Arts District within the Town in order to provide for an arena for the development of arts and culture which is expected to support the revitalization of the Central Business District; and

WHEREAS, the Town Board has developed a draft local law which would establish the "Peconic River Arts District at Riverhead"; and

WHEREAS, the Town Board desires the comments of the public in this regard.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider a local law establishing Peconic River Arts District at Riverhead once in the Suffolk County Life, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

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

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon duly adopted.

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 5th day of August, 1997 at 1:25 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested parties to consider a local law establishing the Riverhead Arts District as follows:

RIVERHEAD ARTS DISTRICT

1. Legislative intent.
2. Title.
3. Boundaries.
4. Definitions.
5. Permitted arts.
6. Application for permit.
7. Procedure for issuance of a permit.

Legislative Intent.

It is hereby founded and declared that the Central Business District of the Town of Riverhead is in need of revitalization and that the Town Board of the Town of Riverhead has adopted a policy of providing for mechanisms which assist in this revitalization. It is further found and declared that the second and third story space have lost and continue to lose retail and office tenants to more modern structures more conveniently situated and that the unused floor space of such buildings constitute a potential housing stock. It is further found and declared that residential uses within the Central Business District contribute to the viability of such Business District and that the provision of an arena for the creation of art and cultural resources together with living accommodations for artists would create a unique environmental for increased investment contributing to the revitalization of the district. It is further found and declared that the legislation governing the alteration of such buildings to accommodate residential use must be more restrictive that statutes heretofore in effect.

Title.

This chapter shall be known and my be cited as the "Riverhead Arts District Law" of the Town of Riverhead.

Boundaries.

The Riverhead Arts District shall encompass that area bounded as follows:

Beginning at a point at the intersection of Northville Turnpike and Union Avenue, proceed in the direction heading southeast on Union Avenue to the intersection of Union Avenue and East Main Street (S.R. 25). At this point continue in a southeast direction along the property line that separates parcels #0600-129-4-14 and 15 and #0600-129-4-18.3 and 18.5 with an imaginary line to the Riverhead Town line. At this point, proceed in a westerly direction following the Riverhead Town line to Peconic Avenue, continue over Peconic Avenue still following the Riverhead Town line in a westerly direction to the Center Drive bridge. At this point, proceed in a northerly direction to the intersection of Griffing Avenue and Court Street. At this point, proceed in a northwesterly direction on Griffing Avenue to the intersection of Railroad Street and Griffing Avenue. At this point, proceed in a northeasterly direction on Railroad Street to the intersection of Roanoke Avenue and Railroad Street. At this point, proceed in a northerly direction on Roanoke Avenue to Northville Turnpike. At this point, proceed in a northeasterly direction on Northville Turnpike to point of beginning.

Definitions.

As used in this Article, the term "artist" means a person who is regularly engaged in the fine arts, such as painting and sculpture or in the performing or creative arts, including choreography and film making, or in the composition of music on a professional basis and is so certified by the Town Board. As used in this Article, the term "gallery" shall mean a building or a portion of a building used as a place to display or sell original works or art.

As used in this Article, the term "studio" shall mean a building or a portion of a building used as a place of work by an artist. As used in this Article, the term "artist dwelling" shall mean a building or a portion of a building used as an accessory residence to a studio or gallery.

Permitted Acts.

In the confines of the Riverhead Arts District, the Zoning Ordinance of the Town of Riverhead shall be amended as follows:

Permitted Uses:

1. Gallery.
2. Studio.

Accessory Uses:

Dwelling, artist.

Application for Permit.

A. No building shall be occupied for an artist dwelling prior to the issuance of a permit by the Town Board certifying the resident as an artist. In this determination, the Town of Riverhead shall rely upon the opinion of those experts it desires and upon the definition of an artist contained herein. All applications for a permit shall include the following information and the payment of an application fee of \$10.00:

1. The name and address of the applicant and whether the applicant is the owner or the lessee of the premises, additional family members must be indicated;
2. A description of the type of art to be created within the premises together with a description of the relevant art work history of the applicant together with references.

B. This chapter does not obviate the necessity for the applicant to obtain the assent or a permit required by any other agency before proceeding with operations under an approved Town Board permit.

Procedure for Issuance of a Permit.

A. The Town Clerk shall retain the original permit application and distribute one copy to the Town Board and the Planning Department.

B. The Town Board shall review all completed permit applications and either approve or deny such permit by resolution. The Town Board may consult with those experts necessary to make a decision upon the propriety of the application for an artist designation. The Town Board may hold a public hearing on a particular permit application if it desires. In rendering a decision of approval, approval with conditions, or a denial of a permit, the Town Board shall state in writing, its findings of fact and conclusions to be transmitted via resolution to the applicant and the Town Clerk.

Compliance with Conditions.

Permits shall remain in force for a period of one year or until commencement of residence within the premises. Subsequent to commencement, the permit shall remain perpetually in force while the applicant resides within the premises. The applicant shall notify the Town Clerk of any changes in occupancy of the premises. In the event that occupancy changes to such an extent that the intent of this legislation is contravened, the permit may be revoked by the Town Board subsequent to a hearing.

Dated: July 15, 1997
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

* Underscore represents addition(s)

Adopted

TOWN OF RIVERHEAD

Resolution # 613

REQUESTS NYS D.O.T. TO POST A REDUCED SPEED LIMIT AND SIGNAGE ON HULSE LANDING ROAD (C.R. 54), WADING RIVER

COUNCILMAN PRUSINOWSKI

The following resolution was offered by _____

COUNCILMAN LULL

and was seconded by _____

WHEREAS, the Town Board of the Town of Riverhead recognizes that the lack of a speed limit designation on Hulse Landing Road (County Road 54), proceeding North from Sound Avenue to 21st Street represents a potential danger to motorists and pedestrians; and

WHEREAS, there is currently no signage delineating the speed limit in this areas which, according to the NYS Department of Transportation is 55 miles per hour; and

WHEREAS, this particular area of the Town of Riverhead has experienced an increasing amount of motor vehicle traffic, most notably in the summer months and as such, clear posting of applicable speed limits has become more important than ever for the health, safety and welfare of motorists and residents in the area;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby requests that the Department of Transportation of the State of New York consider the reduction in the speed limit on Hulse Landing Road (C.R. 54) proceeding North from Sound Avenue to 21st Street from 55 mph to 45 mph; and

BE IT FURTHER RESOLVED, that the NYS DOT contact the Suffolk County Department of Public Works for the clear designation through signage of this reduction in speed limit by clearly posting speed limit signs of 45 mph in this area; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Commissioner of Transportation, State of New York, and the Regional Director, NYS Department of Transportation; Charles Burtha of the S.C. Department of Public Works; Riverhead Police Department.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

7/15/97

Adopted

TOWN OF RIVERHEAD

Resolution # 614

AUTHORIZES TOWN CLERK TO PUBLISH AND POST REPORT OF THE STATE COMPTROLLER

COUNCILMAN LULL offered the following resolution, which
was seconded by COUNCILMAN PRUSINOWSKI:

RESOLVED, that the Town Clerk be and is hereby directed to publish and post the attached notice of the Office of the State Comptroller once in the *Suffolk County Life*, the official newspaper designated for that purpose, and to post same on the bulletin board(s) at Town Hall, 200 Howell Avenue, Riverhead, New York.

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon
duly adopted.

7/15/97

Adopted

TOWN OF RIVERHEAD

Resolution # 611**APPROVES SPECIAL PERMIT OF THE POLISH-RUSSIAN
RESTAURANT**

COUNCILMAN KWASNA offered the following resolution, which was seconded by **COUNCILMAN WITTMEIER**:

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from James DeLuca to allow the construction of improvements within an existing restaurant to allow live entertainment on real property located on Route 25, Riverhead, such real property more particularly described as Suffolk County Real Property Tax Map Number 0600-128-3-61.1; and

WHEREAS, the Riverhead Town Board has determined the petition is a Type II Action pursuant to 6 NYCRR Part 617.5(c)(7); and

WHEREAS, the Town Board has referred the petition to the Riverhead Planning Board for its report and recommendation, such Planning Board recommending the approval of the petition; and

WHEREAS, the Town Board has carefully considered the merits of the petition, the SEQRA record created to date, the report of the Planning Department, the report of the Planning Board, the commentary made at the relevant public hearing, as well as all other pertinent planning, zoning and environmental information.

NOW, THEREFORE, BE IT RESOLVED that in the matter of the special permit of the Polish-Russian Restaurant, the Riverhead Town Board hereby makes the following findings:

- FIRST:** that the general vicinity of the subject property is characterized by commercial and industrial land uses;
- SECOND:** that the number of residential land uses within the vicinity is de minimus;
- THIRD:** that a number of tavern uses already exists within the general area;

State of New York
Office of the State Comptroller

NOTICE

NOTICE IS HEREBY GIVEN THAT THE FISCAL AFFAIRS OF THE TOWN OF RIVERHEAD
 FOR THE PERIOD BEGINNING ON January 1, 1995 AND ENDING ON June 30, 1996 HAVE
 BEEN EXAMINED BY THE OFFICE OF THE STATE COMPTROLLER AND THAT THE REPORT OF EXAMINATION
 PERFORMED BY THE OFFICE OF THE STATE COMPTROLLER HAS BEEN FILED IN MY OFFICE WHERE IT IS
 AVAILABLE AS A PUBLIC RECORD FOR INSPECTION BY ALL INTERESTED PERSONS. PURSUANT TO SECTION
 THIRTY-FIVE OF THE GENERAL MUNICIPAL LAW, THE GOVERNING BOARD OF THE TOWN OF
 RIVERHEAD MAY IN ITS DISCRETION, PREPARE A WRITTEN
 RESPONSE TO THE REPORT OF EXAMINATION PERFORMED BY THE OFFICE OF THE STATE COMPTROLLER
 AND FILE ANY SUCH RESPONSE IN MY OFFICE AS A PUBLIC RECORD FOR INSPECTION BY ALL INTERESTED
 PERSONS NOT LATER THAN (LAST DATE ON WHICH RESPONSE MAY BE FILED - 90 DAYS AFTER PRESENTA-
 TION OF REPORT TO BOARD).

(NAME) BARBARA GRATTAN

(TITLE) TOWN CLERK

NOTES:

In order to be in compliance with General Municipal Law, §35, this notice must be published within 10 days of the filing of this report with the clerk or secretary.

If the board has made a decision to respond to the report prior to publication of this notice, the following sentence may be substituted for the last sentence of the above Notice:

PURSUANT TO SECTION THIRTY-FIVE OF THE GENERAL MUNICIPAL LAW, THE (NAME OF GOVERNING BOARD) HAS AUTHORIZED THE PREPARATION OF A WRITTEN RESPONSE TO THE REPORT OF EXAMINATION PREPARED BY THE OFFICE OF THE STATE COMPTROLLER AND WILL FILE SUCH RESPONSE, WHEN COMPLETED, IN MY OFFICE AS A PUBLIC RECORD FOR INSPECTION BY ALL INTERESTED PERSONS NOT LATER THAN (LAST DATE ON WHICH RESPONSE MAY BE FILED - 90 DAYS AFTER PRESENTATION OF REPORT TO BOARD).

7/15/97

Adopted

TOWN OF RIVERHEAD

Resolution # 615

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING - STEVEN GIUFFRE

COUNCILMAN KWASNA offered the following resolution, which was seconded by COUNCILMAN WITTMEIER:

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Steven Giuffre to allow the construction of a solid waste management facility upon real property located at Kroemer Avenue, Riverhead, such real property more particularly described as Suffolk County Real Property Tax Map Number 0600-119-1-32.2; and

WHEREAS, the Town Board has referred the petition to the Riverhead Planning Board for its report and recommendation; and

WHEREAS, the Town Board desires to hold a public hearing upon the petition pursuant to the Riverhead Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be authorized to publish and post the attached notice of public hearing in the official newspaper of the Town of Riverhead; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Steven Giuffre, the Riverhead Planning Board and the Riverhead Planning Department.

