

10/4/94

TOWN OF RIVERHEAD

RESOLUTION # 687

ORDER AUTHORIZING THE INCREASE AND IMPROVEMENT TO THE RIVERHEAD WATER DISTRICT, REHABILITATION AND PAINTING OF ROUTE 58 WATER TANK

ADOPTED _____

~~COUNCILMAN PRUSINOWSKI~~ offered the following resolution which was seconded by COUNCILMAN STARK,

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has duly authorized H2M to prepare an estimate of cost relating to the increase and improvement of the facilities of the Riverhead Water District of said Town, specifically the rehabilitation and painting of the Route 58 Water Tank, and

WHEREAS, the original estimate of cost was originally projected at \$308,000, and

WHEREAS, bids were received, opened and read aloud for this project wherein after review of the bids it has been determined that the total cost of this project is now projected at \$348,000, and

WHEREAS, in accordance with Section 202-b of the Town Law, another public hearing was held on the 4th day of October, 1994, and all persons wishing to be heard were heard, and

WHEREAS, the maximum amount now proposed to be expended for said overall rehabilitation and painting is \$348,000 which shall be allocated and charged as the cost of increasing and improving the facilities of the Riverhead Water District and shall be borne by the entire District to be paid from existing funds; and

WHEREAS, an Environmental Assessment Form has been prepared and filed with the Town Clerk,

NOW, THEREFORE, upon the proceedings, cost estimate and the public hearings, the Town Board of the Town of Riverhead, as governing body of the Riverhead Water District, hereby determines as follows:

RESOLVED, that the rehabilitation and painting of the Route 58 Water Tank will not have a significant impact upon the environment, and it is further

TOWN OF RIVERHEAD

RESOLVED, that the rehabilitation and painting of the Route 58 Water Tank is in the best interest of the properties served by the Riverhead Water District, and it is further

RESOLVED, that the rehabilitation and painting of the Route 58 water tank as aforesaid, at a total cost not to exceed \$348,000 is hereby approved, and it is further

RESOLVED, that a certified copy of this resolution be forwarded to Pierre Lundberg, Esq., Gary Pendzick, and H2M.

WHEREAS, the Town of Riverhead has an ongoing Community Development Block Grant Program and plans to prepare an application for Community Development Block Grant Funds, FY 1995;

WHEREAS, the Town wishes to solicit comments from the public in regard to the development of said application; and

WHEREAS, the public hearing has been scheduled for public meeting on October 11, 1994;

WHEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead authorizes the Town Clerk to publish the attached notice of public hearing as a legal advertisement in the County of Suffolk on October 3, 1994.

AND BE IT FURTHER RESOLVED, that the Town Board has decided to forward a certified copy of this resolution to the Honorable Joseph J. Canseverino, Suffolk County Executive, and the Honorable Joseph J. Lohmeier, Community Development Director.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No *Absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10/4/94

TOWN OF RIVERHEAD

Resolution #688
October 4, 1994

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING

COUNCILMAN STARK offered the following resolution, which was seconded by **COUNCILMAN PRUSINOWSKI**

WHEREAS, the Town of Riverhead has an ongoing Community Development Block Grant Program and plans to prepare an application for Community Development Block Grant Funds, FY 1995; and

WHEREAS, the Town wishes to solicit comments from the public with regard to the development of said application; and

WHEREAS, the public hearing has been scheduled for public comment on October 18, 1994.

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead authorize the Town Clerk to publish the attached notice of public hearing as a legal advertisement in the Suffolk County Life on October 5, 1994.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Joseph Sanseverino, Suffolk County Community Development and Andrea Lohneiss, Community Development Director.

DATED: October 4, 1994

ATTEST: TOWN CLERK
MARGA CRITIAN, TOWN CLERK

THE VOTE

[Faint handwritten notes and signatures]

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of October, 1994 at 7:15 P.M. in the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the development of the Town of Riverhead's Community Development Block Grant Application for fiscal year 1995.

Eligible categories of activities for Community Development funding include:

- 1. Acquisition and demolition of Real Property
- 2. Public Facilities and Improvements
- 3. Housing Rehabilitation
- 4. Historic Preservation
- 5. Public Water or Sewer Projects
- 6. Removal of Architectural Barriers
- 7. Administration Activities

The hearing will provide citizens of the Town of Riverhead the opportunity to comment upon the development of the proposed application as well as upon the performance of any active Community Development Block Grant. Further information concerning the Community Development Program can be obtained at Riverhead Town Hall, Community Development Office, 200 Howell Avenue, Riverhead, New York 11901, (516) 727-3200, Ext. 283.

A County-wide public hearing will be scheduled at a later date for final review and comments on the overall Community Development Program prior to its submission to the U.S. Department of Housing and Urban Development.

The Town of Riverhead urges the citizens of the Town of Riverhead and all other interested parties to participate in this important hearing.

DATED: October 4, 1994

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

BARBARA GRATTAN, TOWN CLERK

THE VOTE

Gilliam Yes No Creighton Yes No

Stark Yes No Prusinowski Yes No

Janoski Yes No *Abent*

THE RESOLUTION WAS WAS NOT

THEREUPON DULY DECLARED ADOPTED

10/4/94

TOWN OF RIVERHEAD

Resolution # 689

_____ RELEASES AQUEBOGUE ASSOCIATES' BOND OF INTERNATIONAL FIDELITY INSURANCE COMPANY

COUNCILMAN CREIGHTON offered the following resolution, which was seconded by COUNCILWOMAN GILLIAM :

WHEREAS, Aquebogue Associates has posted a maintenance bond (Bond #MR93767) in the sum of Ten Thousand (\$10,000.00) Dollars representing the installation of roads and drainage, Section #I, Aquebogue Associates; and

WHEREAS, the one year period from the completion of the improvements and final acceptance of such by the Town of Riverhead has expired (June 15, 1993 to June 15, 1994).

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of said maintenance bond (Bond #MR93767) in the sum of Ten Thousand (\$10,000.00) Dollars; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Marshall Oakes Crowley, Jr., Esq., attorney for Aquebogue Associates, 26 Newberry Lane, P.O. Box VVV, Southampton, New York, 11968; International Fidelity Insurance Company, One Newark Center, 20th Floor, Newark, N.J., 07102; Aquebogue Associates, Main Road, P.O. Draw A, Jamesport, New York, 11947; the Highway Department; the Planning Department and the Accounting Department.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No Absent

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

10/4/94

TOWN OF RIVERHEAD

Resolution # 690
Adopted October 4, 1994

AUTHORIZING SUBMISSION OF APPLICATION

COUNCILWOMAN GILLIAM

offered the following

resolution, which was seconded by COUNCILMAN CREIGHTON.

WHEREAS, the Town Board of the Town of Riverhead has approved a special permit for the development of a research, rehabilitation and educational aquarium facility to be located on East Main Street in downtown Riverhead; and

WHEREAS, Town of Riverhead and the Town of Riverhead Community Development Agency have authorized the issuance of bonds in the amount of \$58 million for acquisition of land and construction of the facility; and

WHEREAS, the Town of Riverhead has authorized a limited guarantee of the bonds up to \$10 million for a term of 8 years; and

WHEREAS, the Town Board did by Resolution #227-93 make a commitment to provide infrastructure improvements on and adjacent to the site which was necessary for and associated with the development of the facility; and

WHEREAS, the Community Development Director has pursued development of an application for funding to support this major tourism destination project in the Town of Riverhead.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the submission of said application for Business Infrastructure Loan/Grant funds to the New York State Department of Economic Development/Urban Development Corporation; and

BE IT FURTHER RESOLVED, that the Deputy Supervisor is hereby authorized and directed to execute any and all documents necessary for the proper and timely submission of such application; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Andrea Lohneiss, Community Development Director.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prushnowski Yes ___ No ___
Janold Yes ___ No ___ Absent

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

10/4/94

TOWN OF RIVERHEAD

Resolution # 691

RATIFIES THE NAMING OF A PRIVATE ROAD IN JAMESPORT, NEW YORK TO "WHITE BIRCH COURT"

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

WHEREAS, the Town Board by Resolution #648 resolved to hold a public hearing on October 18, 1994 to hear all interested individuals concerning the naming of an unnamed private road to "White Birch Court"; and

WHEREAS, the Town Board has received the attached petitions from owners who live along said private road located off of South Jamesport Avenue, Jamesport, New York which requested that this road be named "White Birch Court"; and

WHEREAS, said public hearing, as noticed, is not required for the renaming of a private road; and

WHEREAS, the Highway Department Superintendent has now received the request and accepts the naming of said private road to "White Birch Court".

NOW THEREFORE BE IT RESOLVED, the Town Board hereby adopts the naming of an unnamed private road located off of South Jamesport Avenue, Jamesport, New York to "White Birch Court"; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the United States Post Office, Jamesport Annex, Main Road, Jamesport, New York, 11947; Police Department; Jamesport Fire Department, Manor Lane, Jamesport, New York 11947; the Highway Department; Planning Department; the Tax Receiver's Office and the Assessor's Office.

THIS RESOLUTION DECLARED VOID BY THE TOWN BOARD

THE VOTE

Gilliam Yes No Creighton Yes No
Stark Yes No Prusinowski Yes No
Janoski Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

10/4/94

TOWN OF RIVERHEAD

Resolution # 692

ADOPTS THE AMENDMENT TO CHAPTER 48. BEACHES AND RECREATION CENTERS OF THE RIVERHEAD TOWN CODE

COUNCILMAN STARK

offered the following resolution, which was

seconded by COUNCILMAN PRUSINOWSKI:

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider the adoption to Chapter 48 Beaches and Recreation Centers. of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 16th day of August, 1994 at the Jamesport Community Center, S. Jamesport Avenue, Jamesport, New York and a second public hearing was held on the 6th day of September, 1994, at 7:20 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notices, and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT RESOLVED, that the amendment to Chapter 48 Beaches and Recreation Centers. of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the **Suffolk County Life** and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Planning Board; the Riverhead Building Department; Recreation Department; the Suffolk County Planning Commission; the L.I. State Park Commission; the Towns of Brookhaven, Southold and Southampton and the L.I. Pine Barrens Review Commission.

THE VOTE

Gilliar Yes No Creighton Yes No
Stark Yes No Prusinowski Yes No
Janoski Yes No *absent*

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted the following amendment to the **Riverhead Town Code** at its regular meeting held on October 4, 1994:

Sec. 48-13. Parking and parking permits.

