

10/20/92

628 COMMENDS JIM & CONNIE LULL AND MEMBERS OF THE BICENTENNIAL COMMISSION FOR THEIR OUSTANDING EFFORTS

Councilperson Stark offered the following resolution, which was seconded by Councilperson Prusinowski.

WHEREAS, it is both fitting and proper to identify individuals who have devoted themselves to the betterment of the Town through community service; and

WHEREAS, Jim and Connie Lull are serving as the Co-Chairpersons of the Bicentennial Commission; and

WHEREAS, Jim and Connie Lull and the members of the Bicentennial Commission should be recognized for their outstanding performance in fostering the celebrations marking the 200th Anniversary of the Town of Riverhead; and

WHEREAS, through their efforts such as the Bicentennial Parade, Bicentennial Ball, Re-Enactment of the First Town Board Meeting, have instilled pride in the residents of the Town of Riverhead.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead wishes to recognize and commend the outstanding efforts of Jim and Connie Lull and the members of the Bicentennial Commission for creating historic occasions which will long live in the memory of the people of our great Town; and

BE IT FURTHER RESOLVED, the Town Clerk be and is hereby authorized to forward a copy of this resolution to Jim and Connie Lull.

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish this resolution in its entirety once in the Suffolk Life Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy thereof to

629 RESOLUTION CALLING PUBLIC HEARING, RE: CONSTRUCTION OF LATERAL SEWER IN MADISON STREET PURSUANT TO SECTION 199 OF THE TOWN LAW

Councilperson Prusinowski offered the following resolution which was seconded by Councilperson Stark,

WHEREAS, HAROLD O. PETERSON has petitioned the Town Board of the Town of Riverhead to construct a lateral sewer in Madison Street pursuant to Section 199 of the Town Law to consist of: Two (2) sanitary manholes four feet diameter, 210 feet of eight inch PVC pipe, all fittings necessary to make connections to manholes and to his house and restoration of all pavement, and

WHEREAS, a map and plan prepared by Young and Young, Riverhead, New York, are on file with the Town Clerk of the Town of Riverhead for public inspection, and

WHEREAS, HAROLD O. PETERSON, has deposited with the Riverhead Sewer District the sum of \$9,000, the estimated cost of construction, engineering, legal and publication and contingencies and has bound himself to pay to the Town of Riverhead any additional costs and expenses so that the lateral shall be constructed without cost to the Riverhead Sewer District,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Town Law Section 199, the Town Board, as governing body of the Riverhead Sewer District, on its own motion, resolves that a public hearing will be held at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, in said Town, on the 2nd day of November, 1992, at 7:20 o'clock p.m. prevailing time, on the matter of the construction of a lateral sewer in Madison Street, pursuant to Section 199 of the Town Law to consist of: Two (2) sanitary manholes four feet diameter, 210 feet of eight inch PVC pipe, all fittings necessary to make connections to manholes and to Petitioner's house and restoration of all pavement, at an estimated cost of \$9,000, which sum has been deposited with the Riverhead Sewer District by Petitioner, HAROLD O. PETERSON, and which lateral shall be constructed without cost to the Riverhead Sewer District, and to hear all persons interested in the subject thereof, concerning the same, and to take such action as required or authorized by law, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish this resolution in its entirety once in the Suffolk Life Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy thereof to

be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty days before the date designated for the public hearing, and be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to Pierre Lundberg, Esq.; Michael Reichel; and Harold O. Peterson.

WHEREAS, the Town Board of the Town of Riverhead, acting in the capacity of Commissioner of the Town of Riverhead Water District, has determined that the surface of land owned by the Riverhead Water District, known as "Stobsky Park" and designated as SCTN 00600-125-1-4, is not needed by the Riverhead Water District for any Water District purpose; and

WHEREAS, said land has been used by the Town of Riverhead Police Department since approximately 1968 and the intent is to continue to use Stobsky Park for recreational purposes; and

WHEREAS, the Town of Riverhead intends to lease a portion of said land for a child care center; and

WHEREAS, the Riverhead Water District hereby reserves all rights-of-way necessary to maintain and operate any facilities, equipment or other items necessary for the proper functioning of the Riverhead Water District, and no leasehold shall interfere with the functioning of Well and Pump Station No. 2 of said Water District.

AND, THEREFORE, BE IT

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

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of November, 1992, at 7:15 o'clock p.m. at Town Hall, 730 Howell Avenue, Riverhead, New York, to hear all interested persons to consider a surface lease of land at Pulaski Street, Riverhead, New York, known as Stobsky Park and designated as SCTN 00600-125-1-4, from the Riverhead Water District to the Town of Riverhead for the annual sum of \$1.00, plus landlord/tenant liability insurance to the Water District in the sum of \$1,000,000.00.

Attest: Riverhead, New York
October 20, 1992.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Barbara Creighton, Town Clerk

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

10-20-92

630 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER LEASING PROPERTY OWNED BY THE RIVERHEAD WATER DISTRICT

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Prusinowski :

WHEREAS, the Town Board of the Town of Riverhead, acting in the capacity of Commissioner of the Town of Riverhead Water District, has determined that the surface of land owned by the Riverhead Water District, known as "Stotsky Park" and designated as SCTM #0600-125-1-4, is not needed by the Riverhead Water District for any Water District purpose; and

WHEREAS, said land has been used by the Town of Riverhead Recreation Department since approximately 1968 and the intent is to continue to use Stotsky Park for recreational purposes; and

WHEREAS, the Town of Riverhead intends to lease a portion of said land for a child care center; and

WHEREAS, the Riverhead Water District hereby reserves all rights-of-way necessary to maintain and operate any facilities, equipment or other items necessary for the proper functioning of the Riverhead Water District, and no leasehold shall interfere with the functioning of Well and Pump Station No. 2 of said Water District.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 198(12)(a) of Town Law, the Town Clerk is hereby directed to publish the following public notice once in the Suffolk County Life:

TOWN OF RIVERHEAD PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of November, 1992, at 7:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider a surface lease of land at Pulaski Street, Riverhead, New York, known as Stotsky Park and designated as SCTM #0600-125-1-4, from the Riverhead Water District to the Town of Riverhead for the annual sum of \$1.00, plus landlord/tenant liability insurance to the Water District in the sum of \$1,000,000.00.