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon duly adopted.

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 19th day of August, 1997, at 7:05 o'clock at the Jamesport Community Center, South Jamesport Avenue, Jamesport, New York, to consider the special permit petition of Steven Giuffre to allow the construction of a 19,500. Sq. Ft. Solid waste management facility on real property located at Kroemer Avenue, Riverhead, new York, such real property more particularly described as Suffolk County Tax Map Number 0600-119-1-32.2.

Dated: Riverhead, New York
July 15, 1997.

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

BARBARA GRATTAN, Town Clerk

15/97

Tabled

Tabled

Town of Riverhead
Resolution # 616

Denies Special Permit Petition of Gurdogan Gunacar

COUNCILMAN PRUSINOWSKI

COUNCILMAN KWASNA

offered the following resolution, which was seconded by

HEREAS, The Riverhead Town Board is in receipt of a special permit petition from Gurdogan Gunacar for the expansion of pre-existing non-conforming use (Convenience Store) on Real Property located at New York State Route 25, Aquebogue, New York. Such Real Property more particularly described as Suffolk County Tax Map Parcel Number 0600.-67-1-26 and

HEREAS, The Town Board by Resolution #244 of 1997 determined the petition to be a Type II action pursuant to GNYCRR Part 617.5 (c)(9), and

HEREAS, The Town Board has referred the application to the Riverhead Planning Board for its report and recommendation; such Planning Board Recommending the denial of the Petition, and

HEREAS, The Riverhead Town Board has carefully considered the merit of the petition, the SEQRA record created to date, the report of the Planning Department, the report of the Planning Board, as well as any other relevant planning, zoning and environmental information,

WHEREFORE, be it resolved, that in the matter of the special permit petition of Gurdogan Gunacar, The Riverhead Town Board makes the following findings:

FIRST, that the premises is located in the Business G Zoning Use District,

SECOND, that general retail sales and gasoline service stations are not provided for within the Business G District,

THIRD, that the premises contains improvements which are considered to be non-conforming uses, to wit Gasoline sales, motor vehicle repair, single family dwelling, office,

FOURTH, that the myriad use of the property constitutes an over-intensity of the use of the premises given the minimal area of the property and the Zoning Use District in which it is located and,

IT FURTHER RESOLVED, that based upon its findings, the Riverhead Town Board hereby denies the special permit of Gurdogan Gunacar and,

IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to Charles Cuddy, Esq. as agent for the applicant.

Tabled

Adopted

July 15, 1997

TOWN OF RIVERHEAD

Resolution # 617

AUTHORIZES TOWN CLERK TO REPUBLISH AND REPOST NOTICE OF PUBLIC HEARING – CHANGE OF ZONE – RIVERHEAD CENTRE, LLC

COUNCILMAN PRUSINOWSKI

offered the following resolution which

was seconded by

COUNCILMAN LULL

WHEREAS, the Riverhead Town Board is in receipt of a petition from the Riverhead Centre, LLC to provide for the Destination Commercial Planned Development District as described by Article XXXVII of the Town of Riverhead Zoning Ordinance to the exclusion of the existing Industrial A, Agriculture A, Business B and Residential C Zoning Use Districts upon real property located at County Route 58, Riverhead, such real property more particularly described as Suffolk County Tax Map Parcel Numbers 0600-101-2-p/o 4, p/o 5, p/o 6.1, 6.3, 9.1, 9.2, 9.3, 10 and 11, and

WHEREAS, the Town Board desires to hold a public hearing upon the petition pursuant to the Riverhead Zoning Ordinance and the Town Law, and

WHEREAS, by resolution Number 561 of 1997, the Riverhead Town Board did schedule a public hearing regarding this petition on the evening of the 5th day of August, 1997; and

WHEREAS, circumstances have arisen which would require that the public hearing be rescheduled to an earlier time.

NOW, THEREFORE, BE IT RESOLVED, that in the matter of the change of zone petition of the Riverhead Center LLC, the Riverhead Town Board hereby amends Resolution #561 to provide for an earlier time of the public hearing; and

BE IT FURTHER RESOLVED, that the Town Clerk be authorized to publish the following public notice in the official newspaper of the Town of Riverhead,

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 5th day of August, 1997 at 1:05 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested parties to consider the change of zone petition of the Riverhead Centre to provide for the Destination Commercial Planned Development District upon real property located at Route 58, Riverhead, such real property more particularly described as Suffolk County Tax Map Parcel Numbers 0600-101-2-p/o 4, p/o 5, p/o 6.1, 6.3, 9.1, 9.2, 9.3, 10 and 11.

DATED: July 1, 1997
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon
duly adopted.

7/15/97

Adopted

TOWN OF RIVERHEAD

Resolution # 618

REFERS SPECIAL PERMIT PETITION OF JAMES STAKEY TO THE RIVERHEAD PLANNING BOARD

COUNCILMAN LULL offered the following resolution, which was seconded by COUNCILMAN PRUSINOWSKI :

WHEREAS, the Riverhead Town Board is in receipt of a petition from James Stakey to allow the expansion of a non-conforming agricultural use (greenhouse, commercial) upon real property located at West Lane, Aquebogue, new York, such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-45-1-10.2 and 0600-45-1-11.4; and

WHEREAS, the Town Board has considered the merits of the petition relative to the New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT RESOLVED, that in the matter of the special permit petition of James Stakey, the Town Board hereby declares itself to be the lead agency pursuant to 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the Town Board considered the action as Unlisted without a significant impact upon the environment and that an environmental impact statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Clerk to refer the petition to the Riverhead Planning Board for its report and recommendation pursuant to the Riverhead Zoning Ordinance; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Riverhead Planning Board.

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon duly adopted.

7/15/97

Adopted

TOWN OF RIVERHEAD

Resolution # 619**APPROVES SPECIAL PERMIT OF VINCENT DELLA SPERANZO**

COUNCILMAN KWASNA offered the following resolution, which was seconded by COUNCILMAN WITTMEIER:

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Vincent DellaSperanzo for the re-establishment of a residential use of premises located at Roanoke Avenue, Riverhead, New York, more particularly described as Suffolk County Real Property Tax Map Number 0600-126-4-14; and

WHEREAS, the Riverhead Town Board has declared itself to be the Lead Agency in this matter and has determined the petition is a Type II Action pursuant to 6 NYCRR Part 617.5(c)(9); and

WHEREAS, the Riverhead Town Board has referred the petition to the Riverhead Planning Board for its report and recommendation, such Planning Board recommending the approval of the petition; and

WHEREAS, the Town Board has carefully considered the merits of the petition, the SEQRA record created to date, the report of the Planning Department, the report of the Planning Board, the commentary made at the relevant public hearing, as well as all other pertinent planning, zoning and environmental information.

NOW, THEREFORE, BE IT RESOLVED that in the matter of the special permit of Vincent DellaSperanzo, the Riverhead Town Board hereby makes the following findings:

- FIRST: that the site is particularly suitable for the location of such use in the community;
- SECOND: that the plat area is sufficient, appropriate and adequate for the use and reasonably anticipated operation thereof;
- THIRD: that the use will not prevent or substantially impair either the reasonable and orderly use of or the reasonable and orderly development of other properties in the neighborhood;

FOURTH: that the health, safety, welfare, comfort and convenience and order of the Town will not be adversely affected by the authorized use;

FIFTH: that the use will be in harmony with and promote the general purposes and intent of the Town of Riverhead Zoning Ordinance; and

BE IT FURTHER RESOLVED, that based upon its findings, the Riverhead Town Board hereby approves the special permit petition of Vincent DellaSperanzo to reestablish a residential use of premises located at Roanoke Avenue, Riverhead, New York, subject to the following condition:

That prior to the issuance of a building permit, the applicant shall file a Declaration of Covenant and Restriction, in a form acceptable to the Town Attorney, which restricts the use of the premises exclusively as a single-family dwelling.

And

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Charles Cuddy, Esq., agent for the applicant, the Riverhead Planning Board, the Building Department, the Town Attorney and the Riverhead Planning Department.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

Adopted

7/15/97

TOWN OF RIVERHEAD

Resolution # 620

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING - TS HAULERS, INC.

~~COUNCILMAN WITTMER~~ offered the following resolution, which was seconded by COUNCILMAN KWASNA:

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Edward Partridge on behalf of TS Haulers, Inc., to allow a mining and materials processing operation on real property located at New York State Route 25, Calverton, New York, such real property more particularly described as Suffolk County Real Property Tax Map Parcel Number 0600-98-1-16.3; and

WHEREAS, a negative declaration has been issued by the New York State Department of Environmental Conservation as Lead Agency; and

WHEREAS, the Town Board has referred the petition to the Riverhead Planning Board for its report and recommendation; and

WHEREAS, the Town Board desires to hold a public hearing on said petition pursuant to the requirements of the Riverhead Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish and post the attached notice of public hearing in the official newspaper of the Town of Riverhead; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this application to Peter S. Danowski, Jr., Esq., as agent for the applicant, the Riverhead Planning Board and the Riverhead Planning Department.

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon duly adopted.

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 19th day of August, 1997, at 7:10 o'clock at the Jamesport Community Center, South Jamesport Avenue, Jamesport, New York, to consider the special permit petition of Edward Partridge (TS Haulers, Inc.) to allow a mining and materials processing operation upon real property located at NYS Route 25, Calverton, New York, such real property more particularly described as Suffolk County Tax Map Number 0600-98-1-16.3.

Dated: Riverhead, New York
July 15, 1997.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

July 15, 1997

Adopted

TOWN OF RIVERHEAD

Resolution # 621

RATIFIES AND APPROVES STIPULATION OF SETTLEMENT

COUNCILMAN PRUSINOWSKI offered the following resolution
which was seconded by COUNCILMAN LULL

RESOLVED, that the Town Board hereby ratifies and approves the provisions of the Stipulation of Settlement by and between the Town of Riverhead and the Superior Officers Association, Inc. dated June 27, 1997, attached hereto; and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution, the Stipulation of Settlement/Agreement and the Contract with revisions attached hereto, to Lt. Richard Boden President, Superior Officers Association, Inc.; the Chief of Police; Rains & Pogrebin, P.C. and the Office of Accounting.

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon duly adopted.

6/27/97

STIPULATION OF AGREEMENT made and entered into this 27th day of June, 1997, by and between the negotiating committees for the Town of Riverhead ("the Town") and the Riverhead Town Superior Officers Association, Inc. ("the SOA").

WHEREAS, the parties have engaged in negotiations in good faith in an effort to arrive at a successor agreement to a contract that covered the period January 1, 1992 through December 31, 1993 and an interest arbitration award that covered the period January 1, 1994 through December 31, 1995; and

WHEREAS, the parties have arrived at a tentative agreement;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby stipulate and agree as follows:

1. The provisions of this Stipulation are subject to ratification by the SOA's membership and ratification and approval by the Town Board.
2. The signatories below agree to recommend this Stipulation for ratification/approval.
3. A copy of this original document has been furnished to representatives of the Town and the SOA.
4. All proposals not covered herein made by either party during the course of negotiations shall be deemed dropped.
5. The provisions of the new Agreement shall be as per the attached draft contract.
6. Article VIII (B) (Night Differential). Effective January 1, 1996, increase by \$100 (\$50 for 2 tours). Effective January 1, 1997, increase by an additional \$100 (\$50 for 2 tours). Effective January 1, 1998, increase by an additional \$200 (\$100 for 2 tours).

