

RESOLUTION LIST

DECEMBER 30, 2014

- Res. #874 General Fund Budget Adjustment (E911)**
- Res. #875 General Fund Budget Adjustment**
- Res. #876 Highway District Budget Adjustment**
- Res. #877 Refuse and Garbage District Budget Adjustment**
- Res. #878 Sargent Sewer Extension Riverhead Sewer District Capital Improvement Project Budget Adoption**
- Res. #879 Water District Budget Adjustment**
- Res. #880 Authorizes Acceptance of Suffolk County Downtown Revitalization Round 12 Funding for Historic Downtown Riverhead Directional Signs**
- Res. #881 Authorizes Acceptance of New York State Funding Support a Suffolk County Regional Agritourism Visitors Center**
- Res. #882 Authorizes Budget Modification to Suffolk County Downtown Revitalization Round 8 Funding for Improvements to East End Arts Site**
- Res. #883 Authorizes Town Clerk to Publish and Post the Attached Notice to Bidders for Town HVAC Systems Contract**
- Res. #884 Ratifies the Appointment of a Call-In Assistant Recreation Leader to the Recreation Department (Kyle Stephenson)**
- Res. #885 Appoints a Water District Superintendent (Type IB Treatment Facility) (Mark Conklin)**
- Res. #886 Accepts the Retirement of the Sanitation Superintendent (John Reeve)**
- Res. #887 Extends Contract with Arthur J. Gallagher & Co. Risk Management Services for the Implementation of the Insurance Program for 2015**

- Res. #888** Authorizes the Supervisor to Execute an Agreement with the Riverhead Business Improvement District Management Association, Inc., Regarding 2015 Calendar Year Events and Services
- Res. #889** Authorizes Re-Appointment of Third Party Administrator Processing and Payment of General Liability Claims and Workers Compensation Claims and Related Medical Claims
- Res. #890** Grants Special Use Permit Petition of Theodora Cohen (East Main Street, Riverhead)
- Res. #891** Appoints Sinnreich, Kosakoff & Messina LLP as Special Counsel in the Matter of the Claim of Gregory John Fischer
- Res. #892** Authorizes Supreme Court Action Against the Town of Southampton and New York State Health Insurance Program (NYSHIP)
- Res. #893** Authorizes the Supervisor to Execute a Musical Works License Agreement with SESAC LLC
- Res. #894** Extends Bid Contract for Disposal of Demolition and Construction Debris
- Res. #895** Authorizes the Supervisor to Execute an Agreement with Flynn Stenography & Transcription Services for Transcription of Town Meetings
- Res. #896** Extends Bid Contract for Disposal and Recycling of Municipal Solid Waste
- Res. #897** Authorization to Publish Advertisement for Disposal and Recycling of Municipal Solid Waste
- Res. #898** Extends Bid Contract for Removal of Household Hazardous Waste
- Res. #899** Authorizes the Supervisor to Execute an Agreement with National Fire & Safety Solutions Inc.
- Res. #900** Reaffirms Status of Certain Road within the Town of Riverhead as Private Roads (Ock-A-Bock Homeowners' Association Roads, Fairhaven Property Owners' Association Road, Bay Woods Community Roads, Morningside Avenue, Cedar Court, Maple Lane)
- Res. #901** Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendment to Chapter 106 Entitled "Waterways" of the Riverhead Town Code

- Res. #902 Agreement with Riverhead Charter School Regarding Completion of Extension 77**
- Res. #903 Amends Resolution No. 330 of 2008**
- Res. #904 Reappoints Marriage Officer**
- Res. #905 Rescinds Resolution #851 (Adopts a Local Law to Amend Chapter 108 Entitled “Zoning” of The Code of The Town of Riverhead - §108-64. Prefabricated dwellings.)**
- Res. #906 Adopts a Local Law Amending Chapter 52 Entitled “Building Construction” of the Riverhead Town Code**
- Res. #907 Authorization to Publish Advertisement for Disposal of Town Generated Construction and Demolition Material**
- Res. #908 Pays Bills**

12.15.14 TABLED
12.30.14 UNTABLED
12.30.14 WITHDRAWN

12.30.14
140861

TOWN OF RIVERHEAD

Resolution # 861

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

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the December 24, 2014 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 106 entitled "Waterways" of the Riverhead Town Code, to be posted on the sign board of the Town; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared WITHDRAWN

12.30.14

There was a motion by Councilman Dunleavy, seconded by Councilman Wooten, to **UNTABLE** resolution #861, motion carried by unanimous vote. Immediately thereafter on a motion by Councilman Wooten, seconded by Councilman Dunleavy, resolution #861 was **WITHDRAWN**. Motion carried by unanimous vote.

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York 11901, on the 6th day of January, 2015 at 2:05 o'clock p.m. to consider a local law amending Chapter 106 entitled "Waterways" of the Riverhead Town Code as follows:

CHAPTER 106
WATERWAYS

~~§ 106-16. Penalties for offenses.~~

- ~~A. Any person who violates any provision of this chapter shall be guilty of an offense and shall, upon conviction, be subject to a fine not to exceed \$500 or less than \$50 or imprisonment for not more than six months, or to both such fine and imprisonment.~~
- ~~B. The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.~~

~~§ 106-17. Severability.~~

~~If any clause, sentence, section, paragraph or provision of this chapter or any rule or regulation hereunder shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, section, paragraph or provision or rule or regulation directly involved in the controversy in which such judgment~~

~~§ 106-17. When Effective.~~

~~This chapter shall become effective pursuant to law of the State of New York.~~

Article IV Jet Pack Vessels

§ 106-16. Scope.

- A. The regulations of this Article shall govern the use of JetPack Vessels on all waters of the Town of Riverhead.
- B. JetPack Vessels shall comply with all laws and regulations governing Class A vessels including but not limited to registration, operation, and navigation.
- C. JetPack Vessels shall comply with all laws and regulations as set forth in Chapter 106 of the Town Code of the Town of Riverhead governing vessels.
- D. JetPack Vessels operated for recreational or commercial ("for hire") uses are subject to all

boating safety laws, unless otherwise noted in these regulations.

§ 106-17. Purpose.

The purpose of this Article is to develop comprehensive safety standards and registration requirements for JetPack Vessels operated on the waters of the Town of Riverhead.

In addition, this Article is adopted in order to protect the waterways of the Peconic River and the Peconic Estuary. The Peconic River, classified as “Impaired Waters” (303 d list) by the NYS Department of Environmental Conservation suffers from excessive nitrogen loadings that have been responsible for chronic algal blooms and extremely low dissolved oxygen (DO) levels. Low DO levels in the Peconic River have caused a number of fish kills that have generally occurred during the warm weather months when DO levels are normally lower.

One of the sources of nitrogen is nutrient flux, or the cyclic release of nitrogen from highly enriched organic bottom sediments. Although a naturally occurring phenomenon, nutrient flux can be triggered by, and made more severe by the agitation of bottom sediments. Specifically, the bottom sediments are displaced, put into suspension within the water column. Inadvertent propeller dredging by boats is a typical cause for suspension. Because the sediments are so fine (extremely small) the displacement and associated turbulence can cause the sediments to remain in suspension for many hours, if not days. The impacts to water clarity and DO levels can be severe at times.

The use of a water jet powered JetPack Vessels within the Peconic River corridor, will without question cause the suspension of the highly enriched organic sediments. Moreover, the constant activity of the JetPack Vessels will create enough turbulence that the sediments will remain in suspension for prolonged periods of time. While in suspension, DO levels and water clarity will precipitously be lowered, negatively impacting aquatic life. While prop dredging from motorized vessels does occur, a trained boat operator will make every effort to avoid this from happening by staying within the designated deeper water navigation channels. The disturbance of bottom sediments from water jet propulsion from JetPack Vessels activities cannot be avoided within the Peconic River.

§ 106-18. Exceptions.

This chapter does not apply to:

- A. JetPack Vessels used solely for the purpose of emergency rescue operations and associated emergency training programs; and
- B. If approved by state and federal regulatory agencies, if applicable and if approved the Town Board of the Town of Riverhead pursuant to Chapter 90 and/or section 106-9 of the Town Code of the Town of Riverhead where JetPack Vessels are engaged in
 - a:

- (1) Professional exhibition;
- (2) Regatta;
- (3) Motorboat race or other boat race;
- (4) Marine parade; or
- (5) Tournament or exhibition.

C. Not more than two (2) of the events set forth above in subsection B. shall be conducted within any calendar year.

§ 106-19. Definitions and word usage.

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

BOAT UNIT

The portion of the JetPack Vessel that contains the jet pump and water intake valve(s).

The boat unit includes:

- (a) A separately registered personal watercraft that is attached to the jet propelled device via a high pressure water hose; or
- (b) A streamlined hull consisting of an engine and water pump that is connected to the jet propelled device via a high pressure water hose. The hull is not required to have seating for an operator or passenger.

CLASS A VESSEL

A motorboat less than 16 feet in length.

HELMET

A water sport helmet.

INSTRUCTOR

Any person that provides instruction regarding the operation and use of the JetPack Vessel.

JETPACK VESSEL

A system whereby a jet propelled device is attached via a high pressure water hose to a boat unit that contains a jet pump. The boat unit intakes water and pumps it through the high pressure water hose to the jet propelled device capable of elevating a rider from the surface of the water.

JET PROPELLED DEVICE

The portion of the JetPack Vessel where the rider is seated or standing including but not limited to jet propelled boards, jetpacks and water bikes.

OBSERVER

Means a person other than the rider that is responsible for the safety of the rider and all equipment involved in the JetPack Vessel operation.

OPERATE

To navigate or otherwise use a vessel and or move or support a person in the water or air.

OPERATOR

The person that controls the thrust of the jet propelled device. The operator may also serve as the rider.

OWNER

The person or entity that registers the JetPack Vessel.

PERSONAL WATERCRAFT

A Class A vessel which:

- (a) Has an inboard motor which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion;
- (b) Is designed with the concept that the operator and passenger ride on the outside surfaces of the vessel as opposed to riding inside the vessel;
- (c) Has the probability that the operator and passenger may, in the normal course of use, fall overboard; and
- (d) Is designed with no open load-carrying area which would retain water.

PORPOISE LIKE MOTION

The intentional operation of the jet propelled device under the surface of the water for a lateral distance of more than 2 feet and then resurfacing.

RESCUE VESSEL

A fully navigable motorized vessel sufficient to carry all of the people involved in the JetPack Vessel activity.

RESTRICTED VISIBILITY

Any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.

RIDER

The person actually on the jet propelled device. The rider may also serve as the operator.

§ 106-20. Restrictions.

- A. A person may not operate or give permission to operate a JetPack Vessel in a reckless or negligent manner.
- B. A person may not lease, hire, rent, operate, or give permission to operate a JetPack Vessel unless the observer, operator, and rider are 16 years old or older.