Dated: Riverhead, New York
October 20, 1992.

Gilam Yes No Creighton Yes No
Birk Yes No Prusinowski Yes No
Janoski Yes No

BY ORDER OF THE TOWN BOARD OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

10-20-92

631AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE
REGARDING CHANGE OF REGULAR TOWN BOARD MEETING DATE

COUNCILPERSON Creighton offered the following resolution, which was seconded by COUNCILPERSON Gilliam:

WHEREAS, the next regular meeting of the Town Board is November 3, 1992; and

WHEREAS, November 3, 1992, is Election Day, which is a holiday and Town Hall is closed; and

WHEREAS, it is the desire of the Town Board to hold its regular meeting on November 2, 1992.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice in the October 21, 1992, issue of the Suffolk County Life:

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE, that due to Election Day, the next regularly scheduled meeting of the Town Board of the Town of Riverhead will be held on Monday, November 2, 1992, at Town Hall, 200 Howell Avenue, Riverhead, New York, at 7:00 p.m.

Dated: Riverhead, New York
October 20, 1992

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

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

632

AUTHORIZES THE SOLICITATION OF BIDS FOR 1993 PICKUP TRUCK

COUNCILPERSON Gilliam offered the following RESOLUTION, which was seconded by COUNCILPERSON Creighton.

RESOLVED, that the Town Clerk be and hereby is authorized to advertise for sealed bids for the purchase of 1993 PICKUP TRUCK for use by the TOWN OF RIVERHEAD BUILDINGS & GROUNDS and be it further

RESOLVED, that the Town Clerk be and hereby is authorized to open and publicly read aloud said bids at 11:00 a.m. on Nov. 4 at Town Hall, 200 Howell Avenue, Riverhead, New York 11901: and to make a report of said bids to the Town Board at the next public meeting following the opening of the bids.

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

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the purchase of 1993 CHEVROLET PICK UP TRUCK for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead New York 11901, until 11:00 a.m. on Nov. 4th 1992.

Bid packets , including specification, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 am and 4:30 pm.

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

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

All bids are to be submitted in a sealed envelope bearing the designation 1993 CHEVROLET PICK UP TRUCK.

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

Barbara Grattan, Town Clerk

10-20-92

633 AUTHORIZES TOWN CLERK TO REPUBLISH & REPOST PUBLIC NOTICE TO CONSIDER THE DEMOLITION OF THE RIMLAND BUILDING PURSUANT TO CHAPTER 54 "UNSAFE BUILDING AND COLLAPSED STRUCTURES" OF THE RIVERHEAD TOWN CODE

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Stark :

WHEREAS, pursuant to Chapter 54 of the Code of the Town of Riverhead, the Building Inspector has inspected property known as the Rimland Building, East Main Street, Riverhead, New York, known and designated as SCTM #0600-128-6-50 and has determined that it is an unsafe building and constitutes it to be a hazard to the safety, health and welfare of the residents of the Town of Riverhead because of its dilapidated condition; and

WHEREAS, the date of the public hearing previously published and posted was incorrect; and

WHEREAS, it is the desire of the Town Board to properly publish and post said notice.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider the demolition of the Rimland Building pursuant to Chapter 54 "Unsafe Buildings and Collapsed Structures" of the Riverhead Town Code in the Suffolk County Life:

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 17th day of November, 1992, at 7:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider whether the owner of the building known as the Rimland Building, located at 45 East Main Street, Riverhead, New York, known and designated as SCTM #0600-128-6-50, should secure said building so that the health, safety and welfare of the residents of the Town of Riverhead shall not be endangered or, if the building is found to be in an unsafe condition as described pursuant to Chapter 54 "Unsafe Buildings and Collapsed Structures", to be demolished and removed.

Dated: Riverhead, New York
October 6, 1992.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

AND BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Mr. Philip Rimland, 1604 Abaco Apt. H1, Coconut Creek, Florida, 33066.

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 checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

TOWN OF RIVERHEAD RESOLUTION # 634 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON 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 1993; 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 November 17, 1992,

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 28, 1992.

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

THE VOTE

Gilliam [checked] Yes ___ No ___ Creighton [checked] Yes ___ No ___
Stark [checked] Yes ___ No ___ Prusinowski [checked] Yes ___ No ___
Janoski ___ Yes ___ No ___

THE RESOLUTION WAS [checked] WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD, NEW YORK
BARBARA GRATTIER, TOWN CLERK

PLEASE TAKE NOTICE, that a public hearing will be held on the 17th day of November, 1992 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 1993.

Eligible categories of activities for Community Development funding include:

1. Acquisition of Real Property
2. Disposition
3. Public Facilities and Improvements
4. Clearance
5. Public Services
6. Interim Assistance
7. Relocation
8. Loss of Rental Income
9. Removal of Architectural Barriers
10. Housing Rehabilitation
11. New Housing Construction
12. Code Enforcement
13. Historic Preservation
14. Commercial or Industrial Rehabilitation
15. Special Economic Development
16. Administrative 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. 236/237.

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

A County-wide public hearing will be scheduled at a later date for final review and comments on the County-wide Community Development Program.

DATED: October 28, 1992

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

BARBARA GRATTAN, TOWN CLERK

#635 AUTHORIZES SUPERVISOR TO EXECUTE STIPULATION OF SETTLEMENT WITH EVERETT AND SHIRLEY ROBINSON Councilperson Creighton offered the following resolution, which was seconded by Councilperson Gilliam.