6/27/97

7. Article IX (C) (1st sentence) (Vacation). Revise to read, "A Superior Officer who chooses not to utilize all of his/her annual vacation allotment may sell back the unused days by filing a written notice to that effect with the Chief or his/her designee prior to the 15th day of an even numbered month, in which case those days shall be paid as wages when receiving overtime."

8. Article X (Personal Days). Effective April 1, 1997, insert "or if the Department is unable to fill the resulting vacancy through overtime," after "at his sole discretion,".

9. Article XVIII (E) (Executive Officer). Revise to read, "In the event that the designated Department Executive Officer is a unit member, a Town-owned vehicle will be supplied, maintained and fueled by the Town and assigned to the Officer for his/her use."

10. Article XX (B) (Cleaning Allowance). Effective January 1, 1996, increase by \$50. Effective January 1, 1997, increase by an additional \$50. Effective January 1, 1998, increase by an additional \$50.

11. Article XXI (E) (Sick Leave Bonus). Effective January 1, 1997, delete.

12. Duration. 3 years: January 1, 1996 through December 31, 1998, inclusive.

13. Article XXXIII (Salaries). Effective January 1, 1996 sergeants' and detective sergeants' base salaries shall be increased by 4.0%. Effective January 1, 1997, sergeants' and detective sergeants' base salaries shall be increased by an additional 4.0%. Effective January 1, 1998, sergeants' and detective sergeants' base salaries shall be increased by an additional 4.0%.

6/27/97

14. Article XXXIII (Lieutenants' Salaries). These shall be as follows:

1/1/96	1/1/97	1/1/98
\$74,442	\$77,510	\$80,812

15. Jury Duty (New) Effective January 1, 1997, the first 3 days in the year shall be with full pay. All time taken thereafter shall be charged against accrued leave time.

16. Line of Duty Injury Status Procedure (New). The parties shall finalize their negotiations by not later than July 15, 1997. If they fail to do so, the matter shall be submitted to binding interest arbitration before Arbitrator Martin F. Scheinman.

17. Probationary Sergeant (New). Those members promoted to sergeant on or after April 1, 1997 shall serve a nine month probationary period.

FOR THE TOWN:

[Handwritten Signature]

FOR THE SOA:

Steve Tol (V.P.)

[Handwritten Signature] (Pre

DRAFT

Labor Contract
Between the
Town of Riverhead
and the

Riverhead Town Police
Superior Officers Association, Inc.

199~~7~~⁶ - 199~~8~~⁸
6 8

*Reverse as
necessary*

TABLE OF CONTENTS

ARTICLE I	RECOGNITION	1
ARTICLE II	CHECK OFF	1-4
ARTICLE III	HOSPITALIZATION & MEDICAL INSURANCE	5-6
ARTICLE IV	HOLIDAYS	6-7
ARTICLE V	ADDITIONAL VETERANS HOLIDAYS	7
ARTICLE VI	RECALL AND STANDBY	7-8
ARTICLE VII	DEATH LEAVE	8
ARTICLE VIII	OVERTIME AND NIGHT DIFFERENTIAL	9-10
ARTICLE IX	VACATION	10-11
ARTICLE X	PERSONAL DAYS	11
ARTICLE XI	LONGEVITY PAY	12
ARTICLE XII	EXCUSE FROM DUTY OF SOA REPRESENTATIVES	12
ARTICLE XIII	DUTY TOURS	12
ARTICLE XIV	SUPPLEMENTAL DEATH BENEFIT	13
ARTICLE XV	SEVERANCE & DEATH BENEFIT	13
ARTICLE XVI	ONE YEAR FINAL AVERAGE BENEFIT	13
ARTICLE XVII	NON CONFLICT LAW	13
ARTICLE XVIII	WORKING CONDITIONS	14-15
ARTICLE XIX	RENEGOTIATIONS	15
ARTICLE XX	CLOTHING & EQUIPMENT	15
ARTICLE XXI	SICK LEAVE	16-18
ARTICLE XXII	ANNUAL PHYSICAL EXAMINATION	18
ARTICLE XXIII	OUTSIDE EMPLOYMENT	18
ARTICLE XXIV	NO STRIKE PLEDGE	18
ARTICLE XXV	BILL OF RIGHTS	19-21
ARTICLE XXVI	LEGISLATIVE ACTION REQUIREMENT	21
ARTICLE XXVII	BINDING EFFECT	22
ARTICLE XXVIII	PARTIAL INVALIDITY	22
ARTICLE XXIX	TOPICS FOR FUTURE AGREEMENT	22
ARTICLE XXX	VESTS	22
ARTICLE XXXI	DEFERRED COMPENSATION PLAN	23
ARTICLE XXXII	EDUCATIONAL INCENTIVE	23
ARTICLE XXXIII	SALARIES	23
ARTICLE XXXIV	DRUGS AND ALCOHOL	24-27
ARTICLE XXXV	GRIEVANCE PROCEDURE	28-29

7

Agreement, made this ~~1st~~ day of ~~June~~ 1991, by and between THE TOWN OF RIVERHEAD, a municipal corporation, having its principal office at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as the "Employer", and THE RIVERHEAD SUPERIOR OFFICERS ASSOCIATION, INC. having its principal office at 210 Howell Avenue, Riverhead, New York, hereinafter referred to as either the "S.O.A." or the "Employee".

ARTICLE I - Recognition

The ~~Employer~~ recognizes the ~~Riverhead~~ S.O.A. as the sole bargaining agent and representative for all Sergeants, Detective Sergeants and Lieutenants employed in the Police Department in the Town of Riverhead, Suffolk County, New York. No S.O.A. member shall be an officer (specifically shall not be President, Vice President, Secretary or Treasurer) nor shall any ~~Employee~~ be a member of the negotiation team of any other bargaining organization that negotiates with the Town of Riverhead.

ARTICLE II - Check Off

The ~~Employer~~ shall deduct from the wages of the Employee and pay over to the S.O.A. by such employees who have authorized the ~~Employer~~ to do so by individual authorizations in writing. These deductions shall be taken out in equal installments on the Employee's biweekly paycheck.

SECTION 1: The ~~Association~~ shall notify in writing the ~~employer~~ and any members of the unit covered by this ~~contract~~ who are not members of the ~~Association~~ of the "agency shop" implementation. ~~Said~~ notification shall inform those ~~Employees~~ who are not presently members of the ~~Association~~ that they have the right to join the ~~Association~~. ~~Such~~ notice shall further inform the ~~Employees~~ that those who do not choose to join the ~~Association~~ shall have deducted from their salary an agency shop fee which shall be an amount equivalent to the amount of dues payable by a member.

SECTION 2. An agency shop fee shall be deducted from the salary of Employees who do not choose to become members and from the salary of employees whose membership has not yet become effective, provided the ~~ASSOCIATION~~^{SAA} furnished the Town with a list of the names and titles of such Employees and with proof of service of the written notice specified in Section (1) of this Article II.

SECTION 3. Every Employee who does not join the ~~ASSOCIATION~~^{SAA} at the time of appointment, but whose membership has not yet become effective, shall have an agency shop fee deducted. If the Employee joins the ~~ASSOCIATION~~^{SAA, PL}, ~~such~~ agency shop fee deduction shall be discontinued on the same date the dues checkoff authorization card takes effect and is received by the Town with written notice from the ~~ASSOCIATION~~^{SAA} of the Employee's status.

SECTION 4. An Employee ~~who~~^J terminates ~~ASSOCIATION~~^{SAA} membership ~~shall~~^J have deducted from his/her salary an agency shop fee. ~~Such~~^{This} agency shop fee shall be effective on the same date as the revocation of authorization for dues deduction takes effect, with notice thereof, in writing, received by the Town from the ~~ASSOCIATION~~^{SAA}.

SECTION 5. The agency shop fee for each Employee covered by this Agreement shall be deducted from the Employee's regular paycheck and shall be in the amount equal to the periodical dues levied by the ~~ASSOCIATION~~^{SAA} for Employees in the affected titles as currently checked off by the Town. The ~~ASSOCIATION~~^{SAA} shall certify to the Town the appropriate amount or rate for the agency shop fee deduction.

SECTION 6. The ~~ASSOCIATION~~^{SAA} shall have the exclusive right to the deduction and transmittal of the agency shop fee for ~~unit~~ Employees. The Town shall transmit, no later than the first working date of the second month following the month in which the agency shop fee has been collected, the total of such agency shop fee deductions collected at the same rates as are provided for the checkoffs of membership dues.

SECTION 7. Changes in the amount of an agency shop fee deduction shall be effective at the same times as is the practice with changes in membership dues deductions, but no fewer times than the first payroll subsequent to January 1 or July 1, following the date on which notice of such change is furnished. Request for changes in the rate of dues deductions shall be deemed to be a request for a change in the agency shop fee.

SECTION 8. Employees having the agency shop fee deducted shall be notified, in writing ³ by the ~~ASSOCIATION~~^{SOA} of the change in the amount of the agency shop fee deductions and the date on which such new deduction will begin. A copy of this notice shall be sent to the Town.

SECTION 9. Agency shop fee deductions will be applied to regular payrolls only.

SECTION 10. In cases of unearned salaries or wages of Employees covered by this Agreement refunded to appropriation accounts, and in cases of salaries or wages of Employees covered by this agreement transferred to "UNCLAIMED" accounts, necessary adjustments in agency shop fee accounts will be made by recovery from available unpaid ~~ASSOCIATION~~^{SOA} agency shop fee fund balances and returned to the Town.

SECTION 11. The ~~ASSOCIATION~~^{SOA} shall refund to the Employees any agency shop fees wrongfully deducted and transmitted to the ~~ASSOCIATION~~^{SOA}.

SECTION 12. No assessments of any kind or nature will be collected through the agency shop fee deduction.

SECTION 13. No arrears of any kind or nature will be collected through the agency shop fee deduction.

SECTION 14. The Town shall not be liable in the operation of the agency shop fee deductions for any mistake or error of judgement or any other act of omission or commission and the ~~ASSOCIATION~~^{SOA} agrees to hold the ~~Town~~^T harmless against any claim whatsoever arising out of the deduction and transmittal of said agency shop fee to the ~~ASSOCIATION~~^{SOA}.

SECTION 15. Agency shop fee deductions will be considered last in arithmetical sequence when residual amount of pay after other deductions is less than the full amount of the agency shop fee deduction and no fractional amount of agency shop fee deduction and no fractional amount of agency shop fee deductions will be made nor carried over for deduction in any subsequent payroll period.

SECTION 16. The ~~ASSOCIATION~~^{SOA} affirms that it has established and is maintaining a procedure which provides for the refund, to any ~~Employee~~^{ONE,} demanding ~~the~~^{same,} of any part of any agency shop fee which represents the ~~Employee's~~^{SOA} pro rata share of expenditures by the ~~ASSOCIATION~~^{SOA} in aid of activities or causes of a political or ideological nature only incidentally related to terms and conditions of employment. It is expressly agreed that in the event ~~such~~^{this} procedure is discontinued then this Article II, insofar as it relates to agency shop fee deductions, shall be null and void.

SECTION 17. In the event that any provision of this Article II is found to be invalid, ~~such~~^{the} invalidity shall not impair the validity and enforceability of the remaining provisions of this Article II.