- C. A person may not operate or give permission to operate a JetPack Vessel unless:
- (1) An observer is on the boat unit;
 - (2) Where the boat unit does not require an observer on An observer is on a navigable rescue vessel that is located at least 100 feet, but no more than 300 feet, away from the rider;
 - (3) The observer is responsible for the safety of only one rider at a time; and
 - (4) The observer meets New York requirements for a vessel operator.
- D. A person may not operate or give permission to operate a JetPack Vessel for rental use on the waters of the Town of Riverhead unless the rider is wearing a helmet.
- E. A person may not operate or give permission to operate a JetPack Vessel unless the rider is wearing a high impact Type I, Type II, or Type III personal flotation device approved by the U.S. Coast Guard.
- G. A person may not operate or give permission to operate a JetPack Vessel in any area of water with a depth of less than 6 feet unless the jet propelled device and rider maintain contact with the water at all times.
- H. A person may not operate or give permission to operate a JetPack Vessel in properly identified speed zones unless the jet propelled device and rider maintain contact with the water at all times. Properly identified speed zones include 5 statute miles per hour speed zones and wake zones.
- I. A person may not operate or give permission to operate a JetPack Vessel on the waters of the Town of Riverhead within 300 feet in all directions, including vertically, of any bridge, structure, shore, wharf, pier, piling, mooring ball, buoy, vessel, or people in the water. This distance restriction shall also apply to the instructor, the boat unit, or the operator.
- J. The rider is prohibited from picking up any other person or using a tandem harness to include a second rider.
- K. A person may not operate or give permission to operate a JetPack Vessel on the waters of the Town:
- (1) Between sunset and sunrise; or
 - (2) In or near an area of restricted visibility; and
 - (3) In any channel or within 100 feet of any channel marker.
- L. A JetPack Vessel operator, observer shall carry a certificate of Boater Safety Education.
- M. A person may not act as an observer, rider, operator, and instructor or give permission to operate or observe a JetPack Vessel on the waters of the State if they are:
- (1) Under the influence of alcohol;
 - (2) Impaired by alcohol;
 - (3) So far impaired by any drug, combination of drugs, or combination of one or more

drugs and alcohol that the person cannot operate a vessel safely; or

(4) Impaired by any controlled dangerous substance, unless the person is entitled to use the controlled dangerous substance under the laws of the State.

N. A person may not operate or give permission to operate on the waters of the State a JetPack Vessel unless it is equipped with an engine cutoff switch.

O. All JetPack Vessels must be registered in New York State.

§ 106-21. Special Operating Conditions.

A. A person may not operate or give permission to operate a JetPack Vessel in a porpoise like motion unless the water depth is a minimum of 20 feet.

B. A person may not operate or give permission to operate a jetpack vessel within 300 feet from any residence.

C. A person may not operate or give permission to operate a JetPack Vessel where the jet propelled device and rider rise higher than 6 feet unless the water depth is a minimum depth of 12 feet.

§ 106-22. Registration of Boat Units.

A. All boat units shall have a valid:
(1) Hull Identification Number; and
(2) Vessel Registration.

§ 106-23 Penalties for offenses.

A. Any person who violates any provision of this chapter shall be guilty of an offense and shall, upon conviction, be subject to a fine not to exceed \$500 or less than \$100 or imprisonment for not more than six months, or to both such fine and imprisonment.

B. The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

§ 106-24. Severability.

If any clause, sentence, section, paragraph or provision of this chapter or any rule or regulation hereunder shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, section, paragraph of provision or rule or regulation directly involved in the controversy in which such

judgment

- Underscore indicates additions
- Overstrike indicates deletions

Dated: Riverhead, New York
December 16, 2014

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

WITHDRAWN

TOWN OF RIVERHEAD

Resolution # 874

GENERAL FUND

BUDGET ADJUSTMENT

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

WHEREAS, a budget adjustment is necessary for the purchase of communication equipment for the Police Department;

WHEREAS, Suffolk County provides the Town of Riverhead a revenue sharing E-911 grant for police communications;

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

		<u>FROM</u>	<u>TO</u>
001.031200.491255	Suffolk County E911 Aid	98,900	
001.031200.524214	Police Radios		98,900

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 875

GENERAL FUND

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the General Fund is in need of a transfer and the Financial Administrator is requesting a budget adjustment.

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

		<u>FROM</u>	<u>TO</u>
001.014200.543301	Litigation, Appraisals and Recording	7,000	
001.014100.542607	Town Ordinance Codification	5,000	
001.080100.543310	Professional Svcs – Attorney		7,000
001.014100.511500	Personal Services		5,000

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 876

HIGHWAY DISTRICT

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, year end budget adjustments are necessary.

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

	<u>FROM</u>	<u>TO</u>
111.090100.581500 NYS Retirement	7,021	
111.090400.548300 Workers Comp Premiums	16,286	
111.090600.584500 Hospital, Dental & Optical		23,307

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 877

REFUSE AND GARBAGE DISTRICT

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, year-end budget adjustment are necessary for 2014.

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

	<u>FROM</u>	<u>TO</u>
115.081600.547504 Special Items - Sanitation	24,069	
115.081600.514300 Mgmt/Elected Buy Back		24,069

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 878

SARGENT SEWER EXTENSION
RIVERHEAD SEWER DISTRICT
CAPITAL IMPROVEMENT PROJECT

BUDGET ADOPTION

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, The Riverhead Sewer District and H2M, the engineer, has received funds to provide a map and plan that explores a sewer extension at Sargents.

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

		<u>FROM</u>	<u>TO</u>
414.092705.421050.20043	Developer Fees	750.00	
414.081300.543504.20043	Professional Service Eng.		750.00

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting Department, the Sewer District and H2M, 575 Broad Hollow Road, Melville, NY 11747.

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 880

**AUTHORIZES ACCEPTANCE OF SUFFOLK COUNTY DOWNTOWN
REVITALIZATION ROUND 12 FUNDING FOR
HISTORIC DOWNTOWN RIVERHEAD DIRECTIONAL SIGNS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead always desires to improve the economy and quality of life within the Town of Riverhead; and

WHEREAS, through the Suffolk County Downtown Revitalization Program, the County of Suffolk participates with local governments in the development, support and funding of projects located in Suffolk County that will have an important and sustainable impact on downtowns and business districts; and

WHEREAS, Suffolk County announced Round 12 of the Downtown Revitalization Grant Program to encourage improvements in downtown business districts; and

WHEREAS, eligible applicants include chambers of commerce and business improvement districts with municipalities acting as local sponsors; and

WHEREAS, the Town of Riverhead Community Development Department has applied and been awarded a \$65,000 grant to the Riverhead Business Improvement District towards a total project budget cost of \$118,284 for coordinated directional signage to "Historic Downtown Riverhead" to allow visitors, tourists and residents to find downtown amenities more easily; and

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes acceptance of the Suffolk County Downtown Revitalization grant for coordinated directional signage to "Historic Downtown Riverhead" to allow visitors, tourists and residents to find downtown amenities more easily; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to sign any and all necessary documents, including but not limited to the required easement/lease documents and an intermunicipal agreement, subject to review and approval of the Town Attorney, to participate in the above referenced program; and be it further

RESOLVED, a copy of this resolution shall be forwarded to the Town Attorney, Accounting and the Community Development Department; and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared TABLED

TABLED

TOWN OF RIVERHEAD

Resolution # 881

AUTHORIZES ACCEPTANCE OF NEW YORK STATE FUNDING TO SUPPORT A SUFFOLK COUNTY REGIONAL AGRITOURISM VISITORS CENTER

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Governor Cuomo has directed the following State agencies to make New York State funding resources available through the Consolidated Funding Application (“CFA”) process: Empire State Development; NYS Canal Corporation; Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; Department of Labor; Parks, Recreation and Historic Preservation; Department of State; and Department of Transportation; and

WHEREAS, each Region will compete for economic aid through competitive awards to projects that support identified key regional issues and opportunities, support a regional economic vision, and address key issues and outline major elements of the strategic plans; and

WHEREAS, the Town of Riverhead Board authorized submission of a funding application to support creation of a Suffolk County Regional Agritourism Visitors Center potentially including a farmers market and office space for agriculture and tourism related businesses and non-profits in the Town of Riverhead to serve all of Eastern Long Island in partnership with Suffolk County; and

WHEREAS, the LIREDC recommended funding the project and the Governor awarded \$500,000 towards the project through NYS Empire State Development and another \$200,000 towards marketing through NYS Market New York.

WHEREAS, the proposed tourism outreach project will implement Long Island Economic Development Regional Council goals identified in the strategic plan to develop the sustainable economies based in agriculture and tourism to create jobs, enhance tax base, and incentivize private investment in the region; and

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead Board authorizes acceptance of the grant, authorizes the Supervisor and other necessary CDA and Town employees to sign and submit required paperwork for acceptance of up to \$500,000 in NYS funding to support development of Suffolk County Regional Agritourism Visitors Center; and

BE IT FURTHER RESOLVED, that the Town of Riverhead Board authorizes the Accounting Department to set up appropriate budget lines and authorizes purchase orders as required to be issued; and

BE IT FURTHER RESOLVED, that the Town of Riverhead Board authorizes a \$250 application fee at time of acceptance of the Incentive Proposal and a 1% commitment fee (\$5,000) due when the grant documents are executed and processed to be paid/reimbursed by the private partner providing the matching funds; and

BE IT FURTHER RESOLVED, that the Town Clerk forward copies of this resolution to the Community Development Agency, the Town Attorney, and the Financial Administrator; and

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 882

**AUTHORIZES BUDGET MODIFICATION TO SUFFOLK COUNTY DOWNTOWN
REVITALIZATION ROUND 8 FUNDING FOR IMPROVEMENTS TO
EAST END ARTS SITE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead entered into a contract with Suffolk County under the Downtown Revitalization Program to receive a \$87,350 grant to the Riverhead Chamber towards renovation of the East End Arts (EEA) site as well as repairs to the Fresh Pond Schoolhouse; and

WHEREAS, a budget modification is required to complete the project.

NOW THEREFORE, BE IT RESOLVED, the Town Board ratifies the attached budget; and

RESOLVED, that the Supervisor be, and is hereby, authorized to sign a budget modification transferring funds from lighting to EEA Site work; and

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

RESOLVED, a copy of this resolution shall be forwarded to the Town Attorney, Accounting and the Community Development Department; and

THE VOTE

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

The Resolution Was Thereupon Duly Declared TABLED

TOWN OF RIVERHEAD

Resolution # 883

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST THE ATTACHED NOTICE
TO BIDDERS FOR TOWN HVAC SYSTEMS CONTRACT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for the Town HVAC Systems Contract in the January 8, 2015 issue of the official Town newspaper; and

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

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed proposals for the Town HVAC Systems Contract will be received by the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 4:00 pm on January 21, 2015 and will be publicly opened and read aloud at 11:00 am on January 22, 2015 in the Office of the Town Clerk.

Bid packets, including Specifications, may be examined and/or obtained beginning **January 8, 2015** by visiting the Town of Riverhead website at www.townofriverheadny.gov and click on Bid Requests. Beginning **January 8, 2015.**

Each proposal must be submitted on the form provided and must be in a sealed envelope clearly marked, "Town HVAC Systems Contract".