WHEREAS, Everett C. Robinson and Shirley A. Robinson heretofore commenced an action against the Town of Riverhead to recover possession of their property adjoining Youngs Avenue and to recover damages for various acts alleged in the complaint relating to the grading and paving of Youngs Avenue and the installation of two drainage pipes along Youngs Avenue, including alleged destruction of trees and bushes on their property, and

WHEREAS, the Town heretofore conducted an investigation to ascertain relevant facts relating to the allegations in the complaint, and

WHEREAS, the parties now desire to settle this action and have agreed upon the terms and conditions of such settlement, and

WHEREAS, the agreed upon terms and conditions are set forth in a stipulation of settlement prepared by Richard E. DePetris, Esq., one of the attorneys for the Town in said action, and

WHEREAS, the Town Board hereby finds and determines that said stipulation of settlement is just and reasonable and that it is in the best interest of the Town to execute said stipulation of settlement,,

RESOLVED that the Town Board hereby approves said stipulation of settlement and hereby directs the Town Supervisor and Richard E. DePetris to execute said stipulation of settlement.

THE VOTE

Gilliam ✓ Yes ___ No Creighton ✓ Yes ___ No
Stark ✓ Yes ___ No Prusnowski ✓ Yes ___ No
Janoski ✓ Yes ___ No

THE RESOLUTION WAS ✓ WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10-20-92

636 ADOPTS AMENDMENT TO CHAPTER 108 "ZONING" OF THE RIVERHEAD TOWN CODE ARTICLE XI "INDUSTRIAL A DISTRICT (LIGHT INDUSTRIAL), SECTION 108-45(B) "SPECIAL EXCEPTIONS AND SPECIAL PERMIT USES"

COUNCILPERSON Gilliam offered the following resolution, which was seconded by COUNCILPERSON Creighton :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Chapter 108 "Zoning" of the Riverhead Town Code Article XI "Industrial A District (Light Industrial) at Section 108-45(B) "Special exceptions and special permit uses."; and

WHEREAS, a public hearing was held on the 6th day of October, 1992, at 7:15 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT

RESOLVED, that an amendment to Chapter 108 "Zoning" of the Riverhead Town Code Article XI "Industrial A District (Light Industrial) at Section 108-45(B) "Special exceptions and special permit uses." be and is hereby adopted as follows:

108-45. Uses.

B. Special exception and special permit uses. Except where Town Board approval is required herein for a special exception or special permit use, such use shall be subject to approval by the Board of Appeals pursuant to Sections 108-75, 108-76 and 108-77 of this chapter.

(15) Body and fender repair shop, by special permit of the Town Board.

(16) Motor vehicle repair shop, by special permit of the Town Board.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution 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 Riverhead Planning Department, Riverhead Building Department and the Riverhead Zoning Board of Appeals.

Dated: Riverhead, New York
October 20, 1992.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

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

WHEREAS, the Town Clerk was authorized to publish and post a notice to hear all interested persons to consider an amendment to Chapter 103 "Zoning" of the Riverhead Town Code Article III "Industrial & District (General Industry), Section 103-43(b) "Special exceptions and special permit uses"; and

WHEREAS, a public hearing was held on the 4th day of October, 1992, at 7:15 o'clock p.m., at Town Hall, 200 Sewall Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT RESOLVED, that an amendment to Chapter 103 "Zoning" of the Riverhead Town Code Article III "Industrial & District (General Industry), Section 103-43(b) "Special exceptions and special permit uses" be and is hereby adopted as follows:

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

(13) Body and minor details shall be subject to special permit of the Town Board.
(14) Motor vehicle repair shall be subject to special permit of the Town Board.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution case 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 Riverhead Planning Department, Riverhead Building Department and Riverhead Zoning Board of Appeals.

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

10-20-92

637 ADOPTS AMENDMENT TO CHAPTER 108 "ZONING" OF THE RIVERHEAD TOWN CODE ARTICLE XII "INDUSTRIAL B DISTRICT (GENERAL INDUSTRY), SECTION 108-48(B) "SPECIAL EXCEPTIONS AND SPECIAL PERMIT USES"

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Stark:

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Chapter 108 "Zoning" of the Riverhead Town Code Article XII "Industrial B District (General Industry), Section 108-48(B) "Special exceptions and special permit uses."; and

WHEREAS, a public hearing was held on the 6th day of October, 1992, at 7:15 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT

RESOLVED, that an amendment to Chapter 108 "Zoning" of the Riverhead Town Code Article XII "Industrial B District (General Industry), Section 108-48(B) "Special exceptions and special permit uses" be and is hereby adopted as follows:

108-48. Uses.

- B. Special exception and special permit uses. Except where Town Board approval is required herein for a special exception or special permit use, such use shall be subject to approval by the Board of Appeals pursuant to Sections 108-75, 108-76 and 108-77 of this chapter.

(15) Body and fender repair shop, by special permit of the Town Board.

(16) Motor vehicle repair shop, by special permit of the Town Board.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution 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 Riverhead Planning Department, Riverhead Building Department and the Riverhead Zoning Board of Appeals.

THE VOTE
 Gilliam Yes No
 Stark Yes No
 Creighton Yes No
 Prusinowski Yes No
 Janoski Yes No

THE RESOLUTION WAS WAS NOT
 THEREUPON DULY DECLARED ADOPTED

638

ADOPTS AMENDMENT TO CHAPTER 108 "ZONING" OF THE RIVERHEAD TOWN CODE ARTICLE XXXIII "BUSINESS E HIGHWAY COMMERCIAL/SERVICE ZONE AT SECTION 108-161(B) COVERING SPECIAL PERMIT USES

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Prusinowski :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Chapter 108 "Zoning" of the Riverhead Town Code Article XXXIII "Business E Highway Commercial/Service Zone, Section 108-161(B) covering special permit uses; and

WHEREAS, a public hearing was held on the 6th day of October, 1992, at 7:15 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT

RESOLVED, that an amendment to Chapter 108 "Zoning" of the Riverhead Town Code Article XXXIII "Business E Highway Commercial/Service Zone, Section 108-161(B) covering special permit uses be and is hereby adopted as follows:

108-161. Uses.