ARTICLE III - Hospitalization and Medical Insurance

SECTION 1. A.) The ^{Town} ~~Employer~~ shall pay, on behalf of all ^E ~~Employees~~, One Hundred Percent (100%) of the cost of either the individual or family (depending on whether the individual is eligible or not) ^{coverage} for hospitalization under the Empire Core Plan plus Enhancements. ~~In the event members of the Department are eligible for family coverage, One Hundred Percent (100%) coverage shall also be provided for his/her~~ ^{Employees} ~~family.~~ ^A ~~Said~~ ^{The} plan shall also provide that the ^{Town} ~~Employer~~ shall pay for One Hundred Percent (100%) coverage for individual ^{Employees} ~~members of the Department~~ who hereafter retire from the Town, and the ^{Town} ~~Employer~~ shall pay to the extent of Fifty Percent (50%) coverage on the premiums for the retiree's family. The ^{Town} ~~Employer~~ will assume One Hundred Percent (100%) of the cost of hospitalization for the families of ^{Employee} ~~police officers~~ killed in the line of duty until the remarriage of the spouse and the attaining of the age of emancipation of children.

(red)

B.) An Employee may elect to change enrollment in the health insurance plan from family coverage to individual or no coverage, or from individual coverage to no coverage. In this event, the ^E ~~Employee~~ shall receive 45% of the savings to the Town, provided the ^{The} ~~Employee~~ remains in ~~each~~ ^{the} changed status for a period of (12) consecutive months. Payment shall be made annually thereafter during ^{the} ~~June~~ or December first following the end of the twelve (12) month period, provided that the ^E ~~Employee~~ remains in the changed status. ~~Employees who change enrollment midyear during the first year that this provision is implemented shall receive payment on a pro-rata basis.~~ Nothing in this provision shall preclude an Employee from reenrolling in his/her previous coverage within the twelve (12) month period, provided however, that if the Employee does so in fewer than twelve (12) months, no payment shall be made.

c) insert (4)

Town shall have the option to change health insurance carriers after at least 30 days prior written notice of such intention, provided that (a) a copy of the proposed replacement coverages accompany such notice, and (b) the coverages shall be, in all respects, comparable or better than that which currently exists.

to

SECTION 2 - Dental Plan. The ~~Employer~~^{Town} shall pay, on behalf of all Employees, One Hundred Percent (100%) of the cost of either the individual or family plan for dental coverage under the terms provided by the Riverhead Town Dental Plan.

SECTION 3 - Optical Plan. The ~~Employer~~^{Town} shall pay, on behalf of all Employees, One Hundred Percent (100%) of the cost of either the individual or family plan for optical coverage under the Riverhead Town Optical Plan.

ARTICLE IV - Holiday

The ~~Employer~~^{Town} recognizes the following paid holidays for all Employees:

New Years Day

Martin Luther King's Birthday

Lincoln's Birthday

Washington's Birthday

Easter Sunday

Memorial Day

Independence Day

Labor Day

Columbus Day

Election Day

Veterans Day

Thanksgiving Day

Christmas Day

The Employees shall receive no time off for ~~said~~ ^{these} holidays, but shall be paid an additional day's pay for each of ~~said~~ ^{the} holidays, according to the daily pay rate of each ~~individual~~ ^{Employee,} which compensation shall be paid covering the first six (6) holidays listed during the period June 15th to June 25th, and shall be paid the last seven (7) holidays listed on December 7th or the first business day following December 7th. Employees actually working on any of these holidays will be paid an additional one half (1/2) day's pay for each day. For purposes of computing holiday pay, a 238 day (1904 hours) work year shall be used.

ARTICLE V - Additional Veterans Holidays

An Employee who is a veteran and works on either Memorial Day or Veterans' Day shall have compensation which shall include, in addition to all other entitlements, cash overtime at the rate of time and one half for each hour worked. An Employee who is a veteran and does not work on either Memorial Day or Veterans' Day shall have compensation which shall include, in addition to all other entitlements, one (1) day's pay on a cash basis. For purposes of computing day's pay, a 238 day (1904 hours) work year shall be used.

ARTICLE VI - Recall and Standby

(A) Any Employee who is on call duty and not called in shall be compensated at the rate of two (2) hours for every eight (8) hours so directed. If any Employee is called in while on call duty, the Employee will forego the call duty pay and be compensated under Section (B).

(B) An ~~E~~mployee recalled after the Employee has finished his/her tour of duty and is immediately directed to engage in regular police work shall receive a minimum four (4) hours credited as time worked at the applicable overtime rate and shall receive a minimum of two (2) hours credited as time worked at the applicable overtime rate when required to report to Court or other governmental agency, in direct connection to the Employee's police duties or work. Recalled ~~E~~mployees may be required to work the full amount of the minimum recall for which they are paid.

(C) Any fees received by an Employee for appearance before a Court or other governmental agency shall be turned over to the Riverhead Police Department. If the ~~E~~mployee uses his/her own automobile in traveling to and from court or government agency offices, any mileage allotment shall be retained by the ~~E~~mployee. If a police vehicle is used, the allotment is turned over to the Department.

(D) The ~~Employer~~ ^{Town} agrees to pay Employees the same mileage allowance in effect for County of Suffolk employees. ~~Employer~~ ^{The Town} agrees to provide a police unit, if a unit is available.

ARTICLE VII - Death Leave

Employees shall be entitled to four (4) consecutive working days' leave of absence computed either from the day of death or the day following death at the Employee's option, for death of Employee's spouse, child (including adopted children), father, mother, brother, sister, parents, parents-in-law, grandparents, grandparents-in-law, grandchildren, daughter-in-law, brother-in-law, sister-in-law, son-in-law, or stepchild.

Effective January 1, 1997, the payment shall be increased to \$3,400 1122 and effective January 1, 1998, to \$3,600

ARTICLE VIII - Overtime and Night Differential

(A) All Employees who work in excess of their basic work week or tour of duty [forty (40) hours a week, or eight (8) hours a day] shall be paid overtime compensation at the rate of one and one-half (1-1/2) times the Employee's regular entitlement.

(B) Night differential compensation for an Employee working three (3) regularly scheduled tours, around the clock or a steady night tour shall be paid ~~two thousand nine hundred (\$2,900.00)~~ ^{\$3,300} dollars annually. An Employee working two (2) regularly scheduled

tours shall be paid ~~one thousand four hundred and fifty (\$1,450.00)~~ ^{\$1,650} dollars annually. Effective ^{January 7 this} July 1, 1998, these rates shall be increased to three thousand one hundred ^{\$1,700} ~~one thousand~~ and effective ^{January 1, 1998, to \$1,800.} ~~(\$3,100.00)~~ dollars annually and one thousand five hundred and fifty (\$1,550.00) dollars ~~annually, respectively.~~

An assigned three shift tour of duty shall consist of one set of days, one set of evenings, and one set of nights. An assigned two shift tour of duty shall consist of one set of days and one set of either evenings or nights.

A uniformed ~~Superior Officer~~ ^{Employee} assigned as a relief Supervisor or assigned standby duty officer shall be entitled to the same payment as ~~Superior Officers~~ ^{Employees} assigned to a three (3) tour around the clock duty chart. ~~Such~~ ^{This} night differential shall be paid semiannually when receiving holiday pay.

This provision shall not be applicable to work performed between 3:00 p.m. and 5:00 p.m. which is part of a regular 8:00 a.m. to 4:00 p.m. or 9:00 a.m. to 5:00 p.m. day tour; or work performed between 6:00 a.m. and 8:00 a.m. which is part of a 6:00 a.m. to 2:00 p.m. or 7:00 a.m. to 3:00 p.m. day tour. This shall be applicable to work performed between 3:00 p.m. and 4:00 p.m. which is part of a 3:00 p.m. to 11:00 p.m. night tour and applicable to work performed between 2:00 p.m. and 4:00 p.m. which is part of a 2:00 p.m. to 10:00 p.m. night tour.

(C) In calculating overtime under any provision off this ^Agreement, the longevity part of the base shall be frozen at the December 31, 1978, longevity position.

(D) Subject to Town Board meeting dates, the Town shall pay overtime in separate checks on a monthly basis.

(E) For purposes of computing overtime, a 238 day (1904 hours) work year shall be used.

ARTICLE IX - Vacation

(A) The vacation schedule shall be as follows:

Over two (2) years of service, seventeen (17) working days.

Over five (5) years of service, nineteen (19) working days.

Over ten (10) years of service, twenty four (24) working days.

Over fifteen (15) years of service, twenty seven (27) working days.

Vacation may carry into the following year a maximum of up to two years of accrual and in no event may the maximum be exceeded.

(B) Employees ^Jwho have a major illness or injury while on vacation ^Jmay use their sick leave for the remainder of the illness and have any remaining vacation time retained, provided proper notice is given and a doctor's certificate is presented, or another physician, at the option of the Chief of Police, and, at the expense of the Town, examines the Employee and, provided further, that the Chief ~~of Police~~ determines that the illness is bona fide. A major illness shall occur when an Employee is incapacitated or hospitalized for a period of five (5) consecutive days or receives a serious physical injury. An Employee shall be credited for any remaining vacation time if the Employee terminates their vacation and continues on sick leave.

An Employee who chooses not to utilize all of his/her annual vacation

(C) ~~A Superior Officer shall be entitled to make an election to work during the~~
~~current year's allotted vacation time by filing a written notice with the Chief of Police or~~
~~his representative, prior to the 15th day of an even numbered month,~~ *and shall be paid*
as wages when receiving overtime pay. Payment shall be at straight time based on a
238 day (1904 hours) work year. Such election may not exceed two (2) days per
month. In no event shall this payment be construed as an increase in base pay.

designee
his/her
in which case those days

(D) Vacation shall be credited to an Employee for each calendar year on January 1, except in the year of his/her retirement, when vacation will be prorated and credited at the end of each full month worked. In no event shall an Employee be paid for more than fifty Aour (54) vacation days upon retirement.

ARTICLE X - Personal Days

An Employee shall be granted four (4) days personal leave per annum for conduct of personal business. Employees may accumulate personal days for three (3) years. Personal business shall be defined as those matters relating to a personal, legal, family, religious or household need which cannot be performed or attended to by the officer during times other than the regularly scheduled tour of duty of the officer. [Except in cases of emergency and full mobilization of the Department, as determined by the Chief of ~~Police~~ at his sole discretion, all personal leave requests that are submitted seven (7) or more days prior to the requested date shall be granted.] If the request for a personal day is submitted less than seven (7) days before the requested day or if another Employee has already been granted the same day off, the request for personal leave shall be granted at the discretion of the Chief of ~~Police~~ or ~~his~~ designee.

or if the Department is unable to fill the resulting vacancy through overtime,

ARTICLE XI - Longevity Pay

Longevity payments shall be based on the present year's salary and the percentages shall be taken therefrom. Employees shall be paid longevity based on the following schedule:

Four percent (4%) of the total base pay after ten (10) years of service.

Six percent (6%) of the total base pay after fifteen (15) years of service.

Seven percent (7%) of the total base pay after eighteen (18) years of service.

ARTICLE XII - Excuse from Duties of the

S.O.A.'s Representatives

(A) During the negotiations by the representatives of the ~~Riverhead~~ S.O.A. and the employer for renewal, or change, of ~~the~~ ^{the} ~~collective bargaining~~ agreement, the negotiators for the S.O.A. shall be excused from their duties in the Police Department, provided such period of negotiations are reasonable and necessary. The negotiators for the S.O.A., shall not exceed four (4) members, exclusive of counsel and stenographer.

(B) Members of the S.O.A. or delegates to any bona fide police organization, which the S.O.A. is an associated member, upon approval of the Chief of Police, shall have the right to attend meetings and conventions to which the S.O.A. belongs, in pursuance of their obligations as officers or delegates of ~~said~~ ^{the} S.O.A. ~~therein~~ without loss of pay or time and in accordance with requirements of the Audit and Control Bureau of the New York State Comptroller's Office.

ARTICLE XIII - Duty Tours

Members of the units shall continue to work the duty chart currently in effect and as issued by the Chief of Police which shall consist of a 238 day (1904 hours) work year.