Please take further notice, that the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lowest bidder. Note: Bid responses must be delivered to Office of the Town Clerk at the address above. The Town may decline to accept, deem untimely and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

BY ORDER OF THE RIVERHEAD TOWN BOARD
DIANE M. WILHELM, TOWN CLERK
Riverhead, NY 11901

Dated: December 30, 2014

TOWN OF RIVERHEAD

Resolution # 884

**RATIFIES THE APPOINTMENT OF A CALL-IN ASSISTANT RECREATION LEADER
TO THE RECREATION DEPARTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, a call-in Assistant Recreation Leader is needed by the Riverhead Town Recreation Department for work in recreation programs,

NOW THEREFORE BE IT RESOLVED, that effective December 29, 2014 this Town Board hereby appoints Kyle Stephenson to the position of Call-in Assistant Recreation Leader II, Level 2, to be paid the rate of \$12.70 per hour and

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 885

**APPOINTS A WATER DISTRICT SUPERINTENDENT
(TYPE IB TREATMENT FACILITY)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the retirement of the former Water District Superintendent (Type IB Treatment Facility) has created a vacancy for a replacement Water District Superintendent (Type IB Treatment Facility) to oversee day to day operations in the Riverhead Water District; and

WHEREAS, the Suffolk County Department of Civil Service has certified a List of Eligibles for the title of Water District Superintendent (Type IB Treatment Facility), List # 12-7451-422, and Assistant Water District Superintendent Mark Conklin is immediately reachable on that Certified List.

NOW, THEREFORE, BE IT RESOLVED, that effective January 1, 2015 this Town Board hereby appoints Mark Conklin to the position of Water District Superintendent (Type IB Treatment Facility) at the annual salary of \$125,000.00; and

BE IT FURTHER RESOLVED, that this Town Board hereby authorizes the Town Supervisor to enter into a contract agreement with Mark Conklin.

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 886

ACCEPTS THE RETIREMENT OF THE SANITATION SUPERINTENDENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town has received notification from John Reeve, Sanitation Superintendent, indicating his intent to retire effective December 29, 2014.

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

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 887

EXTENDS CONTRACT WITH ARTHUR J. GALLAGHER & CO. RISK MANAGEMENT SERVICES FOR THE IMPLEMENTATION OF THE INSURANCE PROGRAM FOR 2015

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Board of the Town of Riverhead, by Resolution #855 adopted on November 7, 2012, authorized the issuance of a Request for Proposals seeking proposals from interested and qualified insurance brokerage companies to meet the Town’s property, liability and certain other insurance requirements, including risk assessment and liability related to workers compensation and acting as third party administrator related to such workers compensation claims, and to advise the Town on addressing risk management requirements that are in the best interest of the Town (Insurance Brokerage Services); and

WHEREAS, the Town Board, by Resolution #971 adopted on December 27, 2012, awarded the bid for Insurance Brokerage Services to Arthur J. Gallagher & Co., Risk Management Services, Inc.; and

WHEREAS, the Town Board, by Resolution #858 adopted on December 31, 2013, extended contract with Arthur J. Gallagher & Co., Risk Management Services, Inc.; and

WHEREAS, the Town Board, upon the recommendation of the Financial Administrator, seeks to extend the contract with Arthur J. Gallagher & Co., Risk Management Services, Inc. for an additional year (2015) under the same terms and conditions as set forth in the original professional services agreement.

NOW THEREFORE BE IT RESOLVED, the Town hereby awards and extends the professional services agreement for insurance program to Arthur J. Gallagher & Co. Risk Management Services Inc. for the calendar year 2015 upon and same terms and conditions of the original contract; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 888

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION, INC., REGARDING 2015 CALENDAR YEAR EVENTS AND SERVICES

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead, with the assistance of the Riverhead Business Improvement District Management Association, Inc. (BIDMA), wishes to continue to administer the District Plan as adopted by the Town of Riverhead pursuant to Local Law No. 222 of 1991, during the 2015 calendar year.

WHEREAS, BIDMA has recommended a series of events and services more fully delineated in the attached agreement.

NOW THEREFORE BE IT RESOLVED that the town supervisor is authorized to execute the attached agreement with the Riverhead Business Improvement District Management Association, Inc., regarding 2015 calendar year events and services; and

BE IT FURTHER RESOLVED THAT the Town of Riverhead Accounting Department is authorized to modify the budget for Fund 118-Business Improvement District to conform to Schedule A of the 2015 calendar year agreement; and

BE IT FURTHER RESOLVED THAT a copy of this resolution shall be forwarded to Raymond Pickersgill, President, Riverhead Business Improvement District Management Association, Inc., 49 East Main Street, Riverhead, New York 11901, the Accounting Department and the Office of the Town Attorney; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

Agreement

made between the

TOWN OF RIVERHEAD
(Business Improvement District)

-and-

RIVERHEAD BUSINESS IMPROVEMENT DISTRICT
MANAGEMENT ASSOCIATION, INC.

This Agreement made the 30th day of December, 2014, between the Town of Riverhead Business Improvement District ("BID"), with principal offices located at 200 Howell Avenue, Riverhead, New York, 11901, and the Riverhead Business Improvement District Management Association, Inc. ("BIDMA"), a not-for-profit corporation organized under the laws of the State of New York, having its principal offices at 49 East Main Street, Riverhead, New York, 11901.

NOW, THEREFORE, the parties mutually agree that:

1. The BIDMA shall proffer projects, capital improvements, events and services in regard to the BID which are attached hereto as Schedule A. The events delineated in the attached Schedule A shall be deemed co-sponsored by both the BID and BIDMA and are hereby approved. However, the BID reserves the unilateral right to require BIDMA to procure additional liability insurance, even in regard to co-sponsored events. BIDMA agrees to timely apply for and obtain approval for all applicable Riverhead Town Code Chapter 90 permits. BID, as a co-sponsor of such events, shall waive Chapter 90 permit fees regarding BIDMA's Chapter 90 applications pursuant to RTC section 90-6. BID shall provide all proper and reasonable funding regarding administrative services/expenses incurred by the BIDMA necessary to carry out the District Plan as adopted by the Town of Riverhead pursuant to Local Law #222 of 1991. Administrative services as specified herein are defined as payment of employee salaries and the associated payroll expenses, rent, purchase of incidental office supplies, telephone expenses, photocopier expenses, insurance and advertising expenses and any other expenses related to the actual administration of the BID. The BIDMA shall provide a detailed, comprehensive and exhaustive accounting of all actual and anticipated administrative services/expenses it has or anticipates it shall incur during the term of this Agreement prior to execution of this Agreement. The BID shall pay all legitimate, proper and necessary administrative expenses in a timely manner as addressed in Schedule A. The BIDMA agrees to provide all documentation, written, recorded or otherwise in support of its determination

of administrative services/expenses to the Chief Financial Administrator on a monthly basis and to any member of the Town Attorney's Office, if requested, within three business days, or if not available, within a reasonable time.

2. The BIDMA shall proffer and recommend to the BID-Town Board designated projects, including capital improvements, events and services designed for the purpose of promoting and enhancing the business improvement district in the interests of economic stimulus and/or betterment of the district as a whole.
3. The BIDMA shall submit a written list of projects, including suggested capital improvements, events and services, including actual or estimated costs with supporting documentation and projected dates of commencement/completion it recommends for approval to the BID on or before September 1 for those projects, events and services anticipated to occur on or after January 1st of the following calendar year. In addition, the BIDMA shall submit its budgetary request regarding its recommended list of projects, including capital improvements, events and services, as well as its projected administrative expenses to the Town of Riverhead's Chief Financial Officer on or before September 1. The recommendations of the BIDMA are not binding upon the Bid-Town Board which may approve or disapprove any or all of the recommendations. For those projects, events or services that the BIDMA wishes to recommend and becomes aware of after October 1, the BIDMA shall forthwith notify the BID of its recommendation in the same format addressed above. The BIDMA shall and must provide a valid and properly authorized written BIDMA resolution by its board approving the recommended projects, capital improvements, events, services, costs and budget allocations before the BID shall consider same for approval.
4. Notification Procedure of recommended projects, events or services.

The BIDMA shall notify the BID of all recommended projects, events or services by submitting in writing to each town board member a list of recommended projects, events, or services so recommended. The BID shall consider and address each of the recommended projects, events or services in work session and notify BIDMA of its decision in a timely manner. The BIDMA shall make available to the BID one or more persons who are familiar with the recommended projects, events or services whom shall be present at the scheduled work session. Said representative shall be made available for any subsequent meetings of the BID on an as-needed basis. The BID shall consider each recommended project, event or service and the anticipated cost of same. For those projects, events or services so approved by the BID, the BID shall provide the necessary funding to the BIDMA in a timely manner. The BID reserves the right to request additional information and/or documentation at any time and may withhold partial or full payment in the absence of same.

5. Location of meetings.

All BIDMA meetings shall take place at the Riverhead Town Hall board meeting room at dates and times to be determined by the parties to this agreement. All monthly meeting dates shall be provided in writing to each town board member and the town attorney's office no later than 30 days before any scheduled meeting, including all special meetings. In the event that the BIDMA schedules all of its monthly meetings before the subject calendar year, a schedule of same shall be provided to each town board member and the town attorney's office within 10 days of publication.

6. Minutes/Agenda of meetings.

The BIDMA secretary or designee shall keep an accurate record of all business that comes before the BIDMA, including but not limited to: subject matter, identification of all parties at the meetings (including directors, officers and members and nature of participation) and resolutions, including resolution number and identification of voting interests. An accurate record of all business that comes before the BIDMA shall be provided to the BID-Town Board, Town Attorney's Office and the Chief Financial Officer within seven (7) days of the subject meeting.

7. Attendees at meetings.

The BID and BIDMA hereby acknowledge and agree that every meeting shall be open to the general public, except that an executive session of such association may be called and business transacted thereat in accordance with the New York State Public Officers Law section 105.

8. Assignment

This Agreement may not be assigned by the BIDMA without the express written consent of the Town of Riverhead Business Improvement District.

9. Term of the Agreement.

The term of this Agreement shall commence on January 1, 2015, and expire on December 31, 2015, and shall not be renewed except upon the written consent of all parties.

10. Records.

The BIDMA further agrees to provide any and all documents, records, notes, or other information regarding all recommended projects, events or services

regarding the business improvement district immediately upon request by the BID-Town Board, Town's Financial Administrator and/or Chief Fiscal Officer and any employee of the Town Attorney's Office, or anyone so designated by the above parties to receive same within three (3) days of such request.

11. Insurance

The BIDMA shall procure insurance in amounts and at policy limits as may be determined by the BID notwithstanding any other insurance requirements or obligations pursuant to New York State Law.

12. Director/Officer Elections

The BIDMA shall notify the BID of all candidates for director and officer positions in writing no later than ten (10) days before the respective election regarding the respective classification and position; for example, commercial property owner or commercial tenant and/or officer position and the subject term. The BIDMA shall notify the BID in writing of all election results within three (3) days of the election, including classification, title and term of office.

13. Independent Contractor

Notwithstanding anything contained herein to the contrary, it is specifically understood and agreed that, in the performance of the terms, covenants and conditions of the Agreement, neither the BIDMA nor any of its officers, directors, employees, agents or independent contractors shall be deemed to be acting as agents, servants, or employees of the Town by virtue of this Agreement or by virtue of any approval, permit, license, grant, right or other authorization given by the Town of any of its officers, agents or employees pursuant to this Agreement, but shall be deemed to be independent contractors performing services for the BID or the BIDMA, as the case may be, without power or authority to bind the Town and shall be deemed solely responsible for all acts taken or omitted by them in the performance of or otherwise pursuant to this Agreement.