B. Uses subject to issuance of a special permit by the Town Board in accordance with Section 108-3 of this chapter.

(13) Body and fender repair shop.

(14) Motor vehicle repair shop.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution 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 Riverhead Planning Department, Riverhead Building Department and the Riverhead Zoning Board of Appeals.

Dated: ~~Riverhead~~ **THE VOTE** New York
October 20, 1992.

Yes No **Creighton** Yes No
 Yes No **Prusinowski** Yes No
 Yes No **Janoski** Yes No

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

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

TOWN OF RIVERHEAD

RESOLUTION # 639

TRANSFER OF FUNDS

COUNCILPERSON Creighton OFFERED THE FOLLOWING RESOLUTION WHICH WAS SECONDED BY COUNCILPERSON Gilliam.

RESOLVED, THAT THE SUPERVISOR BE AND IS HEREBY AUTHORIZED TO TRANSFER THE FOLLOWING FUNDS:

<u>APPROPRIATION</u>		<u>FROM</u>	<u>TO</u>
001.050100.542100	OFFICE EXPENSE	\$225.00	
001.050100.524000	OFFICE EQUIPMENT		\$225.00

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

Tabled

10-20-192

§ 640 MAKES DETERMINATION OF ENVIRONMENTAL SIGNIFICANT ON CHANGE OF ZONE PETITION OF WERNER ADEL, JR.

COUNCILPERSON Gilliam offered the following resolution, which was seconded by **COUNCILPERSON** Creighton :

WHEREAS, the Riverhead Town Board is in receipt of a petition from Werner Adel, Jr. to amend the Zoning Use District Map of the Town of Riverhead to provide for the Business CR Zoning Use District to the exclusion of Residential A Zoning Use District upon a portion of a tract located on Route 25A, Wading River; such property more particularly described as Suffolk County Tax Map No. 0600-75-3-4, and

WHEREAS, the petition has been coordinated with all involved agencies pursuant to the New York State Environmental Conservation Law, and

WHEREAS, the Riverhead Town Board by resolution #229 of 1992 has declared itself to be the Lead Agency in the environmental review of the subject petition, and

WHEREAS, the Planning Department has reviewed the attending environmental assessment form and has requested informational detail upon those potential environmental impacts identified in the review of the Environmental Assessment Form, and

WHEREAS, an expanded Environmental Assessment Form has been submitted by the applicant which provides additional information relative to wastewater discharge, vehicular traffic generation and impact, excavation of soils, and impacts on community character, and

WHEREAS, the Planning Department has reviewed the revised environmental assessment form and has recommended that those identified environmental impacts could be addressed or mitigated through Riverhead Town Board review of the instant petition as well as contemplated site plan review, and

WHEREAS, the Riverhead Town Board has carefully considered the subject petition, the attending Environmental Assessment Form, the report of the Planning Department as well as all other relevant planning, zoning and environmental information, now

THEREFORE, BE IT

RESOLVED, that in the matter of the change of zone petition of Werner Adel, Jr., the Riverhead Town Board, as Lead Agency, hereby determines the action not to have such a significant impact upon the environment that an environmental impact statement is not required for appropriate review, and

BE IT FURTHER

RESOLVED, that the Planning Director be authorized to publish and post a Notice of Non-Significance as required by the New York State Environmental Conservation Law, and

BE IT FURTHER

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

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

Resolution was tabled

Councilman Creighton offered the resolution to be tabled, Councilman Prusinowski seconded.

NO. 641

DATE October 15, 1992

COUNCILPERSON Prusinowski OFFERED THE FOLLOWING RESOLUTION WHICH WAS SECONDED BY COUNCILPERSON Stark.

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

BUDGET ADJUSTMENT
GENERAL TOWN

		FROM:
001.070200.524000	Recreation Equipment	\$ 500.00
001.071100.518607	Rec. Seasonal	500.00
001.071400.515605	Rec. Security	500.00
001.071400.546000	Rec. Utilities	2,000.00
001.071800.518606	Rec. Lifeguards	6,000.00

		TO:
001.067720.524000	Nutrition Equipment	\$1,000.00
001.070200.542600	Rec. Printing	500.00
001.070200.543405	Rec. Travel	500.00
001.070200.546100	Rec. Phones	500.00
001.071100.524000	Rec. Equipment	1,500.00
001.071100.542000	Rec. Supplies	500.00
001.071800.518607	Rec. Attendants	1,000.00
001.071800.546000	Rec. Utilities	1,000.00
001.073100.543601	Rec. Little League	3,000.00

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

October 20, 1992

#642 APPROVES SITE PLAN OF RICHARD POHL, M.D.

Councilperson Stark offered the following resolution, which was seconded by Councilperson Prusinowski :

WHEREAS, a site plan and elevations were submitted by Mark Michaels, as agent for Richard Pohl, M.D., for the construction of a ramp for access by handicapped persons, and replacement of a chimney located at the northeast corner of New York State Route 25A and Dogwood Drive, Wading River, New York, known and designated as Suffolk County Tax Map Number 0600-72-2-5; and

WHEREAS, the Planning Department has reviewed the site plan dated June 10, 1992, as prepared by Mark Michaels, One Dune Court, Setauket, NY 11733, and elevations dated in-house October 20, 1992, as prepared by Mark Michaels, One Dune Court, Setauket, NY 11733, 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) Exempt 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, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Mark Michaels, as agent for Richard Pohl, M.D., for the construction of a ramp for access by handicapped persons, and replacement of a chimney, located at the northeast corner of New York State Route 25A and Dogwood Drive, Wading River, New York, site plan dated June 10, 1992, as prepared by Mark Michaels, One Dune Court, Setauket, NY 11733, and elevations dated in house October 20, 1992, as prepared by Mark Michaels, One Dune Court, Setauket, NY 11733, 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. 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. Further, by execution and filing of this document, Richard Pohl, M.D. hereby authorizes and consents to the Town of Riverhead to enter premises at the northeast corner of New York State Route 25A and Dogwood Drive, Wading River, New York, to enforce said handicapped parking regulations;

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. 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;

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mark Michaels, as agent for Richard Pohl, M.D., the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

IN WITNESS WHEREOF, I, the Supervisor, have hereunto set my hand and the seal of the Town of Riverhead, New York, this 10th day of October, 1992.

