

Adopted

RESOLUTION # 623

DECLARING EAST END RECYCLING & COMPOSTING CO., L.P. IN DEFAULT AND TERMINATING AGREEMENT

COUNCILMAN PRUSINOWSKI

_____ offered the following resolution, was

seconded by **COUNCILMAN LULL** _____ :

WHEREAS East End Recycling & Composting Co. L.P. (East End) and the Town of Riverhead entered into a Solid Waste Management Agreement on or about June 18, 1993 pursuant to which East End agreed to provide solid waste management services as therein described, which agreement was modified by agreements dated May 4, 1995 and February 1996 (collectively the Agreement); and

WHEREAS as documented in the annexed letter, East End has breached the Agreement by failing to commence construction of the facility that it designated to accept the Town's solid waste; and

NOW THEREFORE BE IT RESOLVED, that East End is hereby declared in breach of the Agreement and that the Agreement is hereby be terminated in accordance with its terms; and be it further

RESOLVED that the Town Board hereby authorizes the Supervisor to execute and transmit the annexed letter; and be it further

RESOLVED that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to East End Recycling & Composting Co. L.P., 1400 Old Country Road, Suite 410, Westbury, New York, 11590 and Frank A. Isler, Esq., Smith, Finkelstein, Lundberg, Isler and Yakaboski, Esqs., 456 Griffing Avenue, P.O. Box 389, Riverhead, New York, 11901.

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



JAMES R. STARK
SUPERVISOR

200 HOWELL AVENUE
RIVERHEAD, NEW YORK 11901-2596
(516) 727-3200 EXT. 251

BY FACSIMILE AND CERTIFIED MAIL

August 15, 1996

East End Recycling & Composting Co., L.P.
1400 Old Country Road
Suite 410
Westbury, New York 11590

Attn: John D. Cameron, Jr., P.E.

re: Solid Waste Management Services Agreement

Dear Mr. Cameron:

As you well know, our contract required that prior to March 1, 1996, you present proof of a long-term leasehold of the site you previously designated for construction of your facility. This proof was supplied on the eve of the deadline. The contract then required commencement of construction of the facility on or before June 1, 1996. These dates were critical to insure timely implementation of our contract which is the critical centerpiece of the Town's solid waste management plan.

Despite having ample time to comply with these critical contractual deadlines, and despite the Town's repeated reminders, your company nevertheless waited until late May, 1996 to finally submit an application for a building permit. You likewise waited to the last moment to apply to the County Department of Health for its required approvals. We are told you still do not have those permits.

Upon receipt of your eleventh hour building permit application, the Town commenced an expedited review which revealed that the application was substantially deficient. Among other things, the proposal was contrary to the building code; it omitted critical components of the project that were required to mitigate impacts identified during the SEQR review process; it did not include the required performance bond; it was accompanied by a check that was returned by insufficient funds; and it

TOWN OF RIVERHEAD
CONTINUED

East End Recycling & Composting Co., L.P.
John D. Cameron, Jr., P.E.
August 15, 1996
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modified the previously approved site plan. These alterations required not only amendments to the approved site plan but to the existing DEC permit as well. Although you could have proceeded in accordance with the approvals that had been in place, you opted to make these changes to your project. These changes were of your own doing and choice.

Confronted with the need to implement our solid waste management plan, the Town, was, of necessity, compelled to work with you despite these serious deficiencies and the fact that you were in breach of the June 1, 1996 deadline. You were thus given until June 12, 1996 to correct the deficiencies with your application so that completion of the transfer facility could still become a reality by December 31, 1996.

The Town then proceeded to expeditiously process your applications when they were finally submitted. On August 5, 1996, when you at last filed proof of Department of Transportation approval, a Town permit was immediately issued which allowed for construction to begin at once.

Despite having the permit as of August 5, 1996, and despite the history outlined above, the Town is frankly in disbelief that to date you have not commenced construction. This breach is outrageous and can no longer be tolerated.

Based upon the foregoing, you are hereby declared in default of your contract and pursuant to the terms of the May 4, 1995 modification, our contract is hereby terminated effective December 31, 1996.

Very truly yours,

James R. Stark
Town Supervisor

Adopted

AUGUST 15, 1996

TOWN OF RIVERHEAD

RESOLUTION # 624

AUTHORIZATION TO PUBLISH BID

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

BE IT RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES THE TOWN CLERK TO ADVERTISE FOR SEALED BIDS FOR THE PURCHASE OF 1996 CROWN VICTORIA POLICE CARS 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.

mat

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the purchase of 1996 CROWN VICTORIA POLICE CARS for use in 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 11:30 a.m. on SEPTEMBER 3, 1996.

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 am and 4:30 pm.

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 BID FOR 1996 CROWN VICTORIA POLICE CARS.

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

Barbara Grattan, Town Clerk

Adopted

AUGUST 15, 1996

TOWN OF RIVERHEAD
RESOLUTION # 625

AUTHORIZATION TO PUBLISH BID

COUNCILMAN KWASNA

OFFERED THE FOLLOWING RESOLUTION

WHICH WAS SECONDED BY **COUNCILMAN WITTMEIER**

BE IT RESOLVED, THAT THE TOWN BOARD HEREBY AUTHORIZES THE TOWN CLERK TO ADVERTISE FOR SEALED BIDS FOR THE PURCHASE OF BENJAMIN MOORE PAINT FOR HISTORICAL PROPERTY (REBID) 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.

mat

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
NOTICE TO BIDDERS**

Sealed bids for the purchase of BENJAMIN MOORE PAINT FOR HISTORICAL PROPERTY (REBID) 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 11:15 a.m. on September 3rd, 1996.

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 BID FOR BENJAMIN MOORE PAINT FOR HISTORICAL PROPERTY (REBID).

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

Barbara Grattan, Town Clerk

Adopted

8/9/96

TOWN OF RIVERHEAD

RESOLUTION # 626

AUTHORIZES ATTENDANCE OF REPRESENTATIVES
AT LEGISLATIVE & EDUCATIONAL CONFERENCE
COUNCILMAN PRUSINOWSKI

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

WHEREAS, the National Association of Towns and Townships is holding a Legislative & Educational Conference from September 4, 1996 - September 6, 1996 in Washington, DC, and

WHEREAS, Riverhead Town will be saluted as one of the 932 Town Governments as a part of New York State being the "featured state of the conference", and

WHEREAS, two representatives from the Town of Riverhead desire to attend this conference.

NOW THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby authorizes the attendance of two representatives at the National Association Towns and Townships, Legislative & Educational Conference from September 4, 1996 - September 6, 1996 in Washington, DC, and be it further

RESOLVED, that their expenses shall not exceed \$1,200.00, which shall be receipted upon their return, and be it further

RESOLVED, that the Town Clerk directed to forward a copy of this resolution to the Accounting 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.