14. Indemnification

- (a) Except as otherwise expressly stated herein, the BIDMA hereby assumes liability for, and hereby agrees to indemnify, protect, defend, save and hold harmless, the BID-Town from and against any and all liabilities, obligations, losses, damages, penalties, claims, actions, suits, costs, expenses and disbursements, including, without limitations, reasonable legal and investigative fees and expenses, of whatsoever kind and nature (hereinafter called "Liabilities") which may be incurred or imposed at any time (whether during the Agreement Term or thereafter) on the BID-Town (whether or not also indemnified against by any other person) and in any way relating to or

arising out of, or alleged (by a person other than the BID-Town) to in any way relate to or arise out of any act, omission or error in judgment of any performance of the Agreement, actively, passively or otherwise by the BIDMA, its members, directors and/or officers. Such liabilities shall include, without limitations, the following: claims or penalties arising from any violation of any federal, state or local laws, rules or regulations or insurance requirements, as well as any claim resulting from latent, patent, and other defects, whether or not discoverable by the BID-Town, any claim the insurance as to which is inadequate, any claim for patent, trademark or copyright infringement, any tort claim or claim for damages, any claim or liability in respect to any adverse environmental impact or effects. The BIDMA shall assume full responsibility for the defense against or settlement of any such liability, and the BID-Town shall cooperate with the BIDMA by providing, at the expense of the BIDMA, such witnesses, documents and other assistance as the BIDMA may reasonably request; provided, however, that: (i) the BID-Town shall be consulted as to the legal counsel to be employed in respect hereof and may veto, for good cause shown, the employment of any legal counsel unacceptable to it and (ii) if the BID-Town shall give to the BIDMA notice that, in good faith judgment, an important general interest of the BID-Town is involved in such liability or potential liability, the BID-Town shall have the right to consult with the BIDMA in the defense against or settlement of such liability.

- (b) The BIDMA shall require each of its contractors and subcontractors to agree to indemnify the Town and assume liability for injuries on the same basis as the BIDMA under subsection (a) above.
- (c) The obligations of the BIDMA under this section shall survive the expiration or earlier termination of this Agreement and are expressly made for the benefit of, and shall be enforceable by the Town without necessity of declaring this Agreement in default.

15. Notice

Each written notice, demand, request or other communication in connection with this Agreement shall be either served in person, with delivery or service acknowledged in writing, by the party receiving the same, or deposited in the United States mail by certified mail, return receipt requested, postage prepaid and addressed to:

- (a) the Town Attorney's Office at the address hereinafter set forth:
- (b) the Town and/or Supervisor at:

Supervisor Sean M. Walter

Town Attorney's Office

Riverhead Town Hall
200 Howell Avenue
Riverhead, New York 11901

Riverhead Town Hall
200 Howell Avenue
Riverhead, New York 11901

and to the BIDMA at: 49 East Main Street
Riverhead, New York 11901

or such other addresses as may be specified by written notice sent in accordance herewith. Every notice, demand, request, or other communication hereunder shall be deemed to have been given at the time of mailing as aforesaid.

16. Amendments

Changes may be made to this Agreement by written amendment approved by the BID and the BIDMA. All such changes, modifications and amendments shall become part of the original Agreement.

17. Alcohol-Related Events

BIDMA acknowledges, understands and agrees, to the following conditions regarding any event delineated in the attached Schedule A, or amendments thereto, whereby alcohol shall be sold, served or consumed:

- a. BIDMA shall require each alcohol vendor participating in the event, defined as any party or entity selling, or serving or providing alcohol for consumption, to provide sufficient insurance liability coverage, based upon the number of participants or attendees in the event, which shall be subject to approval by the Town Attorney's Office and its Insurance Administrator, in its discretion.
- b. The BID, specifically, The Town of Riverhead, and BIDMA, shall be named in all certificates of liability insurance coverage, as additional insureds, regarding alcohol coverage, with proper endorsement.
- c. The certificate of insurance must be provided to the Town Attorney's Office no later than fourteen (14) days before the scheduled event. The Town reserves the right to require additional insurance coverage it so deems in its best interests.
- d. BIDMA shall provide to the Town copies of all applicable New York State Liquor Authority licenses, certificates and other appropriate documents no later than fourteen (14) days before the applicable event, from each of the participating alcohol vendors.

- e. BIDMA acknowledges, understands and agrees to obtain RTC Chapter 90 permits in a timely manner.
- f. BIDMA acknowledges, understands and agrees that failure to provide the requisite documents in applicable time frames may result in revocation of the subject Chapter 90 permit for the event.

18. Entire Agreement

This Agreement contains all the terms and conditions agreed upon by the parties hereto and no other agreement, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

IN WITNESS HEREOF, this Agreement has been duly executed by the respective parties on the date last written herein.

RIVERHEAD BUSINESS IMPROVEMENT
DISTRICT MANAGEMENT ASSOCIATION, INC.

By: Raymond Pickersgill, President

Date

TOWN OF RIVERHEAD
BUSINESS IMPROVEMENT DISTRICT

By: Sean M. Walter, Town Supervisor

Date

Schedule A		2015 B.I.D.M.A. Budgeted Amount	1st Payment 1/8/2015	2nd Payment 3/6/2015	3rd Payment 7/8/2015	Final 2015 Budget	Final Budget	Adjustment
Administration	Accountant	\$ 2,500	\$ 1,250	\$ 625	\$ 625			
	Advertising							
	Cablevision							
	Capital Improvements	8,000	2,500	5,500				
	Computer							
	East End Arts Council	2,000		2,000				
	Farmers Market	5,000	5,000					
	Insurance	2,500	2,500					
	Supplies & Materials	2,500	1,300	1,100	100			
	Payroll							
	Payroll Processing							
	Payroll Taxes							
	Rent							
	Workers Comp							
		118,064,100.543925	\$ 12,550	\$ 9,225	\$ 725	\$ 22,500	\$ 34,200	\$ 11,700
Advertising		118,064,100.544160	\$ 18,267	\$ 8,266	\$ 7,267	\$ 33,800	\$ 69,100	\$ (11,700)
Events:								
June	Cardboard Boat Race	\$ 3,000	\$ 1,500	\$ 1,500		\$ 3,000		
June	Antique Show	2,000	2,000			2,000		
July	4th of July Celebration	15,000		15,000		15,000		
May - Sept	Cruise Nights	10,000		6,250	3,750	10,000		
Oct	Poe Festival 9p	15,000	7,500	7,500		15,000		
Dec	Holiday Bonfire	2,000			2,000	2,000		
		118,064,100.544160	\$ 11,000	\$ 30,250	\$ 5,750	\$ 47,000		
	Total 2015 Budget	\$ 103,300	\$ 41,817	\$ 47,741	\$ 13,742	\$ 103,300		

TOWN OF RIVERHEAD

Resolution # 889

**AUTHORIZES RE-APPOINTMENT OF THIRD PARTY ADMINISTRATOR
PROCESSING AND PAYMENT OF GENERAL LIABILITY CLAIMS AND WORKERS
COMPENSATION CLAIMS AND RELATED MEDICAL CLAIMS**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Board of the Town of Riverhead, by Resolution #855 adopted on November 7, 2012, authorized the issuance of a Request for Proposals seeking proposals from interested and qualified insurance brokerage companies to meet the Town's property, liability and certain other insurance requirements, including risk assessment and liability related to workers compensation and acting as third party administrator related to such workers compensation claims and general liability claims, and to advise the Town on addressing risk management requirements that are in the best interest of the Town (Insurance Brokerage Services); and

WHEREAS, the Town Board, by Resolution #971 adopted on December 27, 2012, awarded the bid for Insurance Brokerage Services to Arthur J. Gallagher & Co., Risk Management Services, Inc.; and

WHEREAS, the Town Board, by Resolution #858 adopted on December 31, 2013, extended contract with Arthur J. Gallagher & Co., Risk Management Services, Inc.; and

WHEREAS, the Town Board, by Resolution #887 adopted on December 30, 2014, extended the Insurance Brokerage Services to Arthur J. Gallagher & Co., Risk Management Services, Inc. for an additional year; and

WHEREAS, Arthur J. Gallagher & Co., Risk Management Services, Inc. researched and evaluated firms qualified to provide third party administrator services for the Town and recommended that the Town reappoint Gallagher Bassett Services, Inc. for workers compensation claims and Vericlim for general liability claims both under the same terms and conditions as set forth in the original agreements for services.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby reappoints and extends the agreements to Gallagher Bassett Services, Inc. for workers compensation claims, and Vericlim, for general liability claims, both under the same terms and conditions as set forth in the original agreements for services; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute a Professional Services Agreement with Gallagher Bassett Services, Inc. for workers compensation claims, and be it further

RESOLVED, that the Supervisor is hereby authorized to execute a Professional Services Agreement with Vericlim for general liability claims, and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 890

**GRANTS SPECIAL USE PERMIT PETITION OF THEODORA COHEN
(EAST MAIN STREET, RIVERHEAD)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Riverhead Town Board is in receipt of a special use permit petition made by Theodora Cohen, to convert an existing 1,698sq.ft., storage building into a single family dwelling unit on a 0.45ac. parcel zoned Downtown Center, Office (DC-3) upon premises located on the south side of East Main Street, approximately 200 feet west of and opposite Prospect Place, Riverhead 11901; such real property more particularly described as Suffolk County Tax Lot Number SCTM 0600-127-7-24.1; and

WHEREAS, the petition, among other things, consists of an Application for Special Permit dated March 12, 2014, an Short Environmental Assessment Form dated March 7, 2014, a 500 feet radius map with list of surrounding parcel owners, a 200 foot radius zoning and land use map with list of surrounding land uses, and site plan prepared by Jeff A. Zahn, Architect dated March 28, 2014; and

WHEREAS, by resolution number 618, adopted on September 3, 2014, the Riverhead Town Board did determine the Action to be an Unlisted Action, pursuant to 6 NYCRR Part 617 where the need for coordinated review is optional and in the particular circumstances unnecessary and authorized the publishing and posting of a public hearing to be held on the application; and

WHEREAS, on September 16, 2014, this Town Board did hold a public hearing in order to hear all persons upon either the merits or the demerits of the relevant special use permit petition; and

WHEREAS, the matter was referred to the Suffolk County Planning Commission for its report and recommendation; by correspondence dated May 23, 2014, the Suffolk County Planning Commission notified the Town of Riverhead that such planning commission concluded the matter to be one of local determination.