DECEASED, Decedent has been found to be sane and of sound mind and memory at the time of the execution of this instrument and at the time of the subsequent events of said instrument.

THE TOWN OF RIVERHEAD, NEW YORK

The Declarant, for the purpose of carrying out the purposes above expressed, does hereby make known, hereby consent and agree that the said premises herein shall hereafter be subject to the following covenants, conditions and restrictions, and shall be binding upon all heirs and holders of said premises, their heirs, assigns, representatives, distributees, successors and assigns to

That the provisions of the Riverhead Town Code, as amended, and as hereinafter amended, or other official acts of the Town shall, at all times, be complied with by the owner of the property covered by this site plan.

That the form, design, location and color of all signs shall be submitted to the Town Board for the review and approval of the Town Board prior to the sign permit being issued pursuant to the site plan process and the sign permit shall be subject to the provisions of the Riverhead Town Code, as amended, and as hereinafter amended, or other official acts of the Town shall, at all times, be complied with, and that all requests for signs shall be subject to the provisions of the Riverhead Town Code, as amended, and as hereinafter amended, or other official acts of the Town shall, at all times, be complied with, and that all requests for signs shall be subject to the provisions of the Riverhead Town Code, as amended, and as hereinafter amended, or other official acts of the Town shall, at all times, be complied with.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1992, made by Richard Pohl, M.D., residing at _____, 12 Dogwood Drive, Wading River, NY, 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. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;

6. 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;

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. 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;

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

Richard Pohl, M.D.

10-20-92

643 WAIVES PERFORMANCE BOND REQUIREMENT REQUIRED UNDER RESOLUTION #584 APPROVING THE SITE PLAN OF HAZELTINE CORPORATION

COUNCILPERSON Creighton offered the following resolution, which was seconded by COUNCILPERSON Gilliam :

WHEREAS, the Town Board adopted Resolution #584 on October 6, 1992, approving the site plan of Hazeltine Corporation for the construction of a recharge basin, wells and treatment system for recharge of treated groundwater; and

WHEREAS, Paragraph 10 of said resolution requires the posting of a performance bond to assure the performance of all the conditions of the site plan approval; and

WHEREAS, by letter dated October 12, 1992, Stephen F. Harran has requested that the bond requirement be waived; and

WHEREAS, the Town Board of the Town of Riverhead has considered said request.

NOW, THEREFORE, BE IT

RESOLVED, that Town Board of the Town of Riverhead hereby waives the requirement for the posting of a performance bond as required by Paragraph 10 of Resolution #584 adopted October 6, 1992; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Stephen F. Harran, Director of Facilities, Hazeltine Corporation, Greenlawn, NY, 11740; the Riverhead Building Department; and the Riverhead Planning Department.

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

10-20-92

644 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER THE ADOPTION OF THE 1993 ANNUAL BUDGET FOR THE TOWN OF RIVERHEAD

COUNCILPERSON Gilliam offered the following resolution, which was seconded by COUNCILPERSON Creighton :

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider the adoption of the 1993 Annual Budget for the Town of Riverhead:

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of November, 1992, at 7:25 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the adoption of the 1993 Annual Budget for the Town of Riverhead, which shall include the following specific items:

ELECTED OFFICIALS' SALARIES

<u>POSITION</u>	<u>PROPOSED SALARY</u>
Town Supervisor	\$60,001.00
Town Board Councilpersons (4)	\$20,500.00
Town Receiver of Taxes	\$40,891.00
Town Assessors (3)	\$42,436.00
Town Clerk	\$46,556.00
Town Justices (2)	\$44,000.00
Highway Superintendent	\$46,556.00

PLEASE TAKE FURTHER NOTICE that a copy of the preliminary budget is available in the Town Clerk's Office for inspection during normal business hours Monday through Friday from 8:30 a.m. to 4:30 p.m.

Dated: Riverhead, New York
October 20, 1992.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

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

10-20-92

645 ADOPTS THE REPEAL OF CHAPTER 84 "PEDDLING & SOLICITING"
OF THE RIVERHEAD TOWN CODE

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Stark :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider repealing Chapter 84 "Peddling & Soliciting" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 7th day of April, 1992, at 7:15 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT

RESOLVED, that Town Board of the Town of Riverhead hereby repeals Chapter 84 "Peddling & Soliciting" of the Riverhead Town Code; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to publish this resolution 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 directed to forward a copy of this resolution to 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; and be it further

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

Dated: Riverhead, New York
 October 20, 1992.

BY ORDER OF THE TOWN BOARD
 OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

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

10-20-92

646 ADOPTS CHAPTER 84 "PEDDLING & SOLICITING" TO THE RIVERHEAD TOWN CODE

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Stark:

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider adopting Chapter 84 "Peddling & Soliciting" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 7th day of April, 1992, at 7:15 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby adopts Chapter 84 "Peddling & Soliciting" of the Riverhead Town Code; and be it further

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

RESOLVED, that a copy of this resolution, together with the entire ordinance, shall be forwarded to 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; and be it further

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

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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that the Town of Riverhead, after a public hearing held on the 7th day of April, 1992, at 7:15 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, hereby adopts Chapter 84 "Peddling & Soliciting" to the Code of the Town of Riverhead. This ordinance will provide for the registration and regulation of the conduct of certain peddlers, solicitors and canvassers within the Town of Riverhead and otherwise eliminate such practices. An entire copy of the ordinance is available at the Town Clerk's Office, 200 Howell Avenue, Riverhead, New York, during normal business hours Monday through Friday from 8:30 a.m. to 4:30 p.m.