ARTICLE XIV - Supplemental Death Benefit

The Town has adopted Section 360-b of the Retirement and Social Security Law providing the supplemental death benefit for ~~the~~ employees who decease while active members of the Police Department. The Town will make a \$10,000 contribution for an ~~employee~~ ^{Employee} ~~office~~ who is killed in the line of duty to ~~an officer's~~ ^{the Employee's} spouse or his/her estate.

ARTICLE XV - Severance and Death Benefits

(A) Unused compensatory time, overtime, holiday and vacation pay, sick time and terminal pay shall be paid over to the Employee, the Employee's spouse, or the Employee's estate within thirty (30) days of the Employee's termination of employment because of retirement, resignation or death, except for dismissal for cause. For purposes of computing a day's pay, a 238 day (1904 hours) work year shall be used.

(B) Accumulated personal time shall be payable at the time of termination of employment due to death or resignation. There shall be no payment at the time of retirement or dismissal for cause.

(C) All benefits available pursuant to this article may be payable in up to five (5) installments over five (5) ^{the} years at Employee's option.

ARTICLE XVI - One Year Final Average Benefits

The ~~Employer~~ ^{Town} shall participate in the twenty (20) year, one-half (1/2) pay final average annual salary, based on the one (1) year option, non-contributory retirement plans pursuant to the New York State Retirement and Social Security Law. The Town has adopted the New York State Police Retirement System, Section 384-e, the special twenty (20) year plan with additional 1/60th, ~~effective April 1, 1991.~~

ARTICLE XVII - Non-Conflict Rule

During the term of this Agreement, neither party shall make any rule or regulation in conflict herewith.

ARTICLE XVIII - Working Conditions

(A) Employees shall not be required to wear their hats while in radio motor patrol car.

(B) All other benefits currently being enjoyed by the ^Eemployees, whether by statute, law, ordinance, resolution or precedent shall continue to be in effect, provided ^{the} ~~such~~ benefit does not duplicate a similar benefit herein provided.

(C) An Employee shall be compensated for the replacement cost of a personal item or items lost or damaged beyond repair or for the cost to repair a damaged personal item or items, provided the loss or damage is caused without the Employee's negligence and is incurred while the Employee is on duty or actually conducting police business, and further provided, that the item or items are of a nature the Employee would reasonably be expected to have ^{had} ~~in their~~ possession in the course of duty. If an item is replaced, depreciation will be deducted from the cost of ^{the} ~~such~~ replacement.

The personal items covered by the provisions of this section shall be limited to clothing, equipment and accessories actually being worn at the time loss or damage is incurred, or a personal vehicle when parked at or in close proximity to a relieving point, when on duty, and the damage is caused by criminal mischief or vandalism. A motor vehicle shall not be deemed to be operated in the performance of police business when such vehicle is being driven by an ^Eemployee ~~of the police force~~ to and from the Employee's home on the Employee's daily work assignment.

The Employee seeking to collect hereunder must prove to the satisfaction of the Chief ~~of Police~~ ^{the} that ~~said~~ loss was actually incurred. When a claim is submitted ^{the} ~~hereunder~~, it must be accompanied by a sworn statement that ~~said~~ ^{the} claim was incurred in the course of ~~said~~ ^{the} Employee's duties as a police officer, together with an executed claim voucher indicating ~~thereon~~ ^{the} the items, damage or loss and ~~the~~ ^{their} approximate original cost ~~thereof~~, together with the current value, including depreciation, if any. These provisions shall not be applicable for the annual equipment allowance ^{the} ~~which~~ each Employee receives.

(D) No Employee shall be compelled to submit to a polygraph test.

In the event that the designated Department Executive Officer is a union member,
(E) ~~A~~ Town-owned vehicle will be supplied, maintained and fueled by the Town

Board and assigned to ~~a Superior Officer who is designated Department Executive Officer~~ ^{the} Officer for his ^{per} use.

(F) All new patrol vehicles shall be equipped with air conditioning, power windows and power door locks.

ARTICLE XIX - Re-Negotiation

Upon the mutual agreement between the ~~Employee~~ ^{SOA} and the ~~Employer~~ ^{Town} during the term of this Agreement, it may be reopened for further negotiations for additional benefits for either the ~~Employer~~ ^{Town} or for the Employees.

ARTICLE XX - Clothing and Equipment

(A) The ~~Employer~~ ^{Town} will provide all Employees with all uniforms and equipment, which shall include, but not be limited to a hand gun.

(B) ~~A member of the force~~ ^{An Employee} shall receive an equipment allowance toward the cost of required equipment not furnished by the Police Department and the cleaning of uniforms in the sum of ~~Four Hundred Fifty (\$450.00)~~ ⁷⁵⁰ Dollars, for every calendar year, to be paid on December 7th or the first business day following December 7th. ^{hereafter,} ^{insert ①}

(C) Any Employee assigned to perform duty as a Detective or in plain clothes by order of the Chief ~~of Police~~ for a continuous period of not less than three (3) months, shall receive an additional allowance in lieu of clothing on a basis of Six Hundred Dollars (\$600.00) per calendar year. Such clothing allowance shall be paid by separate check, not inclusive in the ~~member's~~ ^{Employee's} salary, on December 7th or the first business day following December 7th.

*600
in 1996, 9
in 1997 and
in 1998 and
9650*

~~6. That the Cleaning & Equipment allowance~~ be prorated on a quarterly basis for those who do not work a full year in the position.

~~7. That so long as the Employee works in the position for at least one day in any 3 month period, he/she is~~ ^{As} ~~entitled~~ to a ¼ share of the annual allowance.

shall

ARTICLE XXI - Sick Leave

(A) Employees shall accrue sick leave at a rate of one and one-fourth (1 1/4) days per month to a total of fifteen (15) days per year.

(B) Employees shall be permitted to accrue a maximum of ~~Three~~ three hundred thirty (330) days of unused sick leave and shall be entitled to receive payment for 228 days in full upon retirement based on a 238 day work year and any accumulated sick days exceeding 228 days to 275 days shall be paid at the rate of the average salary over the past three years based on a 238 day work year (1904 hours). Prior accumulations shall not exceed the ~~Three~~ three hundred (300) days ~~heretofore~~ set as the contractual maximum accumulation. However, an Employee may make an election for sick time buy-out under subsection (C) hereof.

(C) An Employee may elect to reduce the sick time accrued under paragraph (B) by filing a written election with the Town Clerk before September 1st, in the form provided by the Town, for payment to be made in the last week in January of the following year. Buy-out shall be in lots of 50 sick days. No buy-out shall be permitted unless at the time of election the ~~E~~mployee has accumulated at least 125 sick days. The rate of pay shall be calculated at the time of payment; based on a 238 day work year (1904 hours). An Employee having made this election has agreed that the maximum sick leave payable to said employee during his/her employment shall be Two Hundred Twenty Eight (228) days at full pay based on 238 day work year (1904 hours). Any payments made prior to retirement shall be deducted from the gross number of days that may be paid to an Employee at retirement. ~~A member~~ ^{An Employee} who has "bought-out" sick leave during his ^{her} career shall be permitted to reaccumulate sick days to a maximum of ~~Three~~ ^{Three} Hundred ~~Thirty~~ (330) days but shall not be permitted to reaccumulate for payment purposes and ~~said~~ ^{these} additional days representing days already "bought-out" may be taken for sick time purposes only.

(D) Should an Employee accumulate sufficient days to permit that Employee to "buy-out" a lot or lots of fifty (50) sick days, ~~said~~ ^{the} Employee will not have to re-accumulate the amount of days necessary to reach the threshold necessary for payment. That is an Employee who has earned at least one hundred twenty five (125) days sick leave and who "buys-out" that sick leave will not have to accumulate additional days to again reach one hundred twenty-five (125) days in order to purchase sick time.

(E) Employees who have not used sick leave entitlement during any given contractual year shall accumulate two (2) additional sick leave days above and beyond the normal monthly and annual entitlement. *This paragraph shall be deleted effective January 1, 1997.*

(F) The Town shall be permitted to require a medical certificate at the Town's expense for sick leave absences of less than three (3) days duration and at the Employee's expense for absences of three (3) days duration or longer.

(G) Employees absent on sick leave shall notify the ranking officer in charge of the tour prior to two (2) hours before the scheduled tour of duty. The Chief ~~of Police~~ ^{Town} may grant advanced sick leave not to exceed thirty (30) days to an Employee's account. Notwithstanding the foregoing, the ~~Employer~~ ^{Town}, in its sole discretion, may provide additional sick leave over and above the maximum accumulation of three hundred thirty (330) working days. Sick leave shall only be considered absence necessitated by actual illness or physical disability.

(H) Sick Leave Bonus Plan. A One Hundred Twenty Five (\$125.00) Dollar bonus shall be paid to each Employee for each calendar quarter when the average pro-rata sick time for all ~~the~~ ^{the} employees equals one (1) day or less per employee for such quarter. ~~Such~~ ^{the} average shall be based on the sick leave roster which shall be posted at Police Headquarters.

If the criteria in the above paragraph ^{are} is not met, ~~then~~ a One Hundred (\$100.00) Dollar bonus shall be paid to each Employee for each calendar quarter ^{if} ~~said~~ Employee has taken one sick day or less.

(I) The Employee may be permitted to use up to (5) earned sick days due to the serious illness of a spouse where the Employee has exhausted all available personal days.

ARTICLE XXII - Annual Physical Examination

All Employees must submit to an annual physical examination by a doctor designated by the Town. Both the Employee and the Town will receive a written report of this examination. Payment for the examination is the responsibility of the Town.

^{is an} ~~All~~ Employees ~~who receive~~ a written report that medical treatment is required due to obesity or other medical problems such as alcohol, or drug abuse, ^{then} that Employee shall be required to submit to treatment under physician's care. ^{the} Employee will be entitled to a second medical opinion as agreed by the S.O.A. and Town ~~Board~~.

ARTICLE XXIII - Outside Employment

An Employee may be engaged in any other employment off duty that is not in violation of Federal, State or County law with the prior approval of the Chief ~~of Police~~ and with a limit of twenty (20) hours or less per calendar week. No employee shall engage in any security work whatsoever, either actively or as a consultant or part of management for any outside entity while employed by the Town ~~of Riverhead~~.

ARTICLE XXIV - No Strike Pledge

The S.O.A. for itself and on behalf of its members agrees that there shall be no strike, job action, slowdown, or other interruption of work during the period of the ~~A~~ Agreement or at any other time.

ARTICLE XXV - Bill Of Rights

The wide ranging powers and duties given to the Department and its members involve them in all manner of contacts and relationships with the public. Out of these contacts come many questions concerning the actions of members of the force. These questions often require immediate investigation by Superior Officers. In an effort to ensure that these investigations are conducted in a manner which is conducive to good order and discipline, the following guidelines are promulgated:

1. The interrogation of ^{an Employee} ~~a member of the force~~ shall be at a reasonable hour, preferably when the ^{Employee} ~~member of the force~~ is on duty, unless the exigencies of the investigation dictate otherwise. Where practicable, interrogations should be scheduled for the daytime.
2. The interrogations shall take place at a location designated by the investigating officer. Usually, it will be at the Police Headquarters or at the place at which the incident allegedly occurred. The ^{Employee} ~~member of the force~~ may be represented by counsel at all times if ^{he/she} ~~he~~ makes such a request.
3. The ~~member of the force~~ shall be informed of the nature of the investigation before any interrogation commences, including the name of the complainant, although the address of any complainant ^{and/or witness} need not be disclosed. If it is known that the ^{Employee} ~~member of the force~~ being interrogated is a witness only, the ~~member of the force~~ should be so informed at the initial contact.