THEREFORE BE IT RESOLVED, that in the matter of the special use permit of Theodora Cohen, the Riverhead Town Board makes the following findings:

First, the subject premises lies within the confines of the Downtown Center, Office (DC-3) Zoning Use District;

Second, the DC-3 District does allow for single family dwelling units, the use requires the application for a special use permit of the Town Board pursuant to Town Code section 108-306B(7);

Third, that the DC-3 District does not place a limit of the number of single family dwelling units;

Fourth, that the uses within 200 feet are principally commercial together with the institutional use of the Riverhead Town Hall directly across East Main Street;

Fifth, that by Town Board resolution 247, adopted on March 17, 2009, the applicant has applied for and received similar special permit use approval in the past and in particular;

BE IT FURTHER RESOLVED, that the Riverhead Town Board, in the matter of the special use permit petition of Theodora Cohen, hereby makes the following determinations;

First, that the plot (lot) area is sufficient, appropriate and adequate for the proposed use and anticipated thereof;

Second, that the proposed use is not unsuitably near to a house of worship, school, theater, recreation area;

Third, that access facilities are adequate for the estimated motor vehicle traffic from public streets as to avoid traffic congestion and that the proposed access from East Main Street is greater than 75 feet from the intersection of all street lines;

Fourth, that the applicant will use an existing curb cut as such are approved by the New York State Department of Transportation;

Fifth, that the proposed conversion use will provide for off-street parking stalls which are adequate for the anticipated number of occupants and visitors;

Sixth, that adequate buffer yards, landscaping, fencing and screening exists where necessary to protect adjacent properties and land uses;

Seventh, those adequate provisions exist for the supplying of public water, for the collection and recharge of stormwater runoff, and for the collection and treatment of sanitary sewage;

Eighth, the existing municipal services are adequate to provide for the demands of the proposed use;

Ninth, that the intensity of the proposed specially permitted use is justified in the light of similar uses within the DC-3 Zoning Use District; and

BE IT FURTHER RESOLVED, that based upon its findings and determinations, the Riverhead Town Board hereby grants the special use permit of Theodora Cohen subject to the following conditions:

- (i) That any proposed exterior or site improvements shall be subject to site plan review pursuant to Article XXVI of the Town of Riverhead Zoning Ordinance;

(ii) That the single family use shall commence within three (3) years of the date of this resolution; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Theodora Cohen, 761 East Main Street, Riverhead, New York 11901, Jeff A. Zahn, AIA, as agent for the applicant, 215 Roanoke Avenue, Riverhead, New York 11901, to the Planning Department and to the Building Department of the Town of Riverhead; and

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 891

APPOINTS SINNREICH, KOSAKOFF & MESSINA LLP AS SPECIAL COUNSEL IN THE MATTER OF THE CLAIM OF GREGORY JOHN FISCHER

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen,

WHEREAS, by Notice of Claim dated December 15, 2014, filed with the Office of the Town Clerk on December 16, 2014, Gregory John Fischer (“Claimant”) gave notice of intent to commence a lawsuit against the numerous parties, including, but not limited to the Town Board of the Town of Riverhead, as defendants; and

WHEREAS, the Town Board has determined that the law firm of Sinnreich, Kosakoff & Messina, LLP is qualified and be retained to defend or appear on behalf of the defendants named by Claimant in said Notice of Claims.

NOW THEREFORE BE IT RESOLVED, that the law firm of Sinnreich, Kosakoff & Messina, LLP, be retained as special counsel or appear on behalf of the defendants regarding the Notice of Claim made by Claimant; and be it further

RESOLVED, that the Riverhead Town Board hereby approves the Supervisor executing a Retainer Agreement in substantially the same form attached with Sinnreich, Kosakoff & Messina, LLP; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Sinnreich, Kosakoff & Messina, LLP, 267 Carleton Avenue, Suite 301, Central Islip, New York 11722, Town Attorney, and Accounting Dept; and be it further;

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

SPECIAL COUNSEL RETAINER AGREEMENT

The Town of Riverhead (the "Town") hereby agrees to retain Sinnreich, Kosakoff & Messina, LLP (the "Firm") for representation of Supervisor Sean M. Walter, Town Council Member John Dunleavy, James Wooten, George Gabrielsen and Jodi Giglio, Town Attorney Robert F. Kozakiewicz, Town of Riverhead Community Development Agency and CDA Director Chris Kempner regarding the Notice of Claim dated December 15, 2014 and made by Gregory John Fischer.

The Firm agrees to use its best effort to handle the Notice of Claim and accomplish the tasks as requested by the Town but cannot guarantee the outcome of the action which is undertaken. The Firm will provide the Town Attorney with copies of important correspondence, motions and exhibits. In the event that such documents are voluminous, the Firm will contact the Town Attorney to arrange for copying. The Firm will also provide a monthly status report to the Town Attorney of each case which is pending in its office. It is also understood that the firm has full authority to adjourn any hearings, conferences or to extend return dates as required to appropriately handle each matter.

Legal services will be billed at a rate of \$175.00 per hour, plus disbursements. The hourly rate pertains to any work undertaken on behalf of the Town in connection with the matter. All necessary disbursements will be borne by the Town. Disbursements, which are reimbursable include, but are not limited to, court fees, process service fees, certified mailing expenses and Federal Express charges. Disbursements shall be billed as incurred, and are due and payable when billed. Should there be a need to incur an unusual expense such as the need to retain an expert or investigator, the Firm must inform the Town Attorney of such unusual expense beforehand and ask for the Town's consent.

The Firm will bill the Town on a monthly basis and will provide the Town with a Claim Voucher form for the matter that is being handled. Unless timely payments are received within sixty (60) days of their being billed, or another accommodation has been arrived at, the Firm reserves the right to withdraw from the representation and the entire balance amount outstanding shall become due.

Should a dispute arise over the fees billed for the Firm's services, the Town has the right to have the dispute resolved by arbitration at their election pursuant to a fee arbitration program established by the Chief Administrator of the Courts.

The Town has the absolute right to cancel this Retainer Agreement at any time, for any reason. Should the Town exercise this right, the Town will be responsible for payment to the Firm of actual work done and actual disbursements to the date of cancellation.

The Firm agrees not to represent any plaintiff in any action against the Town of Riverhead during the pendency of its representation of the Town in any litigation matters without the express written consent of the Town.

This Agreement shall be interpreted under the laws of the State of New York. Jurisdiction of any disputes arising hereunder shall be in the Courts of the State of New York, venued in the County of Suffolk.

Dated:

TOWN OF RIVERHEAD

SINNREICH, KOSAKOFF & MESSINA,
LLP

By: Sean M. Walter, Supervisor

By: Jonathan Sinnreich

TOWN OF RIVERHEAD

Resolution # 892

**AUTHORIZES SUPREME COURT ACTION AGAINST THE TOWN OF
SOUTHAMPTON AND NEW YORK STATE HEALTH INSURANCE PROGRAM
(NYSHIP)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Office of the Riverhead Town Attorney to commence a Supreme Court action against the Town of Southampton and other parties, as deemed appropriate by the Town Attorney for declaratory judgment, and other relief as determined by the Town Attorney, to determine the rights and responsibilities as to providing health insurance plan benefits for a Town of Riverhead employee formerly employed by the Town of Southampton.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 893

**AUTHORIZES THE SUPERVISOR TO EXECUTE A MUSICAL WORKS
LICENSE AGREEMENT WITH SESAC LLC**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead plays pre-recorded music in the form of compact discs, digital video discs, cassettes, and other media in Town facilities and at Town events (e.g. the senior center, teen activities); and

WHEREAS, many of these musical works are protected by U.S. Copyright Law; and

WHEREAS, a municipality requires permission from the holders of such copyrights to use the musical works in a public forum; and

WHEREAS, SESAC LLC represents the holders of copyrights for many of such musical works; and

WHEREAS, SESAC LLC will provide a license granting permission to the Town of Riverhead to play all of the works of copyright holders SESAC LLC represents for a fee of \$719.00 for calendar year 2015.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached license agreement with SESAC LLC for the right to play pre-recorded music represented by SESAC LLC; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to SESAC LLC, 55 Music Square East, Nashville, TN, 37203; the Accounting Department; Parks and Recreation; Senior Citizen’s Services and the Office of the Town Attorney; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

SESAC PERFORMANCE LICENSE for MUNICIPALITIES

Agreement made in New York by and between SESAC LLC ("SESAC"), a Delaware limited liability company, with offices at 55 Music Square East, Nashville, TN 37203 and

(Legal Name of Entity) Town of Riverhead ("LICENSEE")

(Billing Address) 200 Howell Avenue

(City, State, ZIP) Riverhead, NY 11901

Telephone: (631) 727-3200 Fax: (631) 727-6152 E-mail: mccormick@townofriverheadny.gov

SESAC and LICENSEE hereby mutually agree as follows:

1. GRANT OF RIGHTS: Effective as of **January 1, 2015** (the "Effective Date") SESAC grants to LICENSEE the non-exclusive right and license to publicly perform live or recorded non-dramatic renditions of the musical compositions, the performance rights to which SESAC controls and/or is empowered to license (the "Compositions") solely on and in connection with the following:

Name **Town of Riverhead**
Location **Riverhead, NY** (the "Municipality")

As used herein, "Municipality" shall include those locations owned, operated, and/or leased by LICENSEE which are used as governmental offices or for related purposes; those locations at which events are held under LICENSEE's sole control and attended by LICENSEE's employees, their families, social acquaintances, citizens, and other members of the public; and those areas owned, operated, and/or leased by LICENSEE which are under LICENSEE's sole control.

2. LIMITATIONS OF RIGHTS: The Rights granted pursuant to Paragraph 1 above shall specifically exclude:

A. the right to perform, broadcast, televise or otherwise transmit the Compositions to any location (unless and to the extent otherwise expressly permitted in Schedule "A");

B. the right to grant the Rights to any third party;

C. "Grand Rights" in and to the Compositions ("Grand Rights" include, but are not limited to, the right to perform in whole or in part, dramatico-musical and dramatic works in a dramatic setting);

D. performances of the Compositions (i) which are part of a background music service originating from any location including the Municipality, for which SESAC performance license fees are otherwise paid, regardless of the means by which such performances are transmitted on or to the Municipality, and/or (ii) by coin-operated phonorecord players ("jukeboxes"), as defined in 17 U.S.C. § 116.

E. This license shall specifically exclude concerts. "Concerts" are those performances by an entertainer, group, or performer for which an admission or other fee is charged and which are not solely promoted by LICENSEE.

F. This license shall specifically exclude "Sporting events." "Sporting events" are professional, semi-professional, major or minor league athletic competitions.

G. This license shall specifically exclude Colleges and/or Universities.

3. TERM OF LICENSE:

A. The term of the Agreement shall be for an initial period that commences upon the Effective Date and continues for a period of one (1) year (the "Initial Period"). ~~Thereafter, the Agreement shall automatically continue in full force and effect for successive additional periods of one (1) year ("Renewal Period(s)").~~ SESAC and /or LICENSEE shall have the right to terminate this Agreement as of the last day of the Initial Period or as of the last day of any Renewal Period(s) upon giving written notice to the other party by certified mail, return receipt requested, at least thirty (30) days prior to the commencement of any Renewal Period(s). The Initial Period and Renewal Period(s) are sometimes collectively referred to herein as the "Term."

B. Notwithstanding anything to the contrary contained herein, SESAC shall have the right to terminate this Agreement upon thirty (30) days written notice by reason of any law, rule, decree, or other enactment having the force of law, by any authority, whether federal, state, local, territorial or otherwise, which shall result in substantial interference in SESAC's operation or any substantial increase in the cost of conducting its business.