**Dated: Riverhead, New York
October 20, 1992.**

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

BARBARA GRATTAN, Town Clerk

ARTICLE II

Canvassing for Religious Purposes

Sec. 1. Inapplicability of other provisions.

Sec. 2. Legislative intent.

The purpose of this article is to provide for the registration and regulation of the conduct of certain peddlers, solicitors and canvassers in the Town of Riverhead and otherwise eliminate such practices.

Sec. 3. Definitions.

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

PEDDLER - A person who goes from place to place by traveling on foot or by any type of conveyance on the streets or from door to door carrying, transporting or conveying goods,

PEDDLERS & SOLICITORS

Chapter 84

PEDDLERS, SOLICITORS AND TRANSIENT RETAIL MERCHANTS

ARTICLE I Licensing and Regulation

- 84-1. Legislative intent.
- 84-2. Definitions.
- 84-3. License required.
- 84-4. Exemptions.
- 84-5. Permitted activities.
- 84-6. Application for license.
- 84-7. Fees.
- 84-8. Restrictions.
- 84-9. Issuance of license.
- 84-10. Revocation of license.
- 84-11. Penalties for offenses.

ARTICLE II Canvassing for Religious Purposes

- 84-12. Nonapplicability of other provisions.

- 84-1. Legislative intent.

The purpose of this Article is to provide for the registration and regulation of the conduct of certain peddlers, solicitors and canvassers in the Town of Riverhead and otherwise eliminating such practices.

- 84-2. Definitions.

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

PEDDLER - A person who goes from place to place by traveling on foot or by any type of conveyance on the streets or from house to house carrying, transporting or conveying goods,

wares, merchandise, foods, farm products or provisions, offering and exposing the same for sale or making sales and deliveries to purchasers or who solicits orders and, as a separate transaction, makes deliveries to purchases. The word "peddler" shall include the words "hawker" and "huckster".

PERSON - Includes the singular and the plural and shall also include and mean any individual, firm, partnership, corporation, voluntary association, incorporated association, club, society or other organization and any officer, employee or agent thereof.

SOLICITOR and/or CANVASSER - Any person who goes from place to place or house to house or stands in any street or public place taking or offering to take orders for goods, wares or merchandise, except as hereinafter exempted, or for services to be performed in the future or for making manufacturing or repairing any article or thing whatsoever for future delivery.

TRANSIENT RETAIL BUSINESS - A retail or wholesale business conducted in a temporary structure or tent; from a truck, van or trailer on a parking lot or vacant parcel of land; on a part of public right-of-way, or in any other place for a temporary period of time. Lack of a rental or leasing agreement of three (3) months' or more duration, sealed by monetary consideration, shall be presumptive of a temporary situation. The type of merchandise being offered for sale will have no bearing on the designation.

84-3. License required.

It shall be unlawful for any peddler or solicitor to sell or dispose of or to offer to sell or dispose of any goods, wares or merchandise within the Town of Riverhead or to solicit or act as a solicitor from door to door within the Town of Riverhead without first registering with the Town Clerk of the Town of Riverhead as provided in this Article and obtaining the license prescribed.

84-4. Exemptions.

A. The requirements of this Article as to the payment of a license fee (but not as to registration) shall be held not to include the following persons, who are expressly exempt from its application:

- (1) Any person honorably discharged from the United States Army, Navy, Air Force or Marine Corps or other components of the military forces of the United States who have served in any war or overseas. Any honorably discharged member of the

armed forces of the United States, holding a license pursuant to Article 4 of the General Business Law, must file a further application with the Town Clerk for the issuance of a local license under the same conditions as any other peddler. No fee shall be required of any such veteran of the armed forces of the United States, except that conveyances not owned by such a veteran shall be licensed at the usual fee.

- (2) Persons engaged in delivering merchandise of any nature whatsoever on regular, scheduled routes to regular customers, including specifically but not limited to persons delivering dairy products, bread and other merchandise over such routes; and, with respect to persons mentioned in this subsection, they shall be exempt from all requirements of this Article relating to the payment of the license fee or license fees, terms and conditions.
- (3) Salesmen and/or product representatives in the business of supplying established businesses, including but not limited to department store merchandise, pharmaceutical supplies and other personal-use items, within the Town of Riverhead with stock and merchandise usually sold in said businesses.

B. This Article shall not apply to any of the following:

- (1) Sales conducted pursuant to statute.
- (2) Sales conducted pursuant to the order by any court.
- (3) Any person selling personal property or other merchandise at wholesale to dealers and/or retailers engaged in the business of selling such articles in a business in the Town of Riverhead.
- (4) The sale of meats, fish, fruits, farm produce and other agricultural commodities as described in Section 301 of Agriculture & Markets Law by farmers and persons who produce such commodities on the private property where said commodity is being sold.
- (5) Persons soliciting, collecting or operating a sale on behalf of any local bona fide charitable, religious, patriotic or any other not-for-profit community organization, which organization is represented locally by a town resident.

- (6) Any person selling personal property at a garage sale held at his residence.
- (7) The sale of newspapers.
- (8) Any merchant having an established place of business within the Town of Riverhead.

84-5. Permitted activities.