B. (11) Parking area at boat launching facility, Peconic Bay Boulevard, South Jamesport.

Dated: Riverhead, New York
October 4, 1994

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

*overstrike represents deletion(s)
**underscore represents addition(s)

10/4/94

TOWN OF RIVERHEAD

Resolution # 693

APPROVES SITE PLAN OF LONG ISLAND CAULIFLOWER ASSOCIATION -
BUILDING RELOCATION

COUNCILMAN CREIGHTON offered the following resolution, which was seconded by COUNCILWOMAN GILLIAM :

WHEREAS, a site plan and elevations were submitted by Andrew S. Mendelson, as agent for the Long Island Cauliflower Assn., for the relocation of a 6000 square foot metal building onto an existing concrete slab located at the northwest corner of Mill Road and Route 58, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-101-1-11; and

WHEREAS, the Planning Department has reviewed the site plan dated last September 2, 1994, as prepared by Young & Young, 400 Ostrander Avenue, Riverhead NY 11901, and elevations dated September 21, 1994, as prepared by Gordon K. Ahlers, P.E., Box 6, 188 Manor Lane, Jamesport NY 11947, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

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

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

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 27302 of the Office of the Supervisor of the Town of Riverhead; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Andrew S. Mendelson, as agent for the Long Island Cauliflower Assn., for the relocation of a 6000 square foot metal building

onto an existing concrete slab, located at the northwest corner of Mill Road and Route 58, Riverhead, New York, site plan dated last September 2, 1994, as prepared by Young & Young, 400 Ostrander Avenue, Riverhead NY 11901, and elevations dated September 21 1994, as prepared by Gordon K. Ahlers, P.E., Box 6, 188 Manor Lane, Jamesport NY 11947, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements and any restrictions imposed as a condition of the site plan approval granted herein;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;

6. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

7. That all utilities shall be constructed underground;

8. Pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent

security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;

9. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to ph, organic content, and gradation;

10. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Andrew S. Mendelson, as agent for the Long Island Cauliflower Assn., the Riverhead Planning Department, Riverhead Building Department and the Town Engineer.

NOT, THEREFORE, THIS DECLARANT WITNESSETH:

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

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan approval and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design with the provisions of Section 102-54 of the Riverhead Town Code and that all provisions of the Riverhead Town Code shall be complied with, and that all tenants shall be advised of said requirements and any restrictions imposed as a condition of the site plan approval.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1994 made by Long Island Cauliflower Association, residing at 139 Marcy Avenue, Riverhead NY 11901, Declarant.

W I T N E S S E T H:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements and any restrictions imposed as a condition of the site plan approval granted herein;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;

5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

6. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

7. That all utilities shall be constructed underground;

8. Pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;

9. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to ph, organic content, and gradation;

10. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

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

LONG ISLAND CAULIFLOWER ASSN.

By: _____

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

On the _____ day of _____, 1994, before me personally came _____, who, being sworn by me, did depose and say: that (s)he is the _____ of _____; that (s)he knows the seal of the corporation; that the seal affixed to this instrument is said seal; and that it was affixed by order of the Board of Directors of the Corporation.

NOTARY PUBLIC

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No ___ *Absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10/4/94

TOWN OF RIVERHEAD

Resolution # 694

AUTHORIZES THE NAMING OF A PRIVATE ROAD IN JAMESPORT TO "KIMMEL LANE"

COUNCILWOMAN GILLIAM offered the following resolution, which was seconded by COUNCILMAN CREIGHTON:

WHEREAS, in the course of the Town of Riverhead's House Numbering Project, it has been discovered that there are two separate and distinct Center Streets within the Hamlet of Jamesport; and

WHEREAS, the Town Board has received the attached petitions from owners who live along Center Street (located between S. Railroad Avenue and 6th Street) Jamesport, New York which requested that this road be renamed "Kimmel Lane"; and

WHEREAS, the Highway Department Superintendent has received the request and accepts the renaming of Center Street to "Kimmel Lane".

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby adopts the renaming of Center Street (located between S. Railroad Avenue & 6th Street) Jamesport, New York to "Kimmel Lane"; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the United States Post Office, Jamesport Annex, Main Road, Jamesport, New York, 11947; Police Department; Jamesport Fire Department, Manor Lane, Jamesport, New York 11947; the Highway Department; Planning Department; the Tax Receiver's Office and the Assessor's Office.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No Absent

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10/4/94

TOWN OF RIVERHEAD

Resolution # 695AWARDS BID FOR REHABILITATION AND PAINTING OF
ROUTE 58 WATER TANK
RIVERHEAD WATER DISTRICT

~~COUNCILMAN PRUSINOWSKI~~ offered the following resolution
which was seconded by ~~COUNCILMAN STARK~~

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for the rehabilitation and painting of the Route 58 Water Tank, and

WHEREAS, bids were received, opened and read aloud on September 8, 1994, at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the notice to bidders, and

WHEREAS, the bids have been reviewed by H2M, consulting engineers for the Riverhead Water District, who by letter dated September 22, 1994, recommended that the contracts be awarded to the lowest responsible bidder, for the total alternate bid of \$277,000, which amount excludes item #4, as follows:

G & M Painting Enterprises, Inc.
18920 Quarry Road
Riverview, Michigan 48192

NOW, THEREFORE, BE IT

RESOLVED, that the contracts for the rehabilitation and painting of the Route 58 water tank be and is hereby awarded to G & M Painting Enterprises, Inc., of Riverview Michigan in the total alternate bid of \$277,000 which amount excludes item #4, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the above mentioned contractors, the Riverhead Water District, H2M, and Pierre G. Landberg, Esq., and be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all unsuccessful bidders their respective bid security, and it is further

RESOLVED, that upon the completion of fully executed contracts and the filing of said contracts with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidders the bidder's bid security.

10/04/94

TOWN OF RIVERHEAD

Resolution # 696

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN STARK

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

RESOLVED, That John Nicolellis is hereby appointed to serve as a Recreation Aide for the purpose of being a canoeing and kayaking instructor, effective October 4, 1994, up to and including December 31, 1994, to be paid at the rate of \$20.00 per hour and to serve at the pleasure of the Town Board.

THE VOTE

Gilliam Yes ___ No Creighton Yes ___ No
Stark Yes ___ No Prusinowski Yes ___ No
Janoski ___ Yes ___ No *absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

Resolution # 697

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN STARK

offered the following

resolution, which was seconded by **COUNCILMAN PRUSINOWSKI**.

RESOLVED, That Isabel Rather is hereby appointed to serve as a Recreation Aide for the purpose of being a fitness instructor, effective October 4, 1994, up to and including December 31, 1994, to be paid at the rate of \$20.00 per hour and to serve at the pleasure of the Town Board.

THE VOTE

Gilliam	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Creighton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Stark	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Prusinowski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Janoski	<input type="checkbox"/> Yes	<input type="checkbox"/> No <i>absent</i>

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

Resolution # 698

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN STARK

_____ offered the following resolution, which was seconded by **COUNCILMAN PRUSINOWSKI**.

RESOLVED, That Maureen Smith is hereby appointed to serve as a Recreation Aide for the purpose of instructing an Arts and Crafts program, effective October 4, 1994, to be paid biweekly at the rate of \$15.00 per hour and to serve at the pleasure of the Town Board.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No ___ *absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

Resolution # 699

APPOINTS RECREATION AIDE TO THE RIVERHEAD
RECREATION DEPARTMENT

COUNCILMAN STARK

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

RESOLVED, That Catherine LaPenna is hereby appointed to serve as a Recreation Aide for the purpose of instructing an Arts and Crafts program, effective October 4, 1994, to be paid biweekly at the rate of \$15.00 per hour and to serve at the pleasure of the Town Board.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No *absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

Resolution # 700

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN STARK

_____ offered the following resolution, which was seconded by **COUNCILMAN PRUSINOWSKI**.

RESOLVED, That Jim Janecek is hereby appointed to serve as a Recreation Aide for the purpose of instructing the Bidy Basketball program, effective October 4, 1994, to be paid biweekly at the rate of \$12.50 per hour upon the successful completion of each program and to serve at the pleasure of the Town Board.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No *Absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

Resolution # 701

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN STARK

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

RESOLVED, That Lynn Mastelli is hereby appointed to serve as a Recreation Aide for the purpose of being an aide to the instructor of the Bidy Basketball program, effective October 4, 1994, to be paid biweekly at the rate of \$ 4.35 per hour and to serve at the pleasure of the Town Board.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No *Absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

Resolution # 702

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN STARK

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

RESOLVED, That Christine Janecek is hereby appointed to serve as a Recreation Aide for the purpose of being an aide to the instructor of the Biddy Basketball program, effective October 4, 1994, to be paid biweekly at the rate of \$ 4.35 per hour and to serve at the pleasure of the Town Board.

THE VOTE

Gilliam	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Creighton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Stark	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Prusinowski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Janoski	<input type="checkbox"/> Yes	<input type="checkbox"/> No <i>Absent</i>

THE RESOLUTION WAS WAS NOT _____
THEREUPON DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

Resolution # 703

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN STARK

_____ offered the following resolution, which was seconded by **COUNCILMAN PRUSINOWSKI**.

RESOLVED, That Doreen James is hereby appointed to serve as a Recreation Aide for the purpose of being an aide to the instructor of the Bidy Basketball program, effective October 4, 1994, to be paid biweekly at the rate of \$ 4.35 per hour and to serve at the pleasure of the Town Board.

THE VOTE

Gilliam Yes ___ No Creighton Yes ___ No
Stark Yes ___ No Prusinowski Yes ___ No
Janoski ___ Yes ___ No *Absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

Resolution # 704

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN STARK

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

RESOLVED, That Michael Ruth is hereby appointed to serve as a Recreation Aide for the purpose of being an aide to the instructor of the Bidy Basketball program, effective October 4, 1994, to be paid biweekly at the rate of \$ 4.35 per hour and to serve at the pleasure of the Town Board.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No *Absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

Resolution # 705

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN STARK

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

RESOLVED, That Ben Butler is hereby appointed to serve as a Recreation Aide for the purpose of being an aide to the instructor of the Biddy Basketball program, effective October 4, 1994, to be paid biweekly at the rate of \$ 4.35 per hour and to serve at the pleasure of the Town Board.

THE VOTE

Gilliam	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Creighton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Stark	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Prusinowski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Janoski	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <i>absent</i>

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

Resolution # 706

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN STARK

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

RESOLVED, That Cheryl Walsh-Edwards is hereby appointed to serve as a Recreation Aide for the purpose of being an aide to the instructor of the Biddy Basketball program, effective October 4, 1994, to be paid biweekly at the rate of \$ 4.35 per hour and to serve at the pleasure of the Town Board.

THE VOTE

Gilliam	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Creighton	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Stark	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Prusinowski	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
					Janoski	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No <i>absent</i>

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

Resolution # 707

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN STARK

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

RESOLVED, That Rose Sanders is hereby appointed to serve as a Recreation Aide for the purpose of being an aide to the instructor of the Biddy Basketball program, effective October 4, 1994, to be paid biweekly at the rate of \$ 4.35 per hour and to serve at the pleasure of the Town Board.