4. LICENSE FEE:

A. As consideration for the Rights granted herein, LICENSEE shall pay to SESAC the annual "License Fee" then in effect in accordance with the "Fee Schedule" set forth in Schedule "A" attached hereto.

B. In the event that SESAC is determined by the taxing authority or courts of any state, territory, or possession in which LICENSEE conducts its operation to be liable for the payment of a gross receipts, sales, use, business use or other tax which is based on the amount of SESAC's receipts from LICENSEE, then LICENSEE shall reimburse SESAC, within thirty (30) days of notification therefor, for LICENSEE's pro rata share of any such tax derived from receipts received from LICENSEE, unless by constitution or statute, LICENSEE is exempt from any such tax whether applied directly or indirectly to LICENSEE.

~~C. SESAC shall have the right to impose a late payment charge of one and one-half percent (1.5%) per month for any License Fee payment that is more than thirty (30) days past due. In the event that SESAC incurs any costs or fees in connection with the collection of any amounts past due to SESAC hereunder, including without limitation reasonable attorney's fees, then LICENSEE shall be responsible for paying such amounts to SESAC unless by constitution or statute, LICENSEE is exempt from any such charge whether applied directly or indirectly to LICENSEE.~~

D. Effective January 1 of each calendar year the License Fee Schedule may be increased by an amount (rounded to the nearest dollar) equivalent to the percent increase in the Consumer Price Index – All Urban Consumer (CPI-U) as published by the Bureau of Labor Statistics, U.S. Department of Labor, between the most recent October and the preceding October or five percent (5%), whichever amount is greater.

5. MISCELLANEOUS:

A. In the event LICENSEE fails to pay the License Fee when due or is otherwise in default of any other provision of this Agreement, then SESAC shall have the right to terminate this Agreement in addition to pursuing any and all other rights and/or remedies available if LICENSEE has not cured such breach within thirty (30) days following SESAC's written notice of such default.

B. SESAC shall have the right to withdraw from the scope of this License, upon written notice, the right to perform any musical composition licensed hereunder as to which any action has been threatened, instituted, or a claim made that SESAC does not have the right to license the performance rights in such composition.

C. This Agreement shall be binding upon and inure to the benefit of SESAC's and LICENSEE's legal representatives, successors, and assigns, but no assignment shall relieve SESAC or LICENSEE of their obligation under this Agreement.

D. This Agreement supersedes and cancels all prior negotiations and understandings between SESAC and LICENSEE in connection with the Municipality. No modification of this Agreement shall be valid or binding unless in writing and executed by SESAC and LICENSEE. If any part of this Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction or by any other legally constituted body having the jurisdiction to make such determination, the remainder of this Agreement shall remain in full force and effect. No waiver of any breach of this Agreement shall be deemed a waiver of any preceding, continuing or succeeding breach of the same, or any other provision of this Agreement.

IN WITNESS THEREOF, the parties have caused this Agreement to be duly signed as of _____
Please insert today's date

LICENSEE Town of Riverhead

SESAC LLC

BY: _____
(please sign here)
Sean M. Walter

BY: _____

(Type or print name)

TITLE: Town Supervisor

TITLE: _____

Please mail signed license to:

SESAC
55 Music Square East
Nashville, TN 37203

Schedule "A"
MUNICIPALITY - 2015

I. **Municipality.** "Municipality," as used in the SESAC Performance License effective January 1, 2015 (the "Agreement") to which this Schedule "A" is attached, shall be defined as the following Municipality:

Name **Town of Riverhead**
Location **Riverhead, NY** (the "Municipality")

II. **Fee Schedule/License Fee.**

A. The annual License Fee shall be based upon the "Population" of the Municipality as noted below:

<u>"Population"</u>		<u>License Fee for calendar year 2015</u>
25,000	or less	\$ 360
25,001	- 50,000	\$ 719
50,001	- 100,000	\$ 1,171
100,001	- 150,000	\$ 1,707
150,001	- 250,000	\$2,334
250,001	- 500,000	\$3,052
500,001	And over	\$3,863 + \$360 for each additional 100,000 population

Population: 33,955

This license will authorize **audio and/or audio/visual musical performances** (radio, records, tapes, compact discs, videocassettes, laser discs, television, and similar media), and **live musical performances**. This license will also authorize performances via **music on hold** systems operated by LICENSEE.

B. As used herein, "Population" shall mean the total population of the Municipality as of the most recent United States Census.

C. LICENSEE shall pay the License Fee to SESAC upon execution of this Agreement, with license fees due and payable in advance. The initial License Fee payment shall be a pro-rated amount calculated using the then current License Fee rate(s) from the Effective Date through the end of the current billing period. Subsequent payments shall be made annually in one (1) payment on or before the first day of January, for the billing period of January 1 through December 31 of each calendar year of the Term.

D. Upon execution of this Agreement, LICENSEE shall provide SESAC with a report detailing the Population as of the Effective Date. Thereafter, on or before October 1 of each calendar year, in the event that a change in the Population results in a change in fee category, LICENSEE shall submit an updated report of the Population. License fees will be adjusted effective the following January 1. SESAC retains the right to obtain these figures through United States Census Data and make appropriate adjustments to the License Fee.

E. Notwithstanding anything to the contrary contained in this Agreement, upon written notice to LICENSEE, SESAC shall have the right to adjust the rates set forth in the Fee Schedule. In the event that LICENSEE's License Fee increases as a result of such adjustment to the Fee Schedule, LICENSEE shall have the right to terminate this Agreement as of the date such increase is to take effect. LICENSEE must give SESAC written notice of such termination by certified mail, return receipt requested, not later than thirty (30) days after written notice of such increase is sent to LICENSEE by certified mail. This paragraph shall not apply to paragraph 4.D of the Agreement.

III. **This Schedule** is incorporated and made part of the Agreement. Unless otherwise indicated, all capitalized terms in this Schedule "A" shall have the same meaning as set forth in the Agreement.

Please do not detach, must accompany license
Please mail completed license to: SESAC, 55 Music Sq. E., Nashville, TN 37203

TOWN OF RIVERHEAD

Resolution # 894

EXTENDS BID CONTRACT FOR DISPOSAL OF DEMOLITION AND CONSTRUCTION DEBRIS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Sanitation Department has requested the contract with Crown Recycling Facility be extended one year; and

WHEREAS, the Sanitation Supervisor has researched current disposal costs regarding Demolition and Construction Debris and recommends the Town extend the contract from December 31, 2014 to February 28, 2015; and

WHEREAS, this will be the first extension; and

WHEREAS, the above named vendor has agreed to extend the contract until February 28, 2015 for the same pricing, terms and conditions; and

WHEREAS, the Town Board has reviewed said request; and

NOW, THEREFORE, BE IT RESOLVED, that the contract for DISPOSAL OF DEMOLITION AND CONSTRUCTION DEBRIS is extended until February 28, 2015; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Crown Recycling Facility, 865 Youngs Avenue, Calverton, 11933, the Sanitation Department and Purchasing Department; and

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 895

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH FLYNN
STENOGRAPHY & TRANSCRIPTION SERVICES FOR
TRANSCRIPTION OF TOWN MEETINGS**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Board, by Resolution #858 adopted on December 16, 2014, authorizes the Supervisor to execute a contract with Arleen Bobal for the performance of transcribing the minutes of various boards within the Town of Riverhead, effective January 1, 2015 through December 31, 2015; and

WHEREAS, the Town Board is desirous of contracting with a second firm, Flynn Stenography & Transcription Services, to perform said transcribing services in the event that Ms. Bobal is unable to perform the services within the time parameters determined appropriate by the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Town Supervisor to enter into an agreement with Flynn Stenography & Transcription Services for the performance of transcribing the minutes of various boards within the Town of Riverhead at a rate not to exceed \$5.25 per page within the time parameters determined appropriate by the Town Clerk and an appearance fee not to exceed \$50.00 if a stenographer is present at a Town Board meeting; said agreement for a term effective January 1, 2015 through December 31, 2015 and limited to those instances/occasions wherein Ms. Bobal is unable to perform the services within the time parameters determined appropriate by the Town Clerk; and be it further

RESOLVED, that the Town is hereby directed to forward a copy of this resolution and attachment agreement to Flynn Stenography & Transcription Services, 193 Griffing Avenue, Riverhead, NY 11901; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

AGREEMENT
TOWN OF RIVERHEAD AND FLYNN STENOGRAPHY & TRANSCRIPTION
SERVICES FOR COURT REPORTER SERVICES

THE PARTIES HERETO AGREE AS FOLLOWS:

THIS AGREEMENT ENTERED INTO THE ____ day of January , 2015 by and between the Town of Riverhead, a municipal corporation with its principal place of business at 200 Howell Avenue, Riverhead, New York 11901 and Flynn Stenography & Transcription Services, 193 Griffing Avenue, Riverhead, NY 11901.

WITNESSETH:

The parties hereto agree as follows:

WHEREAS, the Town of Riverhead wishes to engage the services of Flynn Stenography & Transcription Services for the performance of transcribing the minutes of various boards within the Town of Riverhead at a rate not to exceed \$5.25 per page and \$50.00 appearance fee if necessary effective January 1, 2015 through December 31, 2015 limited to those instances/ occasions wherein Ms. Bobal is unable to perform the services within the time parameters determined appropriate by the Town Clerk.

NOW THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS: Flynn Stenography & Transcription Services shall perform transcribing services for the minutes of the Town Board Meetings, Grievances and Special Town Board Meetings at the rate not to exceed \$5.25 per page within the time parameters set forth and determined appropriate by the Town Clerk and an appearance fee not to exceed \$50.00 if a stenographer is present at a Town Board meeting and supply the Town of Riverhead with an e-mailed copy of the typed minutes of each meeting.

The term of agreement shall be from January 1, 2015 through December 31, 2015.

IN WITNESS WHEREOF, the parties hereto have executed this agreement of the day of and year first above written.

TOWN OF RIVERHEAD

BY: _____
Sean M. Walter, Town Supervisor

FLYNN STENOGRAPHY
& TRANSCRIPTION SERVICES

BY: _____, Title _____

TOWN OF RIVERHEAD

Resolution # 896

**EXTENDS BID CONTRACT FOR DISPOSAL AND RECYCLING
OF MUNICIPAL SOLID WASTE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Sanitation Department has requested the contract with Eastern Resource Recycling be extended; and

WHEREAS, the Sanitation Supervisor has researched current disposal costs regarding Municipal Solid Waste and recommends the Town extend the contract from December 31, 2014 to February 28, 2015; and

WHEREAS, this will be the first extension; and

WHEREAS, the above named vendor has agreed to extend the contract until February 28, 2015 for the same pricing, terms and conditions; and

WHEREAS, the Town Board has reviewed said request; and

NOW, THEREFORE, BE IT RESOLVED, that the contract for DISPOSAL AND RECYCLING OF MUNICIPAL SOLID WASTE is extended until February 28, 2015; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Eastern Resource Recycling, the Sanitation Department and Purchasing.