4. The questioning shall not be unduly long. Reasonable respites shall be allowed. Time shall also be provided for personal necessities, meals, telephone calls and rest periods as are reasonably necessary.

5. The ~~member of the force~~ ^{Employee} shall not be threatened with dismissal or other disciplinary punishment. No promises of reward shall be made as an inducement to answering questions.

6. The complete interrogation of the ~~member of the force~~ ^{Employee} shall be recorded mechanically or by a stenographer if requested by the ~~member being interogated~~ ^{Employee}.

When the proceedings are recorded, (all recesses called during the questioning shall be recorded) the ~~member~~ ^{Employee} shall be entitled to examine, and make a copy (at the ~~member's~~ ^{Employee's} expense) of the transcript of such stenographic record within a reasonable time after ~~the~~ ^{the} ~~such~~ ^{Team} interrogation, if request therefore be made in writing to the ~~employer~~.

7. If a ~~member of the force~~ ^{an Employee} is under arrest or is likely to be, that is, if he/she is a suspect or the target of a criminal investigation, he/she shall be apprised of his/her constitutional rights, which are that the ~~member of the force in custody~~ ^{Employee} must, prior to the interrogation, be informed that he/she has the right to remain silent, and that anything he/she says can and will be used against him/her in court; that he/she must be informed that he/she has the right to consult with counsel and to have counsel with him/her during interrogation.

8. In all other cases, there is no obligation, legal or otherwise, on the Department to provide an opportunity for ~~a member of the force~~ ^{an Employee} to consult with counsel or anyone else when questioned by a superior officer about his/her employment or matters relevant to his ^{her} continuing fitness for police service. Nevertheless, in the interest of maintaining the usually high morale of the force, the ~~Employer~~ ^{Town} may (but need not) afford an opportunity for ~~a member of the force~~ ^{an Employee}, if he/she so requests, to consult with counsel before being questioned concerning a serious violation of the Rules and Regulations of the Town of Riverhead Police Department, provided the interrogation is not unduly delayed. In no event shall the interrogation be postponed for the purpose of consulting with counsel past 10:00 a.m. of the day following the notification of interrogation. Counsel, if available, may be present during the interrogation of ~~a member of the force~~ ^{an Employee}. Requests to consult with counsel in connection with minor violations ^{will} be denied unless sufficient reasons are advanced to support such requests. Unless otherwise expressly provided herein, all counsel fees and other expenses incurred by ~~a member of the force~~ ^{the Employee} shall be paid by ~~such member~~ and may not be recovered from the Department ~~of the Town of Riverhead~~.

ARTICLE XXVI - Legislative Action Requirement

IT IS AGREED BY AND BETWEEN THE PARTIES HERETO THAT ANY PROVISION OF THIS AGREEMENT REQUIRING LEGISLATIVE ACTION TO PERMIT ITS IMPLEMENTATION BY AMENDMENT OF LAW OR BY PROVIDING THE ADDITIONAL FUNDS THEREFOR, SHALL NOT BECOME EFFECTIVE UNTIL THE APPROPRIATE LEGISLATIVE BODY HAS GIVEN ITS APPROVAL.

ARTICLE XXVII - Binding Effect

This agreement shall be effective for the period from January 1, 1997 through December 31, 1998. ⁶

ARTICLE XXVIII - Partial Invalidity

If any provision of this Agreement shall be held to be invalid or unenforceable by a court of competent jurisdiction, all other provisions of same shall, nevertheless, continue in full force and effect.

ARTICLE XXIX - Topics for Future Agreement

1. The ^{Town} ~~Employer~~ and ^{the SOA} ~~Employee~~ agree that an in-house disciplinary policy will be developed and adopted. ~~Such~~ ^{the} policy would be developed in conjunction with the S.O.A. Attorney, Town Attorney, members of the police administration, Town Board and S.O.A. Members.

2. The ^{SOA} ~~Employee~~ agrees to jointly work with the ^{Town} ~~Employer~~ in an effort to develop an agreed-to policy, the aim of which is to improve police performance of duty.

However, it shall not be determined that ^{the Town} ~~Employer~~ or ^{the SOA} ~~Employee~~ agree, to arbitration should agreement not be reached on ^{these} ~~the above~~ topics ^{for future agreement.}

ARTICLE XXX - Vests

Each ^{Employee} ~~member~~ covered by this agreement shall be provided a bulletproof vest for use on duty. Any ^{Employee} ~~member~~ who does not wish to wear the vest ~~so provided~~ while on duty shall supply a sworn, written release ^{executed by the Employer} ~~executed by the member~~ and his or her spouse ^{that} releasing the Town from any and all liability ^{Employees} which may result from the ~~member's~~ failure to wear the vest ^{He} ~~provided by the Department~~. However, ~~such~~ release shall not eliminate any and all coverage for injury or death as may be provided by this contract or laws and statute.

ARTICLE XXXI - Deferred Compensation Plan

As per Town Board Resolution #193 as approved March 5, 1985, and to the extent permitted by the U.S. Internal Revenue Code and the New York State Income Tax Laws, Employees may elect to participate in the Town of Riverhead Deferred Compensation Plan.

ARTICLE XXXII - Educational Incentive

An ⁶Employee who earns his/her bachelor's degree while a member of the S.O.A. ^{unit} and ~~employed by the Town of Riverhead~~ will receive a yearly stipend of two (2%) percent of base pay. An ⁶Employee who earns a post graduate degree while a member of the S.O.A. ^{unit} and ~~employed by the Town of Riverhead~~ will receive a yearly stipend of one (1%) percent of base pay. No stipend will be granted for degrees earned prior to employment with the Town. All degrees, in order to be recognized, must be in the field of Police Science or Law and must be received from an accredited university or college. Payment of the education stipend will be made along with the December payment of Holiday Pay.

ARTICLE XXXIII - Salaries

The ⁶Salaries for the following Employees for the period January 1, 199⁶ through December 31, 199⁸, shall be as follows:

	SALARY SCHEDULE		
	<u>JANUARY 1, 199⁶</u>	<u>JANUARY 1, 199⁷</u> SEPTEMBER 1, 199²	<u>JANUARY 1, 199⁸</u>
Sergeant	\$ 69,498 \$58,982.00	\$ 72,278 \$61,194.51	\$ 75,170
Det. Sergeant	\$ 71,251 \$60,470.18	\$ 74,101 \$62,737.81	\$ 77,065
Lieutenant	\$ 74,442 \$63,147.70	\$ 77,510 \$65,515.74	\$ 80,812.

ARTICLE XXXIV - Drugs And Alcohol

1. The use of illegal controlled substances or alcohol by employees adversely affects the Town's ability to safely deliver services, impairs the efficiency of the work force, endangers the safety of ~~E~~mployees and the public, and undermines public trust. Therefore, the use, sale, distribution, or possession of illegal controlled substances or alcohol by any ~~E~~mployee while on duty is prohibited. In addition, ~~E~~mployees are prohibited from being under the influence of illegal controlled substances or alcohol while on duty. Employees in violation of this policy are subject to disciplinary action, up to and including discharge.

2. Unless otherwise noted, all discipline under this policy shall be in accordance with applicable provisions of law.

3. Any ~~E~~mployee who refuses to submit to testing or who refuses to cooperate with the testing procedures may be subject to discipline, including discharge. Attempts to alter or substitute the testing specimen will be deemed a refusal to take the test.

4. The procedures and provisions of Article XXV (Bill of Rights) are specifically applicable to this Policy and Procedure.

Employees

TESTING

5. ~~Members of the bargaining unit~~ shall be subject to urinalysis testing based upon a reasonable suspicion of illegal controlled substance or alcohol use.

(a) The order to submit to testing must be justified by a reasonable suspicion that the ~~E~~mployee is or may be under the influence of illegal controlled substances or alcohol while on duty, or is engaging in the use, sale, distribution, or possession of illegal controlled substances or alcohol while on duty.

(b) While the "reasonable suspicion" standard does not lend itself to precise definition or mechanical application, vague or unparticularized or unspecified or rudimentary hunches or intuitive feelings do not meet the standard.

(c) Reasonable suspicion is the quantum of knowledge sufficient to induce an ordinarily prudent and cautious person to act under the circumstances. Reasonable suspicion must be directed at a specific person and be based on specific and articulable facts and the logical inferences and deductions that can be drawn from those facts.

(d) Reasonable suspicion may be based, among other things, on the following:

1. Observable phenomena, such as direct observation of drug or alcohol use or possession and/or physical symptoms of being under the influence of drugs or alcohol; or

2. A pattern of unusual or abnormal conduct or erratic behavior (e.g. excessive absenteeism, lateness or early leaves); or

3. Arrest or conviction for a drug-related offense, or the identification of an ~~employee~~ employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking; or

4. Information provided by a reliable and credible source; or

5. Newly discovered evidence that the ~~employee~~ employee has tampered with a previous drug or alcohol test.

(e) It is intended that where a decision is made to test, the employee will be given a direct order to submit to the test and the S.O.A. shall be notified of such order. The test shall be conducted immediately thereafter. The employee shall be given a brief verbal statement of the basis for reasonable suspicion.

(f) Where reasonable suspicion is based on information provided by a confidential informant, defined as an employee or agent of a governmental law enforcement agency or the ~~employee's~~ ^{employee's} department, the identity of the source need not be disclosed, except for the name of the governmental law enforcement agency involved, if any. The Town shall not be required to identify a confidential informant in any proceeding, nor can evidence supplied by a confidential informant be suppressed because of a refusal to identify the name of the source.

TEST PROCEDURES

6. Insofar as practical, the sample collection process shall be confidential with due regard for the dignity and privacy of the employee. There shall be no direct observation of giving of urine specimens, unless there is reason to believe that the specimen may be tampered with, in which event direct observation shall be made by a person of the same gender as the employee giving the specimen.

7. Specimens shall be collected under the supervision of a monitor designated by the Town. The monitor shall mark and seal the specimen to preserve its chain of custody. Thereafter, the specimen shall be transported to the testing laboratory in a manner which shall insure its integrity and chain of custody. The laboratory selected to perform testing shall be certified by the National Institute On Drug Abuse (NIDA) of the Department of Health and Human Services.

8. Initial urinalysis testing shall be conducted by means of an enzyme multiplied immunoassay test (EMIT). All specimens identified as positive on the initial test shall be confirmed using a gas chromatography/mass spectrometry test (GC/MS). The laboratory shall report as negative all specimens which are negative on either the initial test or the confirmatory test. Only specimens which test positive on both the initial test and the confirmatory test shall be reported as positive. Copies of results shall be sent to the Town and the ~~E~~mployee. All tests conducted pursuant to this procedure will be paid for by the Town.

9. In the event the test procedures reveal the presence of illegal controlled substances or their metabolites or alcohol, ~~such an~~ ^{the} employee may be subject to discipline, including discharge. However, in the first instance of such positive drug or alcohol test, any disciplinary charges may be suspended in the Town's sole discretion if the ~~E~~mployee agrees in writing to complete counseling and treatment on his/her own time for ~~such~~ ^{the} illegal controlled substance use or alcohol use in a program jointly agreed to by the Town and the S.O.A.. The ~~E~~mployee shall agree, as a condition to the suspension of the disciplinary charges, that if he or she fails to attend or complete the program, he or she shall be deemed to have resigned from employment. The ~~E~~mployee shall also agree, as a condition to the suspension of the disciplinary charges or penalty, that for a period of one (1) year following the completion of treatment, he or she shall be subject to periodic random testing for illegal controlled substances and/or alcohol, and that, if he or she completes counseling and treatment but tests positive for illegal controlled substances or alcohol during such one year period, the Town may reinstitute the suspended charges, in addition to preferring new charges. Upon completion of treatment, as outlined above, and the one year period, the original disciplinary charges or penalty shall be considered resolved. The record of ~~such~~ ^{the} charges and their resolution (the charges, the answer, and the stipulation) shall remain in the ~~E~~mployee's file unless the parties otherwise agree.