THE VOTE

THE VOTE					
Gilliam	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Creighton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Stark	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Prusinowski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Janoski	<input type="checkbox"/> Yes	<input type="checkbox"/> No <i>Absent</i>

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

Resolution # 708

APPOINTS RECREATION AIDE TO THE RIVERHEAD

RECREATION DEPARTMENT

COUNCILMAN STARK

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

RESOLVED, That Rose Sanders is hereby appointed to serve as a Recreation Aide for the purpose of being a Volleyball Leader, effective October 4, 1994, to be paid biweekly at the rate of \$12.50 per hour and to serve at the pleasure of the Town Board.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No *Absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10/4/94

TOWN OF RIVERHEAD

Resolution #709

APPOINTS JEANMARIE P. COSTELLO, ESQ. AS HEARING OFFICER
IN THE MATTER OF A DISCIPLINARY PROCEEDING AGAINST A
TOWN EMPLOYEE

COUNCILMAN CREIGHTON offered the following resolution, which was
seconded by COUNCILWOMAN GILLIAM:

BE IT HEREBY RESOLVED, that the Deputy Supervisor be authorized to appoint
Jeanmarie P. Costello, Esq. as the Hearing Officer in the matter of the Disciplinary Proceedings
against a Town employee; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy
of this resolution to Jeanmarie P. Costello, Esq., 455 Griffing Avenue, P.O. Box 295, Riverhead,
New York, 11901; the Office of the Town Attorney; the Accounting Office and Kenneth Testa.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No *absent*

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

10/4/94

TOWN OF RIVERHEAD

Resolution # 710
 APPROVES SITE PLAN OF THE MANOR AT EAST WIND (KNIGHTLAND, INC.)

COUNCILWOMAN GILLIAM

offered the following

resolution, which was seconded by COUNCILMAN CREIGHTON :

WHEREAS, a site plan and elevations were submitted by Kenn Barra, as agent for Knightland, Inc., for the construction of a 14,610 square foot catering facility, 575 square foot garage, and attendant site improvements, located at the south side of Sound Avenue and the west side of a Private Road, Wading River, New York, known and designated as Suffolk County Tax Map Number 0600-76-1-6, 7 & 8; and

WHEREAS, the Planning Department has reviewed the site plan dated September 9, 1994, as prepared by Lee Lutz, L.S., 125 Route 25A, P.O. Box 1547, Rocky Point NY 11778, and elevations dated August 6, 1994 (catering hall) and April 8, 1994 (garage), as prepared by Angelo S. Nicosia, P.E., Jenico, Inc., 149 North Country Road, Port Jefferson NY 11777, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

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

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

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 25804 of the Office of the Supervisor of the Town of Riverhead; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Kenn Barra, as agent for Knightland, Inc., for the

construction of a 14,610 square foot catering facility, 575 square foot garage, and attendant site improvements, located at the south side of Sound Avenue and the west side of a Private Road, Wading River, New York, site plan dated September 9, 1994, as prepared by Lee Lutz, L.S., 125 Route 25A, P.O. Box 1547, Rocky Point NY 11778, and elevations dated August 6, 1994 (catering hall) and April 8, 1994 (garage), as prepared by Angelo S. Nicosia, P.E., Jenico, Inc., 149 North Country Road, Port Jefferson NY 11777, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;

7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;

8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected

on a stanchion stating, "**No Parking, Handicap Only**", and the universal symbol affixed thereto. Further, by execution and filing of this document, Kenn Barra hereby authorizes and consents to the Town of Riverhead to enter premises at the south side of Sound Avenue and the west side of a Private Road, Wading River, New York, to enforce said handicapped parking regulations;

9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

10. That all utilities shall be constructed underground;

11. Pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Town Board hereby approves the application of the performance bond posted by the applicant for the development of the East Wind Country Inn for the subject project, the Manor at East Wind. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;

12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to ph, organic content, and gradation;

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

14. That the private right of way shall be improved by the applicant by means of regrading and surfacing with oil and sand, that said improvements shall be completed prior to the issuance of a certificate of occupancy, and that the cost of said improvements shall be borne equally between the applicant and the Town of Riverhead; and be it further

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

Barra as agent for Knightland, Inc., the Riverhead Planning Department, Riverhead Building Department and the Town Engineer.

Property of
Town of
Riverhead

This site
is located
within
the
County

Intentionally
which

Intentionally
which

Intentionally
which

Intentionally
which

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1993 made by Kenn Barra, residing at Michael's Lane, Wading River NY 11792, Declarant.

W I T N E S S E T H:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;

5. Parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;

6. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;

7. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "**No Parking, Handicap Only**", and the universal symbol affixed thereto;

8. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

9. That all utilities shall be constructed underground;

10. Pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Town Board hereby approves the application of the performance bond posted by the applicant for the development of the East Wind Country Inn for the subject project, the Manor at East Wind, which shall be supplemented as necessary to provide the required bond amount. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;

12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to ph, organic content, and gradation;

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

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

Kenn Barra

STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

On the _____ day of _____, 1993 before me personally came Kenn Barra, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at the south side of Sound Avenue and the west side of a Private Road, Wading River, New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

NOTARY PUBLIC

STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

On this _____ day of _____, 1993, before me personally came _____, to me known, and known to me to be one of the members of the firm of _____, described in and who executed the foregoing instrument, and (s)he acknowledged to me that (s)he executed the same as and for the act and deed of said firm.

NOTARY PUBLIC

STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

On the _____ day of _____, 1993, before me personally came _____, who, being sworn by me, did depose and say: that (s)he is the

10/4/94 of _____;
that (s)he knows the seal of the corporation; that the seal
affixed to this instrument is said seal; and that it was affixed
by order of the Board of Directors of the Corporation.

NOTARY PUBLIC

COUNCILWOMAN GILLIAM OFFERED THIS RESOLUTION TO BE TABLED, WHICH
WAS SECONDED BY COUNCILMAN PRUSINOWSKI.

THE VOTE

Gilliam Yes No Creighton Yes No
Stark Yes No Prusinowski Yes No
Janoski Yes No *Absent*

RESOLUTION WAS ~~NOT~~ *Tabled.*

10/4/94

TOWN OF RIVERHEAD

Resolution # 711
APPROVES SITE PLAN OF OKEANOS AQUARIUM OF LONG ISLANDCOUNCILMAN PRUSINOWSKI

offered the following

resolution, which was seconded by COUNCILMAN CREIGHTON :

WHEREAS, a site plan and elevations were submitted by Michael Tortorice, as agent for the Okeanos Aquarium of Long Island, for the construction of an 82,000 square foot aquarium and attendant site improvements located at the south side of East Main Street (NYS Route 25), Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-129-4-18.5 and 19; and

WHEREAS, the Planning Department has reviewed the site plan entitled "Site Grading, Drainage and Utility Plan" dated September 1994, as prepared by the Baldassano Architectural Group, 200 Parkway Drive South, Hauppauge NY 11788, Landscape Site Plan dated last September 28, 1994, as prepared by Araiys Design, 76 Union Avenue, Ronkonkoma NY 11779, and elevations dated September 6, 1994 (Sheet A 3.1) and August 22, 1994 (Sheet A8), as prepared by The Baldassano Architectural Group, 200 Parkway Drive South, Hauppauge NY 11788, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, the project has undergone an environmental review pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617, which review resulted in the preparation and acceptance of a Draft Environmental Impact Statement, a Final Environmental Impact Statement, and Agency Findings by the Town Board of the Town of Riverhead, which documents are on file in the office of the Town Clerk; and

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

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead, in the amount of \$5,000, shall be made part of the relevant performance bond and shall be paid prior to the issuance of a building permit; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Michael Tortorice, as agent for the Okeanos Aquarium of Long Island, for the construction of an 82,000 square foot aquarium and attendant site improvements, located at the south side of East Main Street (NYS Route 25), Riverhead, New York, preliminary site plan entitled "Site Grading, Drainage and Utility Plan" dated September 1994, as prepared by the Baldassano Architectural Group, 200 Parkway Drive South, Hauppauge NY 11788, Landscape Site Plan dated last September 28, 1994, as prepared by Araiys Design, 76 Union Avenue, Ronkonkoma NY 11779, and elevations dated September 6, 1994 (Sheet A 3.1) and August 22, 1994 (Sheet A8), as prepared by The Baldassano Architectural Group, 200 Parkway Drive South, Hauppauge NY 11788, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements and any restrictions imposed as a condition of the site plan approval granted herein;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;

6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

7. Drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;

8. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

9. That all utilities shall be constructed underground;

10. Pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;

11. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to ph, organic content, and gradation;

12. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

13. That this approval acknowledges the loading area accessed via lands of the Riverhead Public Parking District as meeting the requirements of Section 108-61 of the Riverhead Town Code;

14. That this approval is made subject to the submission of plans to and the approval of this Town Board regarding the use and improvement of lands of the Riverhead Public Parking District for motor vehicle access and the submission of plans to and the approval of this Town Board regarding the location of layover parking for tour and school buses on lands to be improved by the Town of Riverhead outside of the existing parking district or upon lands held in private ownership. A certificate of occupancy shall not be issued until such improvements and layover parking location has been approved by the Town Board, and be it further

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

Michael Tortorice, as agent for the Okeanos Aquarium of Long Island, the Riverhead Planning Department, Riverhead Building Department and the Town Engineer.

WITNESSETH:

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

for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead, Suffolk County, New York, has determined that it is in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the Board should impose on said parcel, and the person who shall own said parcel, the following restrictions as a condition of granting said site plan and that the Board has determined that the restrictions are necessary and proper for the protection of the public health, safety and general welfare of the Town of Riverhead, and the owner and prospective owners of said parcel.

Declarant has reviewed the foregoing and has determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

1. That the provisions of the Riverhead Town Code, which are not addressed by this declaration, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan.

2. That the form, design, location and color of all signs that shall be submitted to the Town Board for its review and approval shall be in accordance with the provisions of the Riverhead Town Code and the provisions of Section 109-14 of the Riverhead Town Code shall be complied with, and that all restrictions shall be applied to the site plan approval as a condition of approval.

3. No lighting shall be installed or adjusted in such a way as to cause glare or light pollution on adjacent properties.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1994 made by Riverhead Building Supply Corp., residing at 1295 Pulaski Street, Riverhead NY 11901, Declarant.

W I T N E S S E T H:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements and any restrictions imposed as a condition of the site plan approval granted herein;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;

5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

6. Drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;

7. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

8. That all utilities shall be constructed underground;

9. Pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;

10. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to ph, organic content, and gradation;

11. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

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

RIVERHEAD BUILDING SUPPLY CORP.

By: _____

STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

On the _____ day of _____, 1994, before me personally came _____, who, being sworn by me, did depose and say: that (s)he is the _____ of _____; that (s)he knows the seal of the corporation; that the seal affixed to this instrument is said seal; and that it was affixed by order of the Board of Directors of the Corporation.

Number of these records filed _____ NOTARY PUBLIC
Total number of records (in the records filed) _____
1 record(s) successfully merged.
0 records file(s) rejected
In the records files used, 0 record(s) rejected or merged.