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 897

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR DISPOSAL AND RECYCLING OF MUNICIPAL SOLID WASTE

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for **DISPOSAL AND RECYCLING OF MUNICIPAL SOLID WASTE**.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby authorized to publish and post the following public notice in the January 8, 2015 issue of the News-Review; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

TAKE NOTICE that sealed bids for **DISPOSAL AND RECYCLING OF MUNICIPAL SOLID WASTE** 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 January 29, 2015.**

Bid packets, including Specifications, may be examined and/or obtained beginning **January 8, 2015** by visiting the Town of Riverhead website at www.townofriverheadny.gov and click on Bid Requests. Beginning **January 8, 2015.**

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.

All bids are to be submitted in a sealed envelope bearing the designation **DISPOSAL AND RECYCLING OF MUNICIPAL SOLID WASTE**. Bids must be received by the Office of the Town Clerk by no later than **11:00 am on January 29, 2015.**

Please take further notice that the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids, and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lowest bidder. Note: Bid responses must be delivered to the Office of the Town Clerk at the address above. The Town may decline to accept, deem untimely, and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 898

**EXTENDS BID CONTRACT FOR REMOVAL OF
HOUSEHOLD HAZARDOUS WASTE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Sanitation Department has requested the contract with Radiac Research be extended one year; and

WHEREAS, the Sanitation Supervisor has researched current disposal costs regarding Household Hazardous Waste and recommends the Town extend the contract one year; and

WHEREAS, this will be the first extension; and

WHEREAS, the above named vendor has agreed to extend the contract until December 31, 2015 for the same pricing, terms and conditions; and

WHEREAS, the Town Board has reviewed said request; and

NOW, THEREFORE, BE IT RESOLVED, that the contract for REMOVAL OF HOUSEHOLD HAZARDOUS WASTE is extended until December 31, 2015; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Radiac Research, the Sanitation Department and Purchasing.

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 899

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH NATIONAL FIRE & SAFETY SOLUTIONS INC.

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town of Riverhead Police Department/Justice Court Building requires continuous fire and security alarm inspection and monitoring services; and

WHEREAS, National Fire & Safety Solutions Inc., has previously installed a fire and security alarm system at the subject location and is ready, willing and able to continue to provide alarm monitoring and inspection services as desired by the Town of Riverhead at a cost of \$1,800.00 per year for inspection services and \$35.00 per month for a total annual cost of \$420.00 for fire and security alarm monitoring services at the subject location from January 1, 2015, to December 31, 2016.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute an Agreement with National Fire & Safety Solutions Inc., in substantially the same form as annexed hereto and subject to review and recommendation by the Office of the Town Attorney, regarding fire and security alarm monitoring services at the Police Department/Justice Court Building, at the cost stated above; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the 30th of December, 2014, between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and National Fire & Safety Solutions Inc., a corporation existing under the laws of the State of New York with a principal place of business at 211 Knickerbocker Avenue, Bohemia, New York, 11716 (hereinafter referred to as "Consultant").

In consideration of the mutual promises herein contained, Town of Riverhead and Consultant agree as follows:

1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in **Schedule A**, attached hereto and made a part hereof, including a comprehensive annual on-site inspection of the fire alarm system, including all equipment and devices comprising such system, located in the Town of Riverhead Police Department building located at 210 Howell Avenue, Riverhead, pursuant to the standards and requirements delineated by the National Fire Protection Association (NFPA 72, current edition). Consultant shall also provide constant monitoring of such fire alarm system. These services are to be rendered by Consultant as an independent contractor and not as an employee of Town. Inspection time schedule: March full inspection/September visual inspection.

2. TERM OF AGREEMENT

The Agreement shall commence on January 1, 2015 and terminate on December 31, 2016.

3. PAYMENT

For these services, Town will pay Consultant the following sums:

- a. Comprehensive annual on-site inspection and additional visual inspection as delineated in the scope of services above and attached Schedule A.: \$1,800.00 per year, payable within 30 days of completion of such comprehensive annual on-site inspection and submission of invoice, per calendar year.
- b. Fire alarm monitoring services: \$35.00 per month, for a total annual payment of \$420.00, payable within 30 days of invoice. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for herein. Consultant shall not incur any expenses in Town's behalf except upon written consent. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the

expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require.

In the event such inspection and monitoring services are terminated prior to term completion, Town shall be entitled to a pro-rata refund.

4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. Final payment shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

5. PUBLICITY

Consultant shall not, without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant.

6. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement.

7. RECORDS

Consultant shall keep accurate records of the time spent in the performance of services hereunder. The Town shall, until the expiration of seven years after final payment under this Agreement, have access to and the right to examine any directly pertinent books, documents, papers and records of Consultant involving transactions related to this Agreement.

8. CHANGES

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

departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

9. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, Esq. 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to National Fire & Safety Solutions Inc., 211 Knickerbocker Avenue, Bohemia, New York, 11716.

10. COMPLIANCE WITH LAWS

Consultant shall comply with all applicable federal, state and local laws and ordinances and regulations in the performance of its services under this Agreement. Consultant will notify Town immediately if Consultant's work for Town becomes the subject of a government audit or investigation. Consultant will promptly notify Town if Consultant is indicted, suspended or debarred. Consultant represents that Consultant has not been convicted of fraud or any other felony arising out of a contract with any local, state or federal agency. In carrying out the work required hereunder, Consultant agrees not to make any communication to or appearance before any person in the executive or legislative branches of the local, state or federal government for the purpose of influencing or attempting to influence any such persons in connection with the award, extension, continuation, renewal, amendment or modification of any contract or agreement. Consultant may perform professional or technical services that are rendered directly in the preparation, submission or negotiation activities preceding award of a Town agreement/contract or to meet requirements imposed by law as a condition for receiving the award but only to the extent specifically detailed in the statement of work. Professional and technical services are limited to advice and analysis directly applying Consultant's professional and technical discipline.

11. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance in the amount of two million dollars per occurrence and four million dollars in the aggregate and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant under this Agreement.

12. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead which any such official, employee, representative shall receive either directly or indirectly anything of value whether monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town, contract with the Town for sale of any product or service. Consultant further represents and covenants that neither it nor any of its employees or

representatives has offered or shall offer any gratuity to the Town, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment with respect thereto. Consultant further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with Town.

13. DISCLOSURE

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

14. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with the decision of Town.

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

By: Sean M. Walter, Town Supervisor
Town of Riverhead

By:
National Fire & Safety Solutions Inc.

DATE:

DATE:



Schedule A

NATIONAL FIRE & SAFETY SOLUTIONS, INC.
 211 Knickerbocker Ave, Bohemia, N.Y. 11716
 Ph: 631-234-5656 Fax: 631-234-9756



Town Of Riverhead
 200 Howell Avenue
 Riverhead, NY 11901

Date: 12/17/2014

Project: Inspection and Test

Quote#: 897D7336

Rep: TR

Qty	Item	Description
1	NFS-I&T Fire A...	Riverhead Police Dept 210 Howell Road, Riverhead, NY 11901 2 year Fire Alarm Inspection Agreement- 2015- 2016 Y2015: Perform Annual inspection of fire alarm as per NFPA 72 and local code requirements. Includes one inspection and testing of all devices, and one visual inspection.. Parts and repairs are not part of this quote. Parts and repairs are billed on a time and material basis. Filing of inspection report with the Town of Riverhead Fire Marshal as per code upon completion of work.
1	NFS-I&T Fire A...	Y2016: Perform Annual inspection of fire alarm as per NFPA 72 and local code requirements. Includes one inspection and testing of all devices, and one visual inspection.. Parts and repairs are not part of this quote. Parts and repairs are billed on a time and material basis. Filing of inspection report with the Town of Riverhead Fire Marshal as per code upon completion of work. NOTE: Parts and repairs are not part of this quote. Parts and repairs are billed on a time and material basis

National Fire & Safety Solutions, Inc. is pleased to submit the above for your approval. This quotation includes all required wiring diagrams, submittal brochures for technical data, initial start-up, test, and a standard one (1) year equipment warranty. Price is valid for 60 days, F.O.B. job site, based on the listed bill of materials above provided by you and excludes all applicable sales and use taxes. Approval of the system design & the quantity of equipment by the local AHJ is not guaranteed by the issuance of the quote.

Subtotal	\$3,600.00
Sales Tax (0.0%)	\$0.00
Total	\$3,600.00

Customer

Signature _____

Date: _____

NFSSI Signature: _____

NATIONAL FIRE & SAFETY SOLUTIONS, INC.

211 Knickerbocker Avenue

Bohemia, NY 11716

Tele: (631) 234-5656 Fax: (631) 234- 9756

Invoice

Date:	1/1/2015
Invoice #	21384
Balance Due:	\$420.00

Bill To:

Town Of Riverhead
200 Howell Avenue
Riverhead, NY 11901

Project/Worksite Address:

Riverhead Police Station
210 Howell Avenue
Riverhead, NY 11901

Detach Top Portion and remit with payment. Checks payable to: National Fire & Safety Solutions, Inc.

P.O. Number	Terms	Project
Fire Monitoring	Net 30	770-0035

Quantity	Item Code	Description	Rate	Amount
		2 year Contract, Exp: Dec, 31, 2016		0.00
		Acct# 770-0035		0.00
12	Fire Alarm	Fire Alarm Service for the period of January 1, 2015 through December 31, 2015	35.00	420.00

Subtotal: \$420.00 **Sales Tax:** \$0.00 **Total Due:** \$420.00

Payments/Credits: \$0.00

Credit Card payments are accepted within 30 days of invoice date. We accept Visa, M/C, Discover and American Express.

Balance Due: \$420.00

TOWN OF RIVERHEAD

Resolution # 900

**REAFFIRMS STATUS OF CERTAIN ROADS WITHIN THE TOWN OF RIVERHEAD
AS PRIVATE ROADS (Ock-A-Bock Homeowners' Association roads, Fairhaven
Property Owners' Association roads, Bay Woods Community roads, Morningside
Avenue, Cedar Court, Maple Lane)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, by Resolution 767, adopted on November 5, 2014, the Town Board did authorized the publishing and post a public notice to consider addition of certain enumerated roads as Town of Riverhead section 189 Highways; and

WHEREAS, a public hearing was held on the 2nd day of December, 2014 at 2:10 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, a number of communities offered testimony or provided letters and or emails stating, among other things that:

- (1) their roads have been private;
- (2) their communities have maintained the roads;
- (3) a majority of the community property owners' desire that their roads maintain private status within their communities have been private and not be designated Town of Riverhead section 189 Highways.