ARTICLE XXXV - Grievance Procedure

General Principals:

1. Time limits set forth herein may be extended or diminished only by mutual, written agreement of all parties concerned.
2. Failure at any level of the grievance procedure to communicate a decision to the aggrieved party or his/her representative within the specified time limit shall permit the lodging of an appeal at the next level of the procedure within the time ^{that} ~~which~~ would have been allotted had the decision been communicated by the final day.
3. If a grievance is sustained, the remedy shall not exceed or cover more than 30 calendar days before the date on which the grievance was filed.

Grievance Procedure

1. A "grievance" shall be defined as any alleged violation of a specific provision of this Agreement.
2. All Grievances must be filed as outlined below within thirty calendar days from the date on which the event or condition constituting the grievance occurred, or the date on which the grievant knew or reasonably should have known of the event or condition, whichever is later.
3. There shall be three procedural steps as follows:

First Step: The first procedural step shall consist of the ~~E~~mployee's presentation of the grievance in writing to his/her immediate supervisor. A written decision or determination thereon shall be made by the immediate supervisor within ten calendar days from the time of submission. A copy of the decision shall be mailed to the aggrieved ~~E~~mployee, the S.O.A. and the Chief ~~of Police~~.

Second Step:

A. If the ~~E~~mployee is not satisfied with the decision at Step 1, he/she may appeal the grievance to the Chief ~~of Police~~ by written notice within ten calendar days from the date of the decision at Step 1.

B. Within ten calendar days after receipt of the appeal, the Chief ~~of Police~~ shall render a decision. A copy of the decision shall be mailed to the aggrieved ~~E~~mployee and the S.O.A..

Third Step:

A. If the ~~E~~mployee or the S.O.A. is not satisfied with the decision at Step 2, either or both may submit the grievance in writing to the Town Board within ten calendar days of the date of the decision at Step 2.

B. Within fifteen calendar days after receipt of the appeal, or at its next regularly scheduled meeting, whichever is later, the Town Board shall consider the grievance in Executive Session. The Board may hold a hearing if it believes it is necessary.

C. Within seven calendar days after it has completed its consideration of the grievance, the Town Board shall render a written decision on the grievance. A copy of the decision shall be mailed to the aggrieved ~~E~~mployee, the S.O.A. and the Chief ~~of~~ Police.

INSERT (2)

INSERT (3)

to the town
of intention to proceed
to arbitration

Fourth Step

- A. ~~That~~ Only the Police Benevolent Association or the Town can submit an alleged grievance to arbitration. *binding*
- B. ~~That~~ The filing for arbitration must be done by means of a written notice within fifteen full working days from the date that the decision of the Town Board is received by the ~~town~~ *SOA*.
- C. ~~That~~ In the event that the parties are unable to agree upon the designation of an Arbitrator, within fifteen calendar days after the ~~decision to arbitrate is made, that an Arbitrator be appointed by~~ the American Arbitration Association pursuant to its Voluntary Labor Arbitration Rules. *SOA*
- D. ~~That~~ The Arbitrator ^{*this Agreement,*} shall be limited to the terms and conditions set forth in the ~~contract~~, and shall have no power to add to, delete from or otherwise modify any of its terms.
- E. ~~That~~ The fees and expenses of the American Arbitration Association and the Arbitrator shall be borne equally by the Town and the ~~P.B.A.~~ *SOA*.
- F. ~~That~~ The election to proceed under the ^{*is Agreement*} ~~Contract's~~ Grievance Procedure to Arbitration shall act as a waiver of ~~the party's~~ ^{*that*} right to seek a remedy in any other forum. *YS*

notice of intention to proceed to arbitration is received by the Town, ~~that~~ an Arbitrator ^{*shall*} be appointed from a list(s) provided by

ARTICLE XXXVI - PROBATIONARY PERIOD

Employees

Those ~~members~~ promoted to sergeant on or after April

, 1997 shall serve a nine month probationary period.

~~ARTICLE~~

ARTICLE XXXVII - JURY DUTY

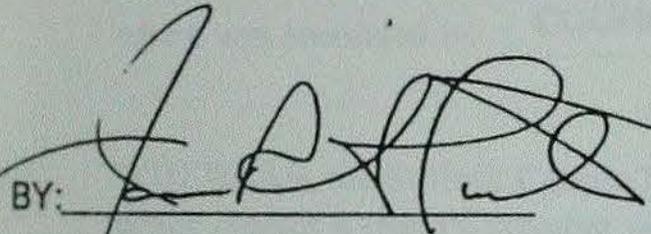
Effective January 1, 1997, the first 3 days in the year shall be with

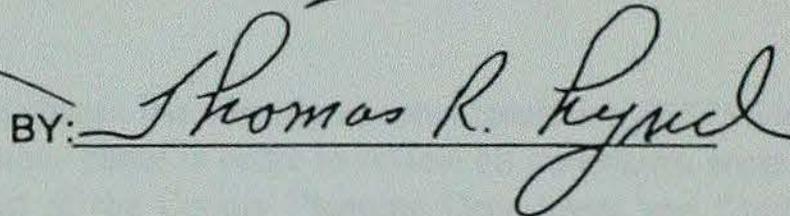
ay. All time taken thereafter shall be charged against accrued leave time.

IN WITNESS WHEREOF, the TOWN OF RIVERHEAD has caused this Agreement to be signed by its Supervisor, by order of the Town Board of the Town of Riverhead, and the RIVERHEAD SUPERIOR OFFICERS ASSOCIATION, has caused this Agreement to be signed by its President, and countersigned by its Secretary, by order of its members.

TOWN OF RIVERHEAD

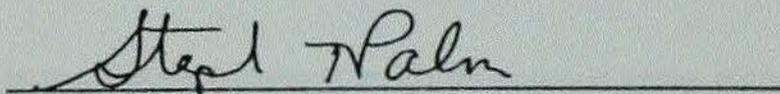
TOWN POLICE
RIVERHEAD SUPERIOR OFFICERS
ASSOCIATION, *INC.*

BY: 

BY: 

JAMES R. STARK

~~DEPUTY~~ SUPERVISOR



Sec / Treas.

7/15/97

Adopted

TOWN OF RIVERHEAD

Resolution # 622

RECOMMENDATION FOR REPRESENTATION ON THE SUFFOLK COUNTY CITIZENS ADVISORY PANEL FOR DOWNTOWN REVITALIZATION

The following resolution was offered by COUNCILMAN LULL

which was seconded by COUNCILMAN PRUSINOWSKI

WHEREAS, the Suffolk County Legislature has recently adopted resolution #1575-1997 which creates a twenty-member advisory panel in order to review all downtown areas in Suffolk County, and with the support of the County Planning Department and County Office of Economic Development, make preliminary recommendations to the County Legislature as to what should be included in a Comprehensive Plan for the Revitalization of downtown areas; and

WHEREAS, the panel will address many issues common to all downtown areas such as parking, security, signage, municipal code enforcement, funding for facades, funding for aesthetic improvements, outdoor dining, etc.; and

WHEREAS, the Town Board of the Town of Riverhead wishes the Town of Riverhead to be represented on the Advisory Panel as they continue their efforts and commitment toward the revitalization of the downtown area;

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead recommends the appointment of Joseph Van de Wetering to the Citizens Advisory Panel and hereby requests that the County Legislature fully endorse Mr. Van de Weterings appointment.

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Legislator Michael Caracciolo (East Main Street, Riverhead, NY 11901) and Mr. Joseph Van de Wetering (Box 766, Calverton, NY 11933).

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon

July 15, 1997

Adopted

TOWN OF RIVERHEAD

Resolution # 623

AUTHORIZES TEMPORARY TRANSFER OF EMPLOYEE

COUNCILMAN KWASNA offered the following resolution ,

which was seconded by COUNCILMAN WITTMEIER

WHEREAS, Kimberly Lucas, the Town Board Coordinator, is currently on a leave of absence; and

WHEREAS, Allyson Stelzer, the temporary fill-in for the Town Board Coordinator has resigned effective July 25, 1997.

NOW, THEREFORE, BE IT, RESOLVED, that Melissa White, a part time clerk typist in the Town Clerk's Office is hereby temporarily transferred to the Town Board Coordinator position, effective July 28, 1997 through October 31, 1997 at an hourly rate of \$11.00; and

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

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon duly adopted.

July 15, 1997

Adopted

TOWN OF RIVERHEAD

Resolution # 624

WATER DISTRICT

BUDGET ADJUSTMENT

COUNCILMAN WITTMEIER

offered the following resolution ,

which was seconded by COUNCILMAN KWASNA

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

		FROM:	
1.000000.390599	APPROPRIATED FUND BALANCE	\$ 7,800.	
			TO:
112.083100.542113	WATER ADMINISTRATION, POSTAGE		\$ 3,800.
112.083100.542100	WATER ADMINISTRATION, OFFICE EXPENSE		4,000.

THE VOTE

Wittmeier	(Aye)	Nay
Kwasna	(Aye)	Nay
Lull	(Aye)	Nay
Prusinowski	(Aye)	Nay
Stark	(Aye)	Nay

The Resolution was thereupon duly adopted.

July 15, 1997

Adopted

TOWN OF RIVERHEAD

Resolution # 625GENERAL FUNDBUDGET ADJUSTMENTS**COUNCILMAN WITTMEIER**

offered the following resolution ,

which was seconded by

COUNCILMAN KWASNA

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

		FROM:
010100.542100	TOWN BOARD, MISC OFFICE SUPPLIES	\$ 1,000.
013100.541409	FINANCE, MAINTENANCE CONTRACTS	3,500.
013550.543400	ASSESSORS, EDUCATION	75.
016250.541150	BUILDINGS & GROUNDS, REPAIR & MAINTENANCE	500.
031200.542405	POLICE, UNIFORM REPLACEMENT	1,000.
031200.542311	POLICE, FINGER PRINT KITS & SUPPLIES	285.
031250.543405	JAB, TRAVEL	150.
036200.541500	SAFETY INSPECTION, CAR EXPENSE	1,225.
045400.541151	AMBULANCE, BUILDING MAINTENANCE	1,000.
		TO:
001.010100.542611	TOWN BOARD, MAPS, ZONING & OTHER	\$ 1,000.
001.013100.549000	FINANCE, MISCELLANEOUS EXPENSE	500.
001.013100.524000	FINANCE, EQUIPMENT	3,000.
001.013550.524000	ASSESSORS, EQUIPMENT	75.
001.016250.542500	BUILDINGS & GROUNDS, SUPPLIES	500.
001.031200.542301	POLICE, RADAR MAINTENANCE	100.
001.031200.542307	POLICE, FLARES	900.
001.031200.524340	POLICE, FILE CABINETS	285.
001.031250.542104	JAB, SUPPLIES	150.
001.036200.524000	SAFETY INSPECTION, EQUIPMENT	1,225.
001.045400.546202	AMBULANCE, JAMESPORT UTILITIES	1,000.