***** Statistics for preceding merge operation *****

Records file(s) provided:

[PLAN]<BRENDA>siteplanlist

Number of these records file(s) found to be useable: 1

Total number of records (in the useable files): 1

1 record(s) successfully merged.

0 records file(s) rejected

In the records files used, 0 record(s) rejected or skipped.

THE VOTE

Gilliam Yes ___ No Creighton Yes ___ No
Stark Yes ___ No Prusinowski Yes ___ No
Janoski ___ Yes ___ No *absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

OCTOBER 4, 1994

TOWN OF RIVERHEAD

RESOLUTION # 712

AUTHORIZES PUBLICATION OF NOTICE TO BIDDERS
FOR
SUFFOLK THEATRE ROOF REPAIRS

COUNCILMAN STARK OFFERED THE FOLLOWING RESOLUTION

WHICH WAS SECONDED BY **COUNCILMAN PRUSINOWSKI**

WHEREAS, the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders with regard to receiving bids for the roof repairs at the Suffolk Theatre, East Main Street, Riverhead; and

BE IT FURTHER RESOLVED, that the Town Clerk forward a certified copy of this resolution to Kenneth Testa, Town Engineer.

The successful bidder shall be required to furnish a performance and payment bond in the amount of one hundred percent (100%) of the amount of the contract within ten (10) days of the date of the award of the contract and the payment of all obligations arising thereunder in the form and subject to the conditions set forth in the instructions to bidders.

The Town Board reserves the right to reject any and all bids and solicit for new bids and/or to waive any irregularities in the proposals and to accept or reject any and all alternatives or unit prices if, in its opinion, the best interests of the Town will thereby be promoted.

No bid shall be withdrawn pending the decision of the Town Board which shall be made within forty (40) days after the date of the bid opening.

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

DATED: OCTOBER 4, 1994

THE VOTE
FOR ADOPTION OF THIS RESOLUTION WAS
UNANIMOUSLY DECLARED ADOPTED

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that sealed bids for the roof replacement and parapit restoration of the Suffolk Theatre, East Main Street, Riverhead, New York, will be received by the Town Clerk of the Town of Riverhead located at Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:00 a.m. prevailing time, on October 12, 1994, at which time and place they will be publicly opened and read aloud.

Instructions to Bidders, Proposal Form, Contract Form, General Conditions, Supplemental General Conditions, Special Conditions, Plans and Specifications may be obtained and examined at the Office of the Town Clerk at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, 11901 on or after October 5, 1994.

Security for each bid must be submitted with each bid in an amount not less than five percent (5%) of the Base Bid in the form and subject to the conditions set forth in the "Instructions to Bidders".

The successful bidder shall be required to furnish a Performance and Payment Bond in the amount of One Hundred Percent (100%) of the accepted bid guaranteeing the completion and the payment of all obligations arising thereunder in the form and subject to the conditions set forth in the "Instructions to Bidders".

The Town Board reserves the right to reject any and all bids and solicit for new bids and/or to waive any informalities in the Proposals and to accept or reject any and all Alternatives or Unit Prices if, in its opinion, the best interests of the Town will thereby be promoted.

No bid shall be withdrawn pending the decision of the Town Board which shall be made within forty five (45) days after the date of the bid opening.

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

DATED: October 4, 1994

THE VOTE

Gilliam	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Creighton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Stark	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Prusinowski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Jancski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <i>Absent</i>

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

10/4/94

TOWN OF RIVERHEAD

Resolution # 713

**APPROVES APPLICATION OF BARKER FARM TO CONDUCT
6TH ANNUAL MAKE-A-WISH 5K FOOT RACE**

COUNCILMAN CREIGHTON

offered the following

resolution, which was seconded by **COUNCILWOMAN GILLIAM**:

WHEREAS, Barker Farm submitted an application for the purpose of conducting a 5K foot race to benefit the Make-A-Wish Foundation to be held at Barker Farm, Route 25, Jamesport, New York, on October 16, 1994; and

WHEREAS, a certificate of insurance pursuant to Section 90-13 of the **Code of the Town of Riverhead** has been received naming the Town of Riverhead as Additional Insured; and

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

NOW, THEREFORE, BE IT RESOLVED, that the application of Barker Farm for the purpose of conducting a 5K foot race to benefit the Make-A-Wish Foundation at Barker Farm, Route 25, Jamesport, New York, on October 16, 1994 be and is hereby approved; and

WHEREAS, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Barker Farm and the Riverhead Police Department.

THE VOTE

Gilliam	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Creighton	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Stark	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Prusnowski	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
					Janoski	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No absent

THE RESOLUTION WAS WAS NOT

THEREUPON DULY DECLARED ADOPTED

10/4/94

TOWN OF RIVERHEAD

TOWN OF RIVERHEAD

Resolution # 714

AUTHORIZES ATTENDANCE OF POLICE OFFICER AT TRAFFIC ACCIDENT RECONSTRUCTION COURSE

COUNCILWOMAN GILLIAM offered the following resolution, which was seconded by COUNCILMAN CREIGHTON:

WHEREAS, Police Chief Grattan has requested permission to authorize one (1) police officer to attend a "Traffic Accident Reconstruction" course to be held at the New York State Troopers' Academy October 10-21, 1994, which course is designed to aid in case preparation related to accidents.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the attendance of one (1) police officer to be designated by Police Chief Grattan to attend the "Traffic Accident Reconstruction" course to be held October 10-21, 1994, at the New York State Troopers' Academy, at a cost of \$595.00 for tuition plus an additional \$150.00 for meals, the receipt of which shall be fully accounted for upon the officer's return; and

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

THE VOTE

Gilliam	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Creighton	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Stark	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Prusinowski	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
					Janoski	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

TOWN OF RIVERHEAD

RESOLUTION # 715

SUPPORTS LOCATION OF 1995 NEW YORK STATE MOOSE BASEBALL SERIES WITHIN THE TOWN OF RIVERHEAD

COUNCILMAN STARK offered the following resolution,

which was seconded by COUNCILMAN PRUSINOWSKI

WHEREAS, the Town of Riverhead is blessed with a number of natural features and environmental resources which make the Town unique within the state; such resources including The Long Island Sound and its Beaches, the Peconic Bay System, the Peconic River, and the Long Island Pine Barrens, as well as significant contiguous acreage of active agricultural land, and,

WHEREAS, the Town of Riverhead incorporates within its borders a number of tourist destination points attracting visitors to the Town, including the 700 acre Wildwood State Park and Camping Facility, the Suffolk County Indian Island Golf Facility, the Splish-Splash Water Park, the Calverton Links Golf Facility, and the Tanger Manufacturers Outlet Center,

WHEREAS, The Riverhead Central Business District located on the banks of the Peconic Estuary is considered to be an important retail center providing goods and services to the East End of Long Island, as well as providing tourist attractions such as the Riverboat Dining Excursions and the proposed Okeanos Ocean Research Aquarium and,

WHEREAS, the New York State Moose Lodge is considering the location of the 1995 All-Star Baseball Series, which it sponsors and,

WHEREAS, the Town Board of the Town of Riverhead considers the Town to possess those facilities necessary and appropriate for the attraction of this event.

THEREFORE, BE IT RESOLVED, that the New York State Moose Lodge Baseball Series would be considered to be a tourist attraction in conformance with the Town's Economic Development Policy; and,

BE IT FURTHER, RESOLVED, that in the event that The Town of Riverhead is chosen to be the location of the subject event, the Town Board of the Town of Riverhead will employ its good offices and resources to the to ensure the success of the New York State Moose Lodge Baseball Series.

THE VOTE

Gilliam	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Creighton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Stark	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Prusinowski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Janoski	<input type="checkbox"/> Yes	<input type="checkbox"/> No <i>Absent</i>

THE RESOLUTION WAS WAS NOT

THEREUPON DULY DECLARED ADOPTED

10/4/94

TOWN OF RIVERHEAD

Resolution # 716

AUTHORIZES SUPERVISOR AND SPECIAL COUNSEL TO EXECUTE STIPULATION OF SETTLEMENT

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

WHEREAS, the Town of Riverhead, simultaneously and in conjunction with the Towns of Southold and East Hampton, has reached a settlement with the New York State Department of Environmental Conservation of all pending litigation and all outstanding administrative enforcement proceedings with respect to the Young's Avenue landfill, including any other potential operational violations that could have been asserted with respect to the Town's landfill.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor and special counsel are hereby authorized to execute the Stipulation of Settlement, and attachments thereto, on behalf of the Town of Riverhead, which stipulation shall be in the form and substance as annexed hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the Frank Isler, Esq., Smith, Finkelstein, Lundberg, Isler & Yakaboski, 456 Griffing Avenue, P. O. Box 389, Riverhead, New York, 11901; and the Supervisor's Office.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No *absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

THE TOWN OF RIVERHEAD,

Petitioner,

- against -

Index No. 91-19049

THE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION OF THE STATE OF NEW YORK,

Justice Werner

Respondent.

..... X

STIPULATION OF SETTLEMENT

IT IS HEREBY STIPULATED AND AGREED by and between the parties herein (i.e., the New York State Department of Environmental Conservation ("DEC," "Department," "NYSDEC") and the Town of Riverhead ("Town") as follows:

1. The above-referenced Article 78 proceeding, together with the Administrative proceedings presently pending against the Town, bearing Department of Environmental Conservation Nos. 1-4550-91-04 and 1-3700-89-06, are settled in accordance with the terms set forth below and in the "Compliance Schedule" attached hereto as Attachment 1 with Appendices and agreement attached hereto as Attachment 2 and incorporated by reference herein. All the terms and conditions of the Compliance Schedule attached hereto as Attachment 1 with Appendices and the DEC-approved portions of the Agreement attached hereto as Attachment 2 are the essence of this Stipulation.

2. This proceeding as well as the pending administrative proceedings shall be discontinued with prejudice without costs

and disbursements awarded to any party on the terms and conditions set forth at Paragraphs 1 and 3 through 7, herein.

3. On October 8, 1993, the Town ceased the landfilling of any wastes at the Youngs Avenue solid waste management facility. The Town will not landfill any wastes at the Youngs Avenue solid waste management facility in the future, except for cover materials approved by the DEC, which approval will not be unreasonably withheld. This last sentence shall not prohibit the Town from continuing other solid waste management activities that are permitted or approved by the DEC at the Youngs Avenue solid waste management facility.

4. The parties agree that this Stipulation settles, among other things, all operational violations of the Part 360 regulations applicable to the Youngs Avenue Landfill, whether asserted or not asserted by the DEC in the administrative proceedings recited above, through the execution hereof. This does not foreclose, however, the DEC from pursuing any action within its authority and jurisdiction to enforce violations arising at the site after the execution hereof.