- A. The following activities shall be the only activities which can be licensed pursuant to this Article:
 - (1) The sale of ice cream, milk and other dairy products.
 - (2) The sale of goods ordinarily associated with the operation of coffee trucks provided said sale is conducted to established businesses within the town.
 - (3) The sale or taking orders for future delivery of goods, produce, wares, books, magazines and periodicals or merchandise of any description by calls from house to house which comply with the restrictions set forth in Section 84-8 of this Article.
- B. All other businesses hereinabove defined as transient retail businesses shall be illegal in the Town of Riverhead.

84-6. Application for license.

Any person desiring a license under this Article shall first register with the Town Clerk of the Town of Riverhead and shall file with said Town Clerk an application, in writing, containing the following information:

- A. The name and permanent home address of the applicant.
- B. The name, address and telephone number of the person from whom goods making up the stock, if any, were or are to be purchased.
- C. The particular business trade or occupation for which the license is required, and a description of the goods, wares or merchandise to be sold and offered for sale and/or the purpose of his proposed canvassing or solicitation.
- D. Copy of driver's license.
- E. The manner or means of conveyance in which the business, trade or occupation is to be conducted.

- F. Two (2) recent photographs of the applicant, approximately two and one-half by two and one-half (2 1/2 x 2 1/2) inches in size, together with a complete set of fingerprints.
- G. The length of time for which the license is required and the effective date of the registration.
- H. Details of any arrests or convictions for misdemeanors and crimes, including the nature of the offense for which arrested or convicted, the date of conviction and the place where said conviction was had.
- I. A statement by a reputable physician, dated not more than ten (10) days prior to the submission of the application, certifying the applicant to be free of contagious infections or contagious diseases.

84-7. Fees.

- A. The license fee payable by each peddler for each unit, truck or any conveyance carrying wares shall be as follows:
 - (1) Per year: one hundred dollars (\$100.).
 - (2) Per six (6) months: seventy-five dollars (\$75.).
 - (3) Per three (3) months: fifty dollars (\$50.).
- B. The license fee for each solicitor or canvasser going from house to house shall be as follows:
 - (1) Per year: seventy-five dollars (\$75.).
 - (2) Per six months: fifty dollars (\$50.).
 - (3) Per three (3) months: twenty-five dollars (\$25.).
- C. Accredited representatives of any charitable, educational, fraternal or religious organization or corporation not having its office in the Town of Riverhead shall not be required to pay a fee, but shall otherwise file the information required by Section 84-4 herein.
- D. Any person honorably discharged from the United States Army, Navy, Air Force or Marine Corps or other components of the military forces of the United States as described in Section 84-4 herein shall not be required to pay a fee, but shall otherwise file the information required by this Article.

84-8. Restrictions.

A hawker, peddler or solicitor shall:

- A. Not engage in such business at any time between the hours of 8:00 p.m. and 9:00 a.m.
- B. Not willfully misstate the quantity or quality of any article offered for sale.
- C. Not offer for sale any unwholesome, tainted, deleterious or diseased provisions or merchandise.
- D. Keep the vehicles and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.
- E. Not call attention to his goods by blowing a horn, by ringing a bell other than a house doorbell, by shouting or crying out or by any loud or unusual noise or sound reproduction device as those terms are described in Chapter 81 entitled "Noise Control" of the Code of the Town of Riverhead.
- F. Not peddle or solicit in any congested place or area when or where such activity may impede, endanger or inconvenience the public or add to the congestion of such place or area. For the purposes of this section, the judgment of any peace officer, code enforcement officer of the Town of Riverhead or police officer, exercised in good faith, shall be deemed conclusive as to the existence of congestions and as to whether the public is impeded, endangered or inconvenienced.
- G. Not peddle or solicit at or within a one-thousand foot radius of any municipal park, beach, marina or other town-owned or -maintained recreational facility unless specifically authorized by the Town Board to peddle his wares by concession, lease or otherwise.
- H. Not stand or permit the vehicles used by him to stand in one (1) place in any public place or street or within 1,500 feet from the previous site for more than ten (10) minutes or in front of or on any premises at any time.
- I. Not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.
- J. Not engage in such business within five hundred (500) feet of any school between the hours of 7:00 a.m. and 4:00 p.m. on school days.

- K. Not engage in such business within one thousand five hundred (1,500) feet of any public market or store engaged in the business of selling the same goods, wares and merchandise offered by the licensee.
- L. Not sell or peddle prepared foods of any kind, including ice cream, confectionery, beverages, prepackaged snack foods, hot dogs, hamburgers or other sandwiches on any town beach upon which is located a concession stand operated under an agreement with the town or on any parking area adjacent thereto.

84-9. Issuance of license.

- A. The license shall be issued on the forms drawn in accordance with this Article. They shall be consecutively numbered and shall contain spaces for the insertion of the name, location of the business, tax identification number or social security number and amount of fee paid.
- B. There shall be kept in the Office of the Town Clerk the necessary books for recording the time the application was received, showing whether it is an application for a new or renewal license, the name of the licensee, the date of approval by the Town Clerk, the amount of fee received therefor and the date when the license was issued.
- C. Every person holding a license under this Article shall be required to have in his possession the license at all times while actually engaged in peddling.

84-10. Revocation of license.

A license may be suspended or revoked by the Town Clerk or the Chief of Police by reason of violation of the terms of the license, the violation of any town ordinance pursuant to Section 135 of Town Law or state or federal statute or falsification or fraud in applying for the license. The licensed person may, upon making application to the Town Clerk, in writing, request a hearing by the Town Board upon the revocation or suspension of the aforesaid license.

84-11. Penalties for offenses.

Any person required by this Article to procure a license who violates its terms or who violates any of the provisions of this Article shall, upon conviction thereof, forfeit and pay not less than five hundred dollars (\$500.) or more than two thousand five hundred dollars (\$2,500.) for the first offense and no less than one thousand dollars (\$1,000.) or more than five thousand dollars (\$5,000.) for the second or any subsequent offense.

ARTICLE II
Canvassing for Religious Purposes

84-12. Nonapplicability of other provisions.