COUNCILMAN PRUSINOWSKI

offered the following Resolution which was seconded by

COUNCILMAN LULL

Adopted

RESOLVED, that the SUPERVISOR be and is hereby authorized to pay the following:

*****ACCOUNTS*****	***CD-NONE***	**CHECKRUN TOTALS*	***GRAND TOTALS***
GENERAL TOWN 001	\$0.00	\$484,207.54	\$484,207.54
PARKING METER 002	\$0.00	\$0.00	\$0.00
AMBULANCE FUND 003	\$0.00	\$0.00	\$0.00
POLICE ATHLETIC LEAGUE 004	\$0.00	\$216.65	\$216.65
TEEN CENTER 005	\$0.00	\$0.00	\$0.00
RECREATION PROGRAM 006	\$0.00	\$3,056.29	\$3,056.29
SENIOR NUTRITION SITE COUNCIL 007	\$0.00	\$0.00	\$0.00
D.A.R.E. PROGRAM FUND 008	\$0.00	\$780.00	\$780.00
CHILD CARE BUILDING FUND 009	\$0.00	\$283.20	\$283.20
SENIOR CITIZEN DAYCARE CENTER 027	\$0.00	\$1,467.45	\$1,467.45
HIGHWAY 111	\$0.00	\$108,359.58	\$108,359.58
WATER 112	\$0.00	\$81,481.85	\$81,481.85
REPAIR & MAINTENANCE 113	\$0.00	\$0.00	\$0.00
SEWER 114	\$0.00	\$27,817.83	\$27,817.83
REFUSE & GARBAGE COLLECTION 115	\$0.00	\$3,504.29	\$3,504.29
STREET LIGHTING 116	\$0.00	\$6,560.30	\$6,560.30
PUBLIC PARKING 117	\$0.00	\$3,372.66	\$3,372.66
BUSINESS IMPROVEMENT DISTRICT 118	\$0.00	\$1,727.72	\$1,727.72
TOR URBAN DEV CORP TRUST ACCT 119	\$0.00	\$0.00	\$0.00
WORKER'S COMPENSATION FUND 173	\$0.00	\$0.00	\$0.00
HOSPITALIZATION SELF INSURANCE 174	\$0.00	\$0.00	\$0.00
RISK RETENTION FUND 175	\$0.00	\$45.24	\$45.24
UNEMPLOYMENT INSURANCE FUND 176	\$0.00	\$0.00	\$0.00
MAIN STREET REHAB PROGRAM 177	\$0.00	\$0.00	\$0.00
REVOLVING LOAN PROGRAM 178	\$0.00	\$2,702.38	\$2,702.38
RESIDENTIAL REHAB 179	\$0.00	\$0.00	\$0.00
DISCRETIONARY/SMALL CITIES 180	\$0.00	\$0.00	\$0.00
CDBG CONSORTIUM ACCOUNT 181	\$0.00	\$632.82	\$632.82
URBAN DEVEL CORP WORKING 182	\$0.00	\$0.00	\$0.00
RESTORE 184	\$0.00	\$0.00	\$0.00
PUBLIC PARKING DEBT 381	\$0.00	\$624.74	\$624.74
SEWER DISTRICT DEBT 382	\$0.00	\$0.00	\$0.00
WATER DEBT 383	\$0.00	\$1,481.36	\$1,481.36
GENERAL FUND DEBT SERVICE 384	\$0.00	\$243.42	\$243.42
SCAVENGER WASTE DISTRICT DEBT 385	\$0.00	\$0.00	\$0.00
COMM DEVEL AGENCY CAP PROJECT 405	\$0.00	\$0.00	\$0.00
TOWN HALL CAPITAL PROJECTS 406	\$0.00	\$0.00	\$0.00
EIGHT HUNDRED SERIES 408	\$0.00	\$0.00	\$0.00
WATER IMPROVEMENT CAP. PROJECT 409	\$0.00	\$0.00	\$0.00
NUTRITION CAPITAL IMPROVEMENTS 441	\$0.00	\$0.00	\$0.00
CHIPS 451	\$0.00	\$0.00	\$0.00
YOUTH SERVICES 452	\$0.00	\$1,626.46	\$1,626.46
SENIORS HELPING SENIORS 453	\$0.00	\$1,565.32	\$1,565.32
RISEP 454	\$0.00	\$620.87	\$620.87
SCAVENGER WASTE CAP PROJECT 470	\$0.00	\$0.00	\$0.00
MUNICIPAL FUEL FUND 625	\$0.00	\$0.00	\$0.00
MUNICIPAL GARAGE 626	\$0.00	\$3,376.00	\$3,376.00
TRUST & AGENCY 735	\$0.00	\$369,988.93	\$369,988.93
SPECIAL TRUST 736	\$0.00	\$0.00	\$0.00
COMMUNITY DEVELOPMENT AGENCY 915	\$0.00	\$0.00	\$0.00
JOINT SCAVENGER WASTE 918	\$0.00	\$11,326.11	\$11,326.11
CENTRAL CLEARING ACCOUNT 999	\$0.00	\$0.00	\$0.00
*****TOTALS*****	\$0.00	\$1,117,069.01	\$1,117,069.01

COUNCILMAN PRUSINOWSKI

offered the following Resolution which was seconded by

COUNCILMAN LULL

Adopted

RESOLVED, that the SUPERVISOR be and is hereby authorized to pay the following:

ACCOUNTS	CD-6/30/97	CHECKRUN TOTALS	GRAND TOTALS
GENERAL TOWN 001	\$4,500,000.00	\$57,920.71	\$4,557,920.71
PARKING METER 002	\$30,000.00	\$0.00	\$30,000.00
AMBULANCE FUND 003	\$15,000.00	\$0.00	\$15,000.00
POLICE ATHLETIC LEAGUE 004	\$6,000.00	\$0.00	\$6,000.00
TEEN CENTER 005	\$0.00	\$13.98	\$13.98
RECREATION PROGRAM 006	\$0.00	\$1,253.60	\$1,253.60
SENIOR NUTRITION SITE COUNCIL 007	\$0.00	\$0.00	\$0.00
D.A.R.E. PROGRAM FUND 008	\$0.00	\$36.14	\$36.14
CHILD CARE BUILDING FUND 009	\$0.00	\$0.00	\$0.00
SENIOR CITIZEN DAYCARE CENTER 027	\$0.00	\$0.00	\$0.00
HIGHWAY 111	\$1,150,000.00	\$49,611.57	\$1,199,611.57
WATER 112	\$900,000.00	\$22,211.57	\$922,211.57
REPAIR & MAINTENANCE 113	\$300,000.00	\$0.00	\$300,000.00
SEWER 114	\$375,000.00	\$5,415.90	\$380,415.90
REFUSE & GARBAGE COLLECTION 115	\$375,000.00	\$7,304.19	\$382,304.19
STREET LIGHTING 116	\$325,000.00	\$1,120.37	\$326,120.37
PUBLIC PARKING 117	\$250,000.00	\$349.00	\$250,349.00
BUSINESS IMPROVEMENT DISTRICT 118	\$80,000.00	\$86.38	\$80,086.38
TOR URBAN DEV CORP TRUST ACCT 119	\$0.00	\$0.00	\$0.00
WORKER'S COMPENSATION FUND 173	\$25,000.00	\$2,009.22	\$27,009.22
HOSPITALIZATION SELF INSURANCE 174	\$6,000.00	\$0.00	\$6,000.00
RISK RETENTION FUND 175	\$0.00	\$0.00	\$0.00
UNEMPLOYMENT INSURANCE FUND 176	\$8,000.00	\$1,835.00	\$9,835.00
MAIN STREET REHAB PROGRAM 177	\$0.00	\$0.00	\$0.00
REVOLVING LOAN PROGRAM 178	\$0.00	\$0.00	\$0.00
RESIDENTIAL REHAB 179	\$0.00	\$0.00	\$0.00
DISCRETIONARY/SMALL CITIES 180	\$0.00	\$0.00	\$0.00
CDBG CONSORTIUM ACCOUNT 181	\$0.00	\$0.00	\$0.00
URBAN DEVEL CORP WORKING 182	\$0.00	\$0.00	\$0.00
RESTORE 184	\$0.00	\$0.00	\$0.00
PUBLIC PARKING DEBT 381	\$7,000.00	\$0.00	\$7,000.00
SEWER DISTRICT DEBT 382	\$0.00	\$0.00	\$0.00
WATER DEBT 383	\$125,000.00	\$2,386.00	\$127,386.00
GENERAL FUND DEBT SERVICE 384	\$0.00	\$38,799.00	\$38,799.00
SCAVENGER WASTE DISTRICT DEBT 385	\$40,000.00	\$0.00	\$40,000.00
COMM DEVEL AGENCY CAP PROJECT 405	\$0.00	\$0.00	\$0.00
TOWN HALL CAPITAL PROJECTS 406	\$330,000.00	\$31,231.38	\$361,231.38
EIGHT HUNDRED SERIES 408	\$0.00	\$0.00	\$0.00
WATER IMPROVEMENT CAP. PROJECT 409	\$0.00	\$0.00	\$0.00
NUTRITION CAPITAL IMPROVEMENTS 441	\$0.00	\$0.00	\$0.00
CRIPS 451	\$0.00	\$0.00	\$0.00
YOUTH SERVICES 452	\$9,200.00	\$0.00	\$9,200.00
SENIORS HELPING SENIORS 453	\$0.00	\$19.84	\$19.84
EISEP 454	\$0.00	\$68.04	\$68.04
SCAVENGER WASTE CAP PROJECT 470	\$0.00	\$0.00	\$0.00
MUNICIPAL FUEL FUND 625	\$175,000.00	\$1,289.33	\$176,289.33
MUNICIPAL GARAGE 626	\$12,000.00	\$7,113.82	\$19,113.82
TRUST & AGENCY 735	\$0.00	\$88,448.31	\$88,448.31
SPECIAL TRUST 736	\$175,000.00	\$0.00	\$175,000.00
COMMUNITY DEVELOPMENT AGENCY 915	\$0.00	\$25,000.00	\$25,000.00
JOINT SCAVENGER WASTE 918	\$0.00	\$8,524.08	\$8,524.08
CENTRAL CLEARING ACCOUNT 999	\$0.00	\$0.00	\$0.00
TOTALS	\$9,218,200.00	\$154,047.43	\$9,572,247.43

Adopted

7/15/97

TOWN OF RIVERHEAD

Resolution # 627

AUTHORIZES THE ISSUANCE OF \$225,000 SERIAL BONDS TO PAY THE COST OF THE RECONSTRUCTION OF TOWN HALL

At a meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Wading River Baptist Church, Wading River-Manor Road, Wading River, New York, in said Town, on July 15, 1997, at 7:00 o'clock p.m., prevailing time.

The meeting was called to order by Supervisor Stark, and upon roll being called, the following were

PRESENT:

James R. Stark, Supervisor
Victor J. Prusinowski, Councilman
James Lull, Councilman
Mark Kwasna, Councilman
Otto Wittmeier, Councilman

ABSENT:

The following resolution was offered by COUNCILMAN PRUSINOWSKI,

who moved its adoption, seconded by COUNCILMAN LULL; to wit:

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the resolution published herewith has been adopted by the Town of Riverhead, Suffolk County, New York, on the 20th day of May, 1997, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Town is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution. Such resolution was subject to a permissive referendum and the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed.

Dated: Riverhead, New York,
July 15, 1997.

Town Clerk

BOND RESOLUTION DATED MAY 20, 1997.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$225,000 SERIAL BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF THE TOWN HALL IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the reconstruction of the Town Hall, in and for the Town of Riverhead, Suffolk County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$225,000 serial bonds of the Town of Riverhead, Suffolk County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$225,000, and that the plan for the financing thereof is by the issuance of the \$225,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforescribed specific object or purpose is twenty years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Riverhead, Suffolk County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted

or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment,

and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in full in The Suffolk County Life, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

Supervisor Stark	VOTING	<u>AYE</u>
Councilman Prusinowski	VOTING	<u>AYE</u>
Councilman Lull	VOTING	<u>AYE</u>
Councilman Kwasna	VOTING	<u>AYE</u>
Councilman Wittmeier	VOTING	<u>AYE</u>

The resolution was thereupon duly adopted.