5. The parties hereby acknowledge that this Stipulation is in full satisfaction of any and all claims each has raised or could have raised against the other through the date of the signature hereof with regard to the operation of the Youngs Avenue Landfill under Article 27 of the New York State Environmental Conservation Law ("ECL") and 6 NYCRR 360 or any claims related thereto.

6. This Stipulation may be so ordered by the Court without further notice from one party to the other. It may thereafter be enforced as a judgment of the Supreme Court of the State of New York. The parties agree that this Stipulation may, alternatively, be enforced in an administrative proceeding instituted by the DEC.

7. This Stipulation is referred to as "Order" in Attachments 1 and 2, hereto.

Dated: Stony Brook, New York
1994

G. Oliver Koppell
Attorney General of the
State of New York
Attorney for Respondent
New York State Department of Law
120 Broadway
New York, New York 10271

Langdon Marsh
Commissioner, New York State
Department of Environmental
Conservation

By: _____
Ray E. Cowen, P.E.
Regional Director

By: Gregory J. Nolan by Mary Carpenter
Gregory J. Nolan
Assistant Attorney General

Frank Isler
As Counsel for the Town of Riverhead
Smith, Finkelstein, Lundberg,
Isler and Yakaboski
456 Griffing Avenue
Riverhead, New York 11901

Town of Riverhead
By: [Signature]
Joseph Janoski James R. Stark
Deputy Supervisor

By: [Signature]
Frank Isler

SO ORDERED AND ENTERED,

HONORABLE M.M. WERNER, J.S.C.

ATTACHMENT I
Town of Riverhead

Compliance Schedule

I. GENERAL REQUIREMENTS

A. Payments.

1. There is hereby imposed upon the Town a civil penalty in the sum of Six Hundred Fifty Thousand (\$650,000) Dollars, Twenty Five Thousand (\$25,000) Dollars of which shall be paid on or before June 1, 1995.

2. The remaining \$625,000 of the civil penalty shall be suspended, conditioned upon the Town's payments as described below:

(a) To the State University at Stony Brook (hereinafter "SUNY"), East End Environmental Camp Program at the Baiting Hollow Boy Scout Camp in Wading River in the Town of Riverhead (hereinafter "Project"):

(i) Forty Five Thousand (\$45,000) Dollars on or before February 1, 1995. Notice of such deposit shall be given to the NYSDEC by March 1, 1995.

(ii) Thirty Thousand (\$30,000) Dollars on or before June 1, 1995. Notice of such deposit shall be given to the NYSDEC by June 15, 1995.

(iii) Fifty Five Thousand (\$55,000) Dollars on or before February 1, 1996. Notice of such deposit shall be given to the NYSDEC by February 15, 1996.

(iv) Thirty Thousand (\$30,000) Dollars on or before the first day of February for five (5) years commencing February 1, 1997. In the event of a default in any payment, the NYSDEC reserves the right to declare the entire balance to be due.

(v) The parties hereto agree that these monies shall be used to establish and maintain the East End Environmental Education Camp to be independently operated by SUNY, in accordance with the agreement entered into simultaneously herewith among the Towns of Riverhead, Southold and East Hampton and SUNY, a copy of which is annexed hereto and made a part hereof as Attachment No. II. It is acknowledged that the Towns' sole responsibility with respect to the project is to provide the funds as set forth in paragraphs 2(a) hereof.

(b) To the East End Economic and Environmental Institute for use in the Institute's project relating to the preservation and protection of natural resources and the environment as follows:

- (i) \$55,000 on or before February 1, 1995. Notice of such deposit shall be given to the NYSDEC by February 15, 1995.
- (ii) \$45,000 on or before June 1, 1995. Notice of such deposit shall be given to the NYSDEC by June 15, 1995.
- (iii) \$70,000 on or before February 1, 1996. Notice of such deposit shall be given to the NYSDEC by February 15, 1996.
- (iv) \$35,000 on or before the first day of February for five (5) years commencing February 1, 1997. In the event of a default in any payment, the NYSDEC reserves the right to declare the entire balance to be due.

All projects must be submitted to the Department for approval and approved by the Department prior to any monies being expended upon them. In addition, annual reports shall be submitted to the Department by the Towns, beginning on December 15, 1995, and continuing until all monies provided hereunder have been expended, setting forth the status and accomplish-ments of the DEC-approved projects and expenditures thereon. The projects are described in a proposal from Cornell Cooperative Extension to the Institute and include (A) organic pesticide demonstration and testing; (B) agricultural composting demonstration and testing; (C) pest management research; (D) wetland restoration projects; and (E) other projects as may be chosen by the Institute, the implementation of which shall be subject to the review and approval of the NYSDEC, which shall not be unreasonably withheld.

(c) In the event that SUNY is unable to continue to operate the camp for any reason whatsoever, the parties agree to use their best efforts to find an alternative independent contractor to replace SUNY. In the event, however, that the monies in the escrow account are not used for a period in excess of two (2) years, the monies being held in escrow, together with the monies to be subsequently paid into that account pursuant to the schedule in subparagraph 2.(a), above, shall be paid by the escrow agent to an alternative recipient or recipients to be proposed by the Towns and approved by the Department. Upon the Department's approval, the escrow account must be modified accordingly.

(d) The Towns' agreement with SUNY shall require the establishment by SUNY of an escrow account into which the amounts referred to in 2.(a), above, shall be paid, provided, however, that any expenditures from the escrow account must be pre-approved by the Department. The Town's agreement with SUNY shall also require that accounting of the escrow account must be provided to the NYSDEC by SUNY on the 15th of each month, beginning February 15, 1995.

(e) The Regional Attorney for Region One of the Department shall have authority to approve expenditures from the escrow account to be

established by SUNY.

(f) The DEC is not a party to the Agreement attached hereto as Attachment 2, but hereby approves Paragraphs 2 - 11, thereof.

3. Failure by the Town to comply with any provision of this Order, and the Attachments attached hereto and made a part hereof, including any appendices thereto and the requirements of all approved work plans and associated approved implementation schedules, shall constitute a default and violation of this Stipulation, which shall subject the Town to the following stipulated penalties for each violation of the Order, without further administrative or judicial adjudication:

Day 1 through 45 for each violation: \$300 penalty per day.

Day 46 and thereafter for each violation: \$1,000 penalty per day.

4. All stipulated penalties and payments assessed pursuant to this Section shall become due and owing on the 15th calendar day after receipt by the Town of written notice of determination from the NYSDEC.

5. Beginning fifteen (15) calendar days after the date of such notice, the Town shall pay interest on the penalty at the annual rate of nine percent on the overdue amount from the day on which it was due through, and including, the date of payment.

6. All penalties shall be paid by certified check or money order, made payable to the "New York State Department of Environmental Conservation" and delivered personally or by certified mail, return receipt requested: c/o Lori Riley, Esq., Regional Attorney, Department of Environmental Conservation, Building 40, S.U.N.Y. Campus, Stony Brook, NY 11790-2356.

7. The Town shall not be liable for any costs pursuant to this paragraph I.B. in excess of an annual amount of thirty thousand (\$30,000) Dollars.

B. Environmental Monitoring.

Within thirty (30) days of the execution of this Order, the Town shall pay to the NYSDEC, the sum of \$10,000 to be placed in an account for the NYSDEC environmental compliance monitoring activities for the Town's facilities, landfill compliance and closure activities and compliance with this Order. This sum will be used toward payment of the first year costs for such activities, which sum shall be subject to quarterly revision by the NYSDEC. Subsequent quarterly invoices shall be submitted to the Town to maintain an account balance sufficient to meet the next nine months' projected expenses. This nine months advance account shall be made in accordance with the following provisions:

1. Quarterly invoice costs to be covered by this fund include:

- (a) Direct personal service costs and fringe benefits of the environmental monitor(s) and full-time supervisor(s), including the cost of replacement personnel for the person(s) regularly assigned to these positions.
- (b) Direct non-personal service costs, including but not limited to purchase or lease of a vehicle and its full operating costs, equipment travel, training, supplies and materials, and any appropriate chemical sampling and laboratory analysis fees.
- (c) Inflation and negotiated salary increases.
- (d) Overhead and indirect support costs at the annually calculated indirect cost rate.

2. The NYSDEC may revise the required quarterly amount which revision may take into account factors such as inflation, salary increases, accrued interest to be applied to the balance, changes in operation hours and procedures, the need for additional or fewer on-site monitors and supervision of such monitors by full-time monitor supervisors. The Town may seek information from the Department as to the reason for any such revision, and such information shall not be unreasonably withheld. It is understood by the parties hereto that the sum of Ten Thousand (\$10,000) Dollars is based on the provision of funding for 10% of the cost as described above of one environmental monitor position. Any quarterly revision to this amount will be based on this same type of calculation.

3. Within thirty (30) calendar days after receipt of a quarterly statement/invoice from the NYSDEC, the Town shall forward the amount due to the NYSDEC at: NYS Department of Environmental Conservation, Room 608, 50 Wolf Road, Albany, New York 12233-1510, Attention: Director, Environmental Monitors. Payments are to be in advance of the period in which they will be expended.

4. Upon termination of this Order and payment of any outstanding costs, the unexpended balance, including interest, will be returned to Respondent. Upon DEC approval of the Closure Certification Report for the landfill(s), the environmental monitor amount will be reduced, commensurate with expected future costs of environmental monitoring pursuant to this paragraph I.B.

5. Failure to submit timely payments shall be considered a violation of this Order which may be enforced pursuant to the terms of this Order and/or as otherwise provided by law.

6. The obligation under this Section (I.B.) shall terminate if a change in law occurs such that a monitor for this subject facility would no longer be required by law and/or regulation.

7. See paragraph 7 under Section I.A. above on page 3.
4

C. Modification to Schedule Dates

The parties hereto recognize that implementation may be subject to compliance with, among other things, the competitive bidding requirements of the General Municipal Law. The parties further recognize that delays may result in awarding contracts and implementation of contracts when such bidding process is required. If any such delay occurs due to the bidding requirement, the Town may make application to the Department for a modification of the schedule dates herein, provided that the Town requests such modification at least ten (10) business days prior to the date for which it is sought and that said request provide justification for the modification sought, including a showing that the delay was due to circumstances beyond the Town's control.

If such a modification request is made, the modification requested shall not be unreasonably withheld by the Department. This is not intended to limit to any extent the Town's right to apply for variances, waivers or modifications as provided elsewhere in this agreement or under Part 360.

D. 360 Applicability

Unless otherwise specifically noted herein, the closure and post-closure requirements of the 360 regulations in effect on October 8, 1993, shall apply to this Compliance Schedule. However, should the closure and/or post-closure requirements subsequently be amended or revised so as to be less costly or onerous to the Respondent, the Respondent, at its sole option, can elect to proceed in compliance with the updated requirements.