The provisions of Article I of this chapter shall not apply to persons who distribute religious literature or who solicit contributions for such purposes within the Town of Riverhead.

Date: 10/20/92

647 AUTHORIZES ATTENDANCE OF SERGEANTS AT CONFERENCE

Councilperson Stark offered the following resolution which was seconded by Councilperson Prusinowski.

WHEREAS, the enrollment of Sgt. David Cheshire and Thomas Lynch in a conference at the New York State Crime Prevention Coalition Conference to be held in Schenectady, New York, October 21 through October 23, 1992, and

WHEREAS, it is the recommendation of the administration of the Police Department that the Sergeants attend said conference.

NOW THEREFORE, BE IT RESOLVED, that Sergeants David Cheshire and Thomas Lynch to the Police Department be and is hereby authorized to attend said conference, and

BE IT FURTHER RESOLVED, that lodging and meal expenses incurred for attendance at said seminars are to be fully receipted and therefore reimbursed by the Office of Accounting; and

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

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

N # 648-1

139-92-----CK RUN OCTOBER 08, 1992 (TBM 10-20-92)
RESOLVED offered the following resolution, which was
by COUNCILPERSON RESOLVED, that the SUPERVISOR
hereby authorized to pay the following:

PAGE 1 OF 2

*****ACCOUNTS*****		*****TOTALS*****
TOWN	001	\$52,493.04
METER	002	\$0.00
CE	003	\$0.00
ATELETIC LEAGUE	004	\$332.00
ENTER	005	\$0.00
TOW PROGRAM	006	\$210.00
	111	\$9,176.73
	112	\$4,730.84
A MAINTINANCE	113	\$0.00
	114	\$1,230.11
WASTE COLLECTION DIST.	115	\$76,403.85
LIGHTING	116	\$1,426.35
PARKING	117	\$126.94
SS IMPROVEMENTS DISTRICT	118	\$0.00
ALIZATION SELF INSURANCE	174	\$3,964.46
RETENTION	175	\$30,000.00
JOYMENT INSURANCE RESERVE	176	\$1,050.00
ST. REEAB	177	\$0.00
MC REVOLVING LOAN	178	\$0.00
INITIAL REEAB	179	\$4.30
STIONARY/SMALL CITIES	180	\$0.00
CONSORTIUM ACCOUNT	181	\$0.00
DEVEL CORP WORKING	182	\$0.00
CONSORTIUM ACCOUNT	183	\$0.00
RE GRANT PROGRAM	184	\$0.00
A DEBT	382	\$0.00
A DEBT	383	\$0.00
IAL FUND DEBT SERVICE	384	\$0.00
ANGER WASTE DISTRICT DEBT	385	\$0.00
HALL CAPITAL PROJECTS	406	\$78,753.23
F HUNDRED SERIES	408	\$9,613.11
BEARS	440	\$0.00
PS	451	\$0.00
RU SERVICES	452	\$63.47
FORB HELPING SENIORS	453	\$43.80
EP	454	\$76.20
ICIPAL FUEL FUND	625	\$9,665.70
ICIPAL GARAGE	626	\$4,080.27
IST & AGENCY	735	\$5,611.64
ICIAL TRUST	736	\$0.00
INT SCHWINGER WASTE	918	\$2,824.50
*****TOTAL*****		\$291,880.54

minutes

*****ACCOUNTS*****	*****TOTALS*****
GENERAL TOWN 001	\$317,736.49
PARKING METER 002	\$0.00
AMBULANCE 003	\$0.00
POLICE ATHLETIC LEAGUE 004	\$382.50
YOUTH CENTER 005	\$0.00
RECREATION PROGRAM 006	\$1,415.00
ROADWAY 111	\$47,002.25
WATER 112	\$28,254.16
REPAIR & MAINTENANCE 113	\$0.00
SEWER 114	\$16,217.87
SOLID WASTE COLLECTION DIST. 115	\$11,911.41
STREET LIGHTING 116	\$3,075.36
PUBLIC PARKING 117	\$2,421.40
BUSINESS IMPROVEMENTS DISTRICT 118	\$102.24
HOSPITALIZATION SELF INSURANCE 174	\$16,448.64
RISK RETENTION 175	\$0.00
EMPLOYMENT INSURANCE RESERVE 176	\$0.00
VIN ST. REHAB 177	\$0.00
ECONOMIC REVOLVING LOAN 178	\$2,797.20
RESIDENTIAL REHAB 179	\$0.00
DISCRETIONARY/SMALL CITIES 180	\$0.00
DBG CONSORTIUM ACCOUNT 181	\$0.00
URBAN DEVEL CORP WORKING 182	\$0.00
DDP CONSORTIUM ACCOUNT 183	\$0.00
ESTORRE GRANT PROGRAM 184	\$0.00
SEWER DEBT 382	\$0.00
WATER DEBT 383	\$0.00
GENERAL FUND DEBT SERVICE 384	\$0.00
SCAVANGER WASTE DISTRICT DEBT 385	\$0.00
TOWN HALL CAPITAL PROJECTS 406	\$31,872.50
EIGHT HUNDRED SERIES 408	\$801.60
NO BEARS 440	\$0.00
HIPS 451	\$0.00
YOUTH SERVICES 452	\$1,270.67
SENIOR'S HELPING SENIORS 453	\$1,600.65
TRUSEP 454	\$1,188.74
MUNICIPAL FUEL FUND 625	\$4,460.83
MUNICIPAL GARAGE 626	\$2,937.39
TRUST & AGENCY 735	\$388,094.32
SPECIAL TRUST 736	\$0.00
JOINT SCAVANGER WASTE 918	\$8,676.56
*****GRAND TOTAL*****	\$888,667.78

Resolution introduced by Councilman V. Prusinowski and seconded by Councilman J. Stark.
 THE VOTE: Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 YES
 The resolution was thereupon duly declared adopted.