E. Request for Variances, Modifications, etc.

The Town may submit in writing to the Department bona fide requests for modifications of the time deadlines included in the "Technical Requirements" (Section II, below) of this Compliance Schedule, as well as variances, modifications or waivers under §360-1.7(c), of any substantive Part 360 requirement. A bona fide request under this paragraph is defined as one which has been previously discussed with the Department's technical staff and been deemed, in writing, by such staff, to be technically complete and approvable, regardless of staff's opinion as to whether or not it will ultimately be approved on the merits.

Any such variance, modification and/or waiver requests with regard to the provisions of II.B. below, will be submitted by the Town no later than ninety (90) days of the Department's approval of the CIR. The deadlines herein shall be suspended pending the Department's determination that the request is bona fide and its subsequent determination on the merits of any such bona fide request. Variance, modification or waiver requests may be submitted subsequent to ninety (90) days after the Department's approval of the CIR, but the deadline imposed herein shall not be suspended during the Department's review and determination of such a request.

As to requests for an extension of the time deadline(s) under this Order, if said requests are submitted in writing to the Department at least thirty (30) days prior to the subject deadline(s), the subject

deadline(s) will be suspended until the Department has rendered such a determination in writing.

F. Landfill Closure Funding.

The Department and the Town understand that interest-subsidized short and long-term loans are available through the Environmental Facilities Corporation to fund municipal landfill closure costs, and that, in particular short-term subsidized-interest loans may be available to cover landfill closure costs pending the availability of landfill closure grants under the Environmental Protection Fund. Any interest paid by the Town for loans pending Environmental Protection Fund grant authorization would qualify as grant eligible costs under the terms of the grant agreement and applicable legal requirements.

Further, the Department will take all necessary steps to facilitate development of financing arrangements, including expeditious review and approval of the Town's applications for funding under the Environmental Protection Fund that meet the requirements of the law and associated rules and regulations now being promulgated by the Department. The Town's relative position on the grant eligibility list will be based upon the date of application unless the application is subsequently disqualified.

II. TECHNICAL REQUIREMENTS:

A. General Requirements

Immediately,

Respondent, having ceased operation of the Young's Avenue Landfill on October 8, 1993, shall continue to maintain Landfill in compliance with the requirements set forth in 6 NYCRR 360-1.14(w).

B. Landfill Closure Requirements:

Within two (2) weeks of the date of the execution of this Order,

Respondent shall submit to the Department any and all of its existing data relative to landfill gas and hydrogeologic conditions at the site.

Within forty-five (45) days of the Department's written notification to Respondent as to what additional investigations and data, if any, are necessary with regard to methane gas and hydrogeologic conditions at the site,

Respondent shall submit to the Department for its approval, an approvable workplan for the performance of such investigations and gathering of such data. Said workplan shall include a proposed implementation schedule with implementation to commence within forty-five (45) days of Department approval of the workplan. Respondent shall complete implementation in accordance with the DEC approved workplan and schedule.

Within one hundred and fifty (150) days of the completion of the implementation of the above-referenced workplan, or of the Department's determination that no additional investigation or data is necessary, whichever is sooner.

Within thirty (30) days of receipt of DEC's comments on the draft CIR,

Respondent shall submit to the Department, an approvable¹ draft Closure Investigation Report (CIR) in compliance with 6 NYCRR 360-2.15 (a).

A final approvable CIR incorporating DEC's comments shall be submitted by Respondent to the Department for its approval.

The Department-approved CIR shall be attached to and incorporated into this Compliance Schedule as Appendix A. Respondent shall perform such additional investigations as the Department determines necessary due to the analysis and conclusion in the CIR. In the event additional investigations are determined by the Department to be necessary, a schedule for these additional investigations will be mutually agreed to.

Within one hundred and eighty (180) days from the Department approval of CIR or Respondent's completion of any additional investigations deemed necessary by the Department, whichever is longer,

Respondent shall submit to the Department an approvable draft Closure Plan (CP) in compliance 6 NYCRR Part 360-2.15; said plan to include an implementation schedule.

Within sixty (60) days of the receipt of DEC comments on the draft CP,

Respondent shall submit a final approvable CP incorporating the DEC's comments to the Department for its approval. The Department-approved CP shall be attached to and incorporated into this Compliance Schedule as Appendix B.

Within one hundred twenty (120) days after the date of approval of the Closure Plan,

Respondent shall commence implementation and complete it in accordance with the Department-approved Closure Plan and Schedule.

¹"Approvable" as used in this Order shall mean approvable by the Department with minimal revision. "Minimal Revision" shall mean that Respondents can incorporate all revisions required by the Department and resubmit the plan for Department approval within fifteen (15) calendar days after receipt of written comments of the Department.

Within ninety (90) days after completion of all construction activities identified in the Department-approved CP,

Respondent shall submit to the Department for its approval, an approvable Closure Certification Report (CCR), which shall include a written certification of individuals licensed to practice engineering in the State of New York; that all construction activities identified in the Department-approved CP were undertaken in accordance with each requirement of 6 NYCRR Part 360 and this Order. The Department-approved CCR shall be attached to and incorporated into this Compliance Schedule as Appendix C.

The Department specifically acknowledges that if the approved CP includes a landfill cap, the Town may apply for variances so that the cap meets the following minimum requirements:

- (1) a geomembrane barrier with a barrier protection layer of 12" of soil;
- (2) a 12" gas venting layer that has a maximum of ten (10%) percent by weight passing through the #200 sieve after placement;
- (3) a minimum final 6" layer composed of any material that can be shown to be able to continually support plant growth.

The Department acknowledges that based upon the facts as presently known, such variance applications, if they meet the applicable procedural standards, will be deemed bonafide as defined in I.E. above, and absent extenuating circumstances revealed in the Department's review of the applications, will be acted upon favorably by the Department.

As concerns any application for variances for ground and surface water monitoring for the

landfill:

(1) upon implementation of the DEC-approved Closure Investigation Report in accordance with this Stipulation, and

(2) upon implementation of complete baseline parameter monitoring one (1) year from the date of initial base-line monitoring in performance of the approved hydrogeologic work plan and approved CIR, and

(3) upon implementation of quarterly routine monitoring for two (2) years from the date of initial baseline monitoring in accordance with the approved Work Plans and approved CIR²,

the Town may thereafter monitor ground and surface water semi-annually for routine parameters and every three (3) years for baseline parameters, unless monitoring reports reveal a contravention of applicable ground and/or surface water standards deemed material by the DEC in accordance with the following procedure.

If a new or increased contravention of ground and/or surface water standards is documented, the Town may demonstrate to the DEC that the contravention is non-material. In the event that the Town does not make this submission, such contravention will be deemed material. Upon such a demonstration and prior to

² In the event that the Town demonstrates that existing monitoring data satisfies all or part of the initial baseline and/or routine monitoring requirements of this variance, all or part of the initial baseline and/or routine monitoring may be waived by the DEC.

requiring increased routine and/or baseline monitoring, the Department must find the contravention to be material by considering the following factors:

(1) the toxicity or other hazard of the contravening substance(s);

(2) the potential impacts to public health (including drinking water supplies), the environment or natural resources threatened by the contravention;

(3) whether the contravention may reveal a potential failure of the landfill cap.

Notwithstanding the procedure set forth in this paragraph, upon finding by the Department that the contravention is material, the Town shall perform additional monitoring as deemed necessary by the Department to determine the scope and nature of pollution by the contravening substance(s) and associated substances pending resolution of any dispute that may arise regarding the Department's finding that the contravention is material.

C. Solid Waste Management Plan (SWMP)

Within twelve (12) months unless otherwise required in chosen solid waste management alternatives,

Respondent shall submit to the Department, an approvable draft Solid Waste Management Plan which includes a Comprehensive Recycling Analysis (CRA).

Within thirty (30) days of receipt of DEC's comments on draft SWMP,

Respondent shall submit an approvable final SWMP to the Department. The Department-approved plan shall be attached to and incorporated into this

Compliance Schedule as Appendix D.

Upon approval of the SWMP by the Department,

Respondent shall implement the approved SWMP.

D. Reclamation

Within twelve (12) months of the date of execution of this Order,

The Town, at its sole option and discretion, shall have the right to investigate the feasibility of complete and/or partial reclamation of the facility pursuant to 360-2.18 effective October 9, 1993 as a partial or complete alternative to closure and shall have submitted to the Department, an approvable Feasibility Study Report.

Within three (3) months of the Department's approval of the Feasibility Study Report,

The Town shall have submitted to the Department for its approval, an approvable reclamation workplan with an implementation schedule. Upon Department approval of the reclamation workplan, it shall be implemented by the Town in accordance with the approved plan and shall be attached to and become incorporated into this Schedule as Appendix E.

Upon DEC approval of the reclamation plan, the Town shall have the right to seek a modification of the deadlines in this schedule for tasks in the Closure Plan Implementation which may be impacted by reclamation. The Town shall not be held in default under this schedule if they are waiting for a response from DEC to their request for such a modification after DEC approval of a reclamation plan, nor shall the Town be held in default under this schedule if they have submitted an approvable feasibility study report in accordance with this schedule and have not yet received a Department decision on it. DEC's approval of any such modification request shall not be unreasonably withheld. It is understood herein that this option is to be explored by the Town concurrently with the time frames in this schedule, and not as a substitute for them, until such time as a reclamation plan is approved by the Department.

ATTACHMENT II

AGREEMENT, made and entered into this _____ day of October 1994 by and between the Towns of Riverhead, Southold and East Hampton ("Towns"), and the State University of New York at Stony Brook ("SUNY") on behalf of its Center for Excellence and Innovation in Education, who will work in conjunction with the Marine Sciences Research Center.

The parties to this agreement hereby agree that:

1. The Towns hereby retain the services of SUNY for purposes of developing, implementing and operating the East End Environmental Camp (the Project), which is more fully described below.

2. Within ninety (90) calendar days after execution of this Agreement, SUNY shall submit to the New York State Department of Environmental Conservation ("DEC"), a plan and description of the Project ("Project Plan"), including a schedule for development and implementation of the project for commencement, during the Summer of 1995. The Project Plan shall, at a minimum, include the following:

a. Beginning on January 15, 1995, submittal by SUNY to the DEC and the Town, an annual budget and proposed program for the following summer season on or before November 15 of each year;

b. Beginning on October 1, 1995, submittal by SUNY to the DEC and the Town, an annual year end report on the prior summer's experience by no later than October 1 of each year;

c. Provision for at least three (3) one-week sessions per

summer of the environmental education camp commencing in the summer of 1996, serving approximately 100 (but not less than 75) campers per week, including contractual arrangements with the Baiting Hollow Camp or an acceptable alternate site, and provision for necessary supplies, equipment and associated contractual services; a one-week experimental camp serving 100 (but not less than 75) campers per week shall be conducted during the summer of 1995.

d. Provision for hiring, training and qualifications of conservation camp supervisor(s), conservation camp counselor(s), and all other employees necessary pursuant to any applicable laws, rules and regulations for such projects and/as necessary to implement the Project;

e. A curriculum comparable to that developed for existing environmental education camps in New York State, centering on natural resources and environmental quality through active participation in the environment, including but not limited to studies to be conducted in streams, ponds, marshes, coastal environments and woodlands in the environment of the camp so as to lead to a better understanding of the interconnections of components of the environment; aimed at developing environmental literacy and the acceptance of personal responsibility for stewardship of resources; and emphasizing the importance and value of the marine resources and their history on Long Island;

f. Provision for necessary capital improvements to the selected camp site; and

g. Provision for the establishment of a schedule for camper tuition/fees and eligibility criteria; SUNY shall exercise its best efforts to ensure that at least 30% of the campers reside outside of Suffolk County; SUNY shall also establish a program for at least 30% full-paid scholarships based upon economic need. Fifteen (15%) percent of such full paid scholarships shall be per Town for camper participating herein, for residents of the Town.

h. Provision for at least 15% of available camper spots to be offered to children from each of the Towns participating in the funding of the Project. (i) A plan for recruitment of attendees to meet the percentages noted in g and this section h. The recruitment for the 15% from the Town will be coordinated through the Town's recreation department. If the 15% have not been filled within ninety (90) days of the starting date of that summer's camp, SUNY reserves the right to fill any vacant spots from other areas.

3. Upon approval by the DEC of the Project Plan, SUNY shall implement the Project Plan as approved.

4. If the Baiting Hollow Camp site should for any reason become unavailable, any alternate site selected by SUNY shall be located in one of the Towns participating in the Project.

5. The parties acknowledge that SUNY is an independent contractor and solely responsible for the planning implementation and operation of the Project. SUNY shall, to the fullest extent authorized under the New York State Court of Claims Act and case decisions thereunder, be responsible to the Towns (and DEC) for

all liability, demands, claims, suits, losses, damages, causes of action, fines or judgments, including costs, reasonable attorneys' fees if assessed by a court of competent jurisdiction, witness fees and expenses incident thereto, for damages to persons or property arising out of or in connection with the Project if caused by negligence of the Center, its agents or employees. In addition, SUNY shall purchase and maintain liability and/or any other insurance necessary for the implementation of the Project in the appropriate amounts but not less than One Million Dollars per person and Three Million Dollars per incident. Said insurance shall name the Towns and the DEC as additional insureds.

6. Beginning on February 1, 1995, SUNY shall as prescribed in Attachment I incorporated herein receive from the Towns funds on or before February 1 of each year for that year's summer camp. If, for any reason, SUNY does not implement the Project after having withdrawn funds from the escrow account, any funds not already dedicated for a specific purpose will be immediately returned to the DEC for return to the escrow account.

7. SUNY acknowledges that the source of the funding for the project is monies paid by the Towns into an escrow fund established and maintained by SUNY under sole and exclusive control in amounts specified in stipulations of settlement entered into between each Town and NYSDEC on this date, and fees paid by users. SUNY acknowledges that it is familiar with the terms of the stipulations and in particular, with the monies to be paid and the dates when they are due. SUNY further acknowledges that

neither one of the Towns will provide any additional monies other than those specified in the stipulations of settlement and that NYSDEC and SUNY is providing no independent funds for the Project.

8. SUNY shall expend money only from the escrow account upon prior approval by the NYSDEC's Regional Attorney after submission of an annual budget. All disbursements from the account must be made in accordance with the Department approved budget.

9. The parties hereto agree that this Agreement shall remain in effect from the date of its execution until October 1, 2001, provided, however, that if monies paid by these Towns remain in the escrow account after October 1, 2001, this Agreement shall remain in effect until all monies adequate for the continued operation of the camp in said account have been expended. SUNY may elect to terminate this agreement in the event adequate monies are not available. Such termination shall be effective upon the Towns and DEC's receipt of written notice. Said notice to be at least sixty (60) days prior to any such termination.

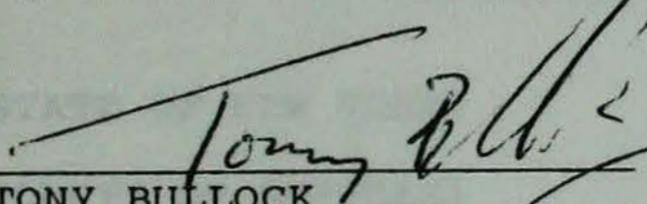
10. SUNY acknowledges its obligation to develop, implement and operate the Project in accordance with the NYSDEC-approved Project Plan. If the NYSDEC determines that SUNY has failed to develop, implement and operate the Project in accordance with the NYSDEC-approved Project Plan, SUNY, upon notification from the NYSDEC, must return any monies not dedicated for a specific purpose to the escrow account, which the NYSDEC determines to be necessary. The parties hereto hereby recognize the authority of the NYSDEC to make determinations in this regard.

11. It is understood and agreed to by the parties hereto, that SUNY shall be relieved of all obligations herein in the event an

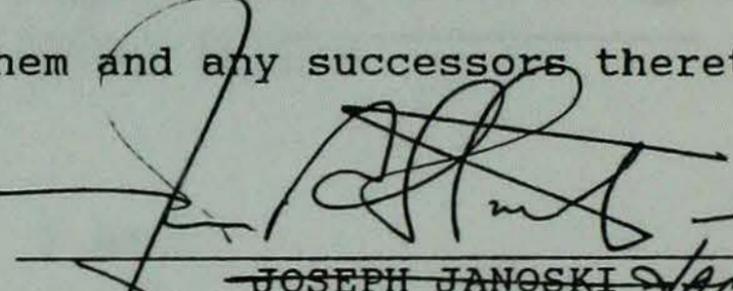
acceptable camp site suitable to carry out such obligations is not available or in the event circumstances beyond it's control prevent SUNY's operation of the camp.

12. The provisions of Exhibit A (Standard State clauses) are incorporated herein.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands hereby acknowledging that the provisions of this agreement shall be binding upon them and any successors thereto.



TONY BULLOCK
Supervisor
on behalf of the
Town of East Hampton



~~JOSEPH JANOSKI~~ *James R. STARK*
Deputy Supervisor
on behalf of the
Town of Riverhead

THOMAS WICKHAM
Supervisor
on behalf of the
Town of Southold

MICHAEL DEMARTIS
Director of Purchasing
and Stores Purchasing
State University of New York
at Stony Brook

STATE OF NEW YORK)
COUNTY OF SUFFOLK)

) ss.:

On this 4th day of October 1994, before me personally came Tony Bullock, to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

JEAN R. HORNECK
NOTARY PUBLIC
STATE OF NEW YORK
#4772498
QUALIFIED IN SASSAU COUNTY
COMMISSION EXPIRES MARCH 30, 1996

Jean R. Horneck
NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF SUFFOLK)

) ss.:

On this _____ day of _____ 1994, before me personally came Thomas Wickham, to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF SUFFOLK)

) ss.:

On this _____ day of _____, 1994, before me personally came Michael DeMartis, to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

NOTARY PUBLIC

STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

On this 4th day of October, 1994, before me personally came James R. Stalk ~~Joseph Janoski~~, to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

Robert F. Kerpman
NOTARY PUBLIC

Notary Public
State of New York
No. 34319
Qualified in Suffolk County
Term Expires July 31, 1995

LS:A:encehamp1004941s

October 4, 1994

TOWN OF RIVERHEAD

RESOLUTION # 717

COUNCILMAN CREIGHTON OFFERED THE FOLLOWING RESOLUTION

WHICH WAS SECONDED BY **COUNCILWOMAN GILLIAM**

BE IT RESOLVED, THAT THE SUPERVISOR BE AND IS HEREBY AUTHORIZED TO ESTABLISH THE FOLLOWING BUDGET ADJUSTMENT; AND

BE IT FURTHER RESOLVED, THAT THE TOWN CLERK BE AND IS HEREBY AUTHORIZED TO FORWARD A COPY OF THIS RESOLUTION TO THE TOWN ENGINEER AND THE OFFICE OF ACCOUNTING.

	FROM	FROM
001.014400.543500 CONSULTING EXPENSE		\$300.00
001.014400.543500 CONSULTING EXPENSE		\$300.00
		TO
001.014400.542100 MISC. OFFICE EXPENSE		\$300.00
001.014400.542114 PROF. DUES & SUBSCRIPTIONS		\$300.00

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
 Stark Yes ___ No ___ Prusinowski Yes ___ No ___
 Janoski ___ Yes ___ No *absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

OCTOBER 4, 1994

TOWN OF RIVERHEAD

Resolution # 718

WATER DISTRICT
BUDGET ADJUSTMENT

COUNCILWOMAN GILLIAM OFFERED THE FOLLOWING RESOLUTION WHICH
WAS SECONDED BY COUNCILMAN CREIGHTON.

BE IT RESOLVED, THAT THE SUPERVISOR BE AND HEREBY IS, AUTHORIZED TO
ESTABLISH THE FOLLOWING BUDGET ADJUSTMENT:

		FROM:	
112.083200.541100.00000	REPAIR EXPENSE	\$6,000.00	
			TO:
112.083100.542100.00000	OFFICE EXPENSE		\$6,000.00

112.050100.540100	HEAT	\$	1,000.00
112.050100.541100	BLDG. MAINTENANCE	\$	700.00
112.050100.542100	WATER	\$	100.00
112.050100.543100	TOWN BOARD	\$	300.00
112.050100.544100	SUPERVISOR	\$	200.00
112.050100.545100	JUSTICE, BAR	\$	1,000.00
112.050100.546100	ENGINEER, OFFICE	\$	250.00
112.050100.547100	TOWN HALL OPERATIONS	\$	1,000.00
112.050100.548100	BLDG. & GROUND	\$	250.00
112.050100.549100	POLICE STATION	\$	2,000.00
112.050100.550100	SAFETY INSPECTION	\$	1,700.00
112.050100.551100	UNALLOCATED INSTALANCE	\$	11,500.00
112.050100.552100	JAB SUPPLIES	\$	25.00
112.050100.553100	JAB UTILITIES	\$	100.00
112.050100.554100	AMBULANCE, JAMESTOWN UTILITIES	\$	500.00
112.050100.555100	AMBULANCE UNIFORMS	\$	75.00
112.050100.556100	BLDG. MAINTENANCE, JAMESTOWN	\$	250.00
112.050100.557100	AMBULANCE, RIVERHEAD UTILITIES	\$	2,000.00

THE VOTE

Gilliam Yes No Creighton Yes No
 Stark Yes No Prusinowski Yes No
 Janoski Yes No *Absent*

THE RESOLUTION WAS WAS NOT
 THEREUPON DULY DECLARED ADOPTED

OCTOBER 4, 1994

TOWN OF RIVERHEAD

Resolution # 719GENERAL TOWN
BUDGET ADJUSTMENT

~~COUNCILMAN PRUSINOWSKI~~ OFFERED THE FOLLOWING RESOLUTION WHICH
WAS SECONDED BY COUNCILMAN STARK.

BE IT RESOLVED, THAT THE SUPERVISOR BE AND HEREBY IS, AUTHORIZED TO
ESTABLISH THE FOLLOWING BUDGET ADJUSTMENT:

		FROM:	
001.050100.542100	OFFICE EXPENSE	\$	1,000.00
001.050100.542100	TELEPHONE	\$	1,000.00
001.012200.543405	SUPERVISOR, TRAVEL EXP.	\$	900.00
001.016200.542113	TOWN HALL OPERATION, POSTAGE	\$	1,500.00
001.019500.547100	TAXES ON TOWN PROPERTY	\$	1,700.00
001.090150.581100	NYS POLICE RETIREMENT	\$	17,525.00
001.014400.543500	ENGINEERING, CONSULT.	\$	500.00
001.031250.542112	JAB, PROGRAMS	\$	125.00
001.045400.543401	AMBULANCE, TRAINING	\$	2,000.00
001.045400.544300	AMBULANCE, INCENTIVE PROG.	\$	30.00
		TO:	
001.050100.546300	HEAT	\$	1,000.00
001.050100.541150	BLDG. MAINTENANCE	\$	900.00
001.050100.546400	WATER	\$	100.00
001.010100.524000	TOWN BOARD, EQUIPMENT	\$	300.00
001.012200.524300	SUPERVISOR, SERV. EQUIPMENT	\$	600.00
001.011100.524000	JUSTICE, EQUIPMENT	\$	1,000.00
001.014400.542100	ENGINEER, OFFICE EXPENSE	\$	250.00
001.016200.545210	TOWN HALL OPERATION, COPIER	\$	3,000.00
001.016250.542500	BLDG. & GROUNDS, SUPPLIES	\$	250.00
001.016230.542500	POLICE STATION, SUPPLIES	\$	2,000.00
001.036200.524000	SAFETY INSPECTION, EQUIPMENT	\$	1,700.00
001.019100.548300	UNALLOCATED INSURANCE	\$	11,830.00
001.031250.542104	JAB, SUPPLIES	\$	25.00
001.031250.546000	JAB, UTILITIES	\$	100.00
001.045400.546202	AMBULANCE, JAMESPORT UTILITIES	\$	500.00
001.045400.542400	AMBULANCE, UNIFORMS	\$	75.00
001.045400.541152	BLDG. MAINTENANCE, JAMESPORT	\$	650.00
001.045400.546201	AMBULANCE, RIVERHEAD UTILITIES	\$	2,000.00

OCTOBER 4, 1994

TOWN OF RIVERHEAD

Resolution # 720

Resolution # 720

SUFFOLK THEATER AQUISITION AND IMPROVEMENT CAPITAL PROJECT

BUDGET ADJUSTMENT

COUNCILMAN STARK OFFERED THE FOLLOWING RESOLUTION WHICH

WAS SECONDED BY COUNCILMAN PRUSINOWSKI

BE IT RESOLVED, THAT THE SUPERVISOR BE AND HEREBY IS, AUTHORIZED TO ESTABLISH THE FOLLOWING BUDGET ADJUSTMENT:

		FROM:
406.019400.522000.40018	BLDG. AQUISITION	\$39,000.00
406.019400.541162.40018	BLDG. IMPROVEMENTS	\$ 1,000.00
		TO:
406.019400.543600.40018	ARCHITECTURAL SERVICES	\$40,000.00

THE VOTE

Gilliam Yes No Creighton Yes No
 Stark Yes No Prusinowski Yes No
 Janoski Yes No *Absent*

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

10/4/94

TOWN OF RIVERHEAD

Resolution # 721

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING - SPECIAL PERMIT OF EDWARD BROIDY

COUNCILMAN CREIGHTON

offered the following resolution,

which was seconded by **COUNCILWOMAN GILLIAM** :

RESOLVED, that the Town Clerk be and is hereby directed to publish and post the attached notice of public hearing regarding the special permit application of Edward Broidy to construct a sports complex on property located on Edwards Avenue, Calverton, New York.

petition of Edward Broidy to develop a recreational use on real property located on Edwards Avenue, Calverton, such real property more particularly described as Suffolk County tax Map Parcel No. 8508-117-1-2.4.

Town of Riverhead, New York
October 4, 1994

By Order of the Town Board
of the Town of Riverhead

BARBARA GRAYSON, Town Clerk

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski Yes ___ No ___
Janoski ___ Yes ___ No *Absent*

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD
PUBLIC HEARING**

PLEASE TAKE NOTICE, that a Public hearing will be held on the 18th day of October, 1994 at the Riverhead town Hall, 200 Howell Avenue, Riverhead, New York at 7:10 p.m., o'clock in order to gain the views of interested persons on the following actions special permit petition of Edward Broody to develop a recreational use on real property located on Edwards Avenue, Calverton; such real property more particularly described as Suffolk County tax Map Parcel No. 0600-117-1-8.6.

DATED: Riverhead, New York
October 4, 1994

By Order of the Town Board
of the Town of Riverhead

BARBARA GRATTAN, TOWN CLERK

COUNCILMAN PRUSINOWSKI offered the following resolution, which was seconded by COUNCILMAN STARK

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

ACCOUNTS	TOTALS
GENERAL TOWN 001	\$851,528.65
PARKING METER 002	\$0.00
AMBULANCE FUND 003	\$0.00
POLICE ATHLETIC LEAGUE 004	\$1,050.00
TEEN CENTER 005	\$0.00
RECREATION PROGRAM 006	\$1,087.44
SENIOR NUTRITION SITE COUNCIL 007	\$0.00
D.A.R.E. PROGRAM FUND 008	\$0.00
CHILD CARE BUILDING FUND 009	\$0.00
HIGHWAY 111	\$3,984.15
WATER 112	\$15,000.00
REPAIR & MAINTENANCE 113	\$0.00
SEWER 114	\$5,212.54
REFUSE & GARBAGE COLLECTION 115	\$1,037.74
STREET LIGHTING 116	\$1,329.05
PUBLIC PARKING 117	\$267,507.60
BUSINESS IMPROVEMENTS DISTRICT 118	\$210.65
T.O.R. URBAN DEV CORP TRUST A/ 119	\$0.00
WORKER'S COMPENSATION FUND 173	\$3,222.50
HOSPITALIZATION SELF INSURANCE 174	\$0.00
RISK RETENTION FUND 175	\$0.00
UNEMPLOYMENT INSURANCE FUND 176	\$0.00
HAIN STREET REHAB PROGRAM 177	\$0.00
REVOLVING LOAN PROGRAM 178	\$0.00
RESIDENTIAL REHAB 179	\$0.00
DISCRETIONARY/SMALL CITIES 180	\$0.00
CDBG CONSORTIUM ACCOUNT 181	\$0.00
URBAN DEVEL CORP WORKING 182	\$0.00
RESTORE 184	\$0.00
PUBLIC PARKING DEBT 381	\$0.00
SEWER DISTRICT DEBT 382	\$1,128.71
WATER DEBT 383	\$14,503.47
GENERAL FUND DEBT SERVICE 384	\$27,887.50
SCAVANGER WASTE DISTRICT DEBT 385	\$0.00
TOWN HALL CAPITAL PROJECTS 406	\$30,320.24
EIGHT HUNDRED SERIES 408	\$0.00
WATER IMPROVEMENT CAP. PROJECT 409	\$0.00
NUTRITION CAPITAL IMPROVEMENTS 441	\$0.00
CHIPS 451	\$0.00
YOUTH SERVICES 452	\$0.00
SENIORS HELPING SENIORS 453	\$0.00
EISEP 454	\$0.00
SCAVANGER WASTE CAP PROJECT 470	\$0.00
MUNICIPAL FUEL FUND 625	\$1,706.77
MUNICIPAL GARAGE 626	\$4,264.93
TRUST & AGENCY 735	\$1,666.10
SPECIAL TRUST 736	\$76,800.00
JOINT SCAVANGER WASTE 918	\$3,090.37
PAYROLL CLEARING ACCOUNT 998	\$0.00
CENTRAL CLEARING ACCOUNT 999	\$0.00
*****GRAND TOTAL*****	\$1,312,538.41

THE VOTE

Gilliam Yes No
 Stark Yes No
 Creighton Yes No
 Prusinowski Yes No
 Janoski Yes Absent

THE RESOLUTION WAS NOT DULY DECLARED ADOPTED

10/04/94

TOWN OF RIVERHEAD

RESOLUTION # 723
Adopted October 4, 1994

AUTHORIZES RELEASE OF RIVERHEAD TOWN HOUSE NUMBERS

COUNCILMAN PRUSINOWSKI offered the following resolution, which was seconded by COUNCILMAN STARK.

WHEREAS, the Town Board of the Town of Riverhead is committed to providing enhanced emergency services to all residents and property owners; and

WHEREAS, the Town of Riverhead in cooperation with the U.S. Postal Service and numerous emergency service agencies has embarked upon a much-needed program involving the numbering of all residential and commercial structures; and

WHEREAS, this project will benefit the establishment of the Enhanced 911 program as well as all emergency and delivery service agencies.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Riverhead hereby authorizes the release of all numbers for residential and commercial structures, and be it further

RESOLVED, that the Town Board hereby requires that all respective residents and businessowners comply with this project by properly displaying their property numbers on their residences and/or business; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Office of the Receiver of Taxes; U.S. Postal Service; and all emergency service agencies within the Town of Riverhead.

THE VOTE

Gilliam Yes ___ No ___ Creighton Yes ___ No ___
Stark Yes ___ No ___ Prusinowski ___ Yes ___ No ___
Janoski ___ Yes ___ No absent

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10/4/94

TOWN OF RIVERHEAD

RESOLUTION #724

AWARDS BID FOR RECONSTRUCTION OF BULKHEAD AT
MEETINGHOUSE CREEK, AQUEBOGUE

COUNCILMAN PRUSINOWSKI offered the following resolution,
which was seconded by COUNCILMAN STARK.

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for the reconstruction of bulkhead at Meetinghouse Creek, Aquebogue; and

WHEREAS, two (2) bids were received, opened and read aloud on the 16th day of September, 1994, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the notice to bidders.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the reconstruction of bulkhead using recycled plastic at Meetinghouse Creek, Aquebogue, be and is hereby awarded to JAMES H. RAMBO, INC. FOR THE SUM OF SIXTY NINE THOUSAND ONE HUNDRED THIRTY-TWO (\$69,132.00) DOLLARS; and be it further

RESOLVED, that the Town Board hereby directs the town Clerk to return any 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 James H. Rambo, Inc. Bishops Lane, Southampton, New York, 11968; the Engineering Department and the Accounting Department.

THE VOTE

Gilliam	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Creighton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Stark	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Prusinowski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Janoski	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <i>Absent</i>

THE RESOLUTION WAS WAS NOT
THEREUPON BEING DECLARED ADOPTED