RESOLVED, the Town Board, be and hereby, consents that the following roads shall remain private roads:

- (1) All roads within Fairhaven Property Owners' Association (Beach Road, Oak Drive, Downs Boulevard and Freds Lane);
- (2) All roads within the Ock-a-Bock Homeowners' Association (Bay Avenue, Willow Street and Locust Street);
- (3) All roads within the Bay Woods Community (Bay Harbor Road, Leafy Way, Lovers Lane and Primrose Lane);
- (4) All roads within the Waterview Civic Association (Bayside Avenue, Brookside Avenue, Center Street, East Street and Oak Street);
- (5) Cedar Court;
- (6) Maple Lane; and
- (7) Morningside Avenue; and be it further

RESOLVED, that the aforementioned roads be removed from the list of proposed roads to be added to the town highway system and be designated as "Town of Riverhead 189 Highways"; and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Highway Department, the Riverhead Town Police Department, the Building Department, the Planning Department, and the Office of the Town Attorney; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

12.30.14
140901

TABLED

TOWN OF RIVERHEAD

Resolution # 901

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

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the January 8, 2015 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 106 entitled "Waterways" of the Riverhead Town Code, to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared TABLED

TOWN OF RIVERHEAD

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York 11901, on the 21ST day of January, 2015 at 7:05 o'clock p.m. to consider a local law amending Chapter 106 entitled "Waterways" of the Riverhead Town Code as follows:

CHAPTER 106 WATERWAYS

~~§ 106-16. Penalties for offenses.~~

- ~~A. Any person who violates any provision of this chapter shall be guilty of an offense and shall, upon conviction, be subject to a fine not to exceed \$500 or less than \$50 or imprisonment for not more than six months, or to both such fine and imprisonment.~~
- ~~B. The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.~~

~~§ 106-17. Severability.~~

~~If any clause, sentence, section, paragraph or provision of this chapter or any rule or regulation hereunder shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, section, paragraph or provision or rule or regulation directly involved in the controversy in which such judgment~~

~~§ 106-17. When Effective.~~

~~This chapter shall become effective pursuant to law of the State of New York.~~

Article IV Jet Pack Vessels

§ 106-16. Scope.

- A. The regulations of this Article shall govern the use of JetPack Vessels on all waters of the Town of Riverhead.
- B. JetPack Vessels shall comply with all laws and regulations governing Class A vessels including but not limited to registration, operation, and navigation.
- C. JetPack Vessels shall comply with all laws and regulations as set forth in Chapter 106 of the Town Code of the Town of Riverhead governing vessels.
- D. JetPack Vessels operated for recreational or commercial ("for hire") uses are subject to all

boating safety laws, unless otherwise noted in these regulations.

§ 106-17. Purpose.

The purpose of this Article is to develop comprehensive safety standards and registration requirements for JetPack Vessels operated on the waters of the Town of Riverhead.

In addition, this Article is adopted in order to protect the waterways of the Peconic River and the Peconic Estuary. The Peconic River, classified as “Impaired Waters” (303 d list) by the NYS Department of Environmental Conservation suffers from excessive nitrogen loadings that have been responsible for chronic algal blooms and extremely low dissolved oxygen (DO) levels. Low DO levels in the Peconic River have caused a number of fish kills that have generally occurred during the warm weather months when DO levels are normally lower.

One of the sources of nitrogen is nutrient flux, or the cyclic release of nitrogen from highly enriched organic bottom sediments. Although a naturally occurring phenomenon, nutrient flux can be triggered by, and made more severe by the agitation of bottom sediments. Specifically, the bottom sediments are displaced, put into suspension within the water column. Inadvertent propeller dredging by boats is a typical cause for suspension. Because the sediments are so fine (extremely small) the displacement and associated turbulence can cause the sediments to remain in suspension for many hours, if not days. The impacts to water clarity and DO levels can be severe at times.

The use of a water jet powered JetPack Vessels within the Peconic River corridor, will without question cause the suspension of the highly enriched organic sediments. Moreover, the constant activity of the JetPack Vessels will create enough turbulence that the sediments will remain in suspension for prolonged periods of time. While in suspension, DO levels and water clarity will precipitously be lowered, negatively impacting aquatic life. While prop dredging from motorized vessels does occur, a trained boat operator will make every effort to avoid this from happening by staying within the designated deeper water navigation channels. The disturbance of bottom sediments from water jet propulsion from JetPack Vessels activities cannot be avoided within the Peconic River.

§ 106-18. Exceptions.

This chapter does not apply to:

- A. JetPack Vessels used solely for the purpose of emergency rescue operations and associated emergency training programs; and
- B. If approved by state and federal regulatory agencies, if applicable and if approved the Town Board of the Town of Riverhead pursuant to Chapter 90 and/or section 106-9 of the Town Code of the Town of Riverhead where JetPack Vessels are engaged in
 - a:

- (1) Professional exhibition;
- (2) Regatta;
- (3) Motorboat race or other boat race;
- (4) Marine parade; or
- (5) Tournament or exhibition.

C. Not more than two (2) of the events set forth above in subsection B. shall be conducted within any calendar year.

§ 106-19. Definitions and word usage.

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

BOAT UNIT

The portion of the JetPack Vessel that contains the jet pump and water intake valve(s).

The boat unit includes:

- (a) A separately registered personal watercraft that is attached to the jet propelled device via a high pressure water hose; or
- (b) A streamlined hull consisting of an engine and water pump that is connected to the jet propelled device via a high pressure water hose. The hull is not required to have seating for an operator or passenger.

CLASS A VESSEL

A motorboat less than 16 feet in length.

HELMET

A water sport helmet.

INSTRUCTOR

Any person that provides instruction regarding the operation and use of the JetPack Vessel.

JETPACK VESSEL

A system whereby a jet propelled device is attached via a high pressure water hose to a boat unit that contains a jet pump. The boat unit intakes water and pumps it through the high pressure water hose to the jet propelled device capable of elevating a rider from the surface of the water.

JET PROPELLED DEVICE

The portion of the JetPack Vessel where the rider is seated or standing including but not limited to jet propelled boards, jetpacks and water bikes.

OBSERVER

Means a person other than the rider that is responsible for the safety of the rider and all equipment involved in the JetPack Vessel operation.

OPERATE

To navigate or otherwise use a vessel and or move or support a person in the water or air.

OPERATOR

The person that controls the thrust of the jet propelled device. The operator may also serve as the rider.

OWNER

The person or entity that registers the JetPack Vessel.

PERSONAL WATERCRAFT

A Class A vessel which:

- (a) Has an inboard motor which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion;
- (b) Is designed with the concept that the operator and passenger ride on the outside surfaces of the vessel as opposed to riding inside the vessel;
- (c) Has the probability that the operator and passenger may, in the normal course of use, fall overboard; and
- (d) Is designed with no open load-carrying area which would retain water.

PORPOISE LIKE MOTION

The intentional operation of the jet propelled device under the surface of the water for a lateral distance of more than 2 feet and then resurfacing.

RESCUE VESSEL

A fully navigable motorized vessel sufficient to carry all of the people involved in the JetPack Vessel activity.

RESTRICTED VISIBILITY

Any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.

RIDER

The person actually on the jet propelled device. The rider may also serve as the operator.

§ 106-20. Restrictions.

- A. A person may not operate or give permission to operate a JetPack Vessel in a reckless or negligent manner.
- B. A person may not lease, hire, rent, operate, or give permission to operate a JetPack Vessel unless the observer, operator, and rider are 16 years old or older.
- C. A person may not operate or give permission to operate a JetPack Vessel unless:

- (1) An observer is on the boat unit;
- (2) Where the boat unit does not require an observer on An observer is on a navigable rescue vessel that is located at least 100 feet, but no more than 300 feet, away from the rider;
- (3) The observer is responsible for the safety of only one rider at a time; and
- (4) The observer meets New York requirements for a vessel operator.

D. A person may not operate or give permission to operate a JetPack Vessel on the waters of the Town of Riverhead unless the rider is wearing a "International Orange" water sports helmet.

E. A person may not operate or give permission to operate a JetPack Vessel unless the rider is wearing a high impact Type I, Type II, or Type III personal flotation device approved by the U.S. Coast Guard.

G. A person may not operate or give permission to operate a JetPack Vessel in any area of water with a depth of less than 6 feet unless the jet propelled device and rider maintain contact with the water at all times.

H. A person may not operate or give permission to operate a JetPack Vessel in properly identified speed zones unless the jet propelled device and rider maintain contact with the water at all times. Properly identified speed zones include 5 statute miles per hour speed zones and wake zones.

I. A person may not operate or give permission to operate a JetPack Vessel on the waters of the Town of Riverhead within 300 feet in all directions, including vertically, of any bridge, structure, shore, wharf, pier, piling, mooring ball, buoy, vessel, or people in the water. This distance restriction shall also apply to the instructor, the boat unit, or the operator.

J. The rider is prohibited from picking up any other person or using a tandem harness to include a second rider.

K. A person may not operate or give permission to operate a JetPack Vessel on the waters of the Town:
(1) Between sunset and sunrise; or
(2) In or near an area of restricted visibility; and
(3) In any channel or within 100 feet of any channel marker.

L. A JetPack Vessel operator, observer shall carry a certificate of Boater Safety Education.

M. A person may not act as an observer, rider, operator, and instructor or give permission to operate or observe a JetPack Vessel on the waters of the State if they are:
(1) Under the influence of alcohol;
(2) Impaired by alcohol;
(3) So far impaired by any drug, combination of drugs, or combination of one or more drugs and alcohol that the person cannot operate a vessel safely; or

(4) Impaired by any controlled dangerous substance, unless the person is entitled to use the controlled dangerous substance under the laws of the State.

N. A person may not operate or give permission to operate on the waters of the State a JetPack Vessel unless it is equipped with an engine cutoff switch.

O. All JetPack Vessels must be registered in New York State.

§ 106-21. Special Operating Conditions.

A. A person may not operate or give permission to operate a JetPack Vessel in a porpoise like motion unless the water depth is a minimum of 20 feet.

B. A person may not operate or give permission to operate a jetpack vessel within 300 feet from any residence.

C. A person may not operate or give permission to operate a JetPack Vessel where the jet propelled device and rider rise higher than 6 feet unless the water depth is a minimum depth of 12 feet.

§ 106-22. Registration of Boat Units.

A. All boat units shall have a valid:
(1) Hull Identification Number; and
(2) Vessel Registration.

§ 106-23 Penalties for offenses.

A Any person who violates any provision of this chapter shall be guilty of an offense and shall, upon conviction, be subject to a fine not to exceed \$500 or less than \$100 or imprisonment for not more than six months, or to both such fine and imprisonment.

B The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

§ 106-24. Severability.

If any clause, sentence, section, paragraph or provision of this chapter or any rule or regulation hereunder shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, section, paragraph of provision or rule or regulation directly involved in the controversy in which such judgment

- Underscore indicates additions

- Overstrike indicates deletions

Dated: Riverhead, New York
December 30, 2014

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

TABLED

TOWN OF RIVERHEAD

Resolution # 902

**AGREEMENT WITH RIVERHEAD CHARTER SCHOOL REGARDING
COMPLETION OF EXTENSION 77**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, by resolution #599, adopted July 6, 2004, Extension 77 to the Riverhead Water District was adopted extending the Water District to include the Riverhead Charter School's property; and

WHEREAS, completion of all the work required for the Extension has not yet occurred; and

WHEREAS, the Riverhead Charter School and the Riverhead Water District have reached an agreement regarding the Riverhead Charter School's funding of the completion of the Extension;

NOW, THEREFORE, BE IT, RESOLVED, that the Supervisor is hereby authorized to execute the agreement annexed hereto.

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, 456 Griffing Avenue, Riverhead, NY; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

AGREEMENT

Agreement made this ___ day of December, 2014, between the Riverhead Charter School, having a principal place of business at 3685 Route 25, Calverton, New York (hereinafter the "Charter School") and the Riverhead Water District (hereinafter the "Water District").

WHEREAS the Charter School petitioned the Water District to allow public water to extend the Water District's boundaries to include the property owned by the Charter School on Route 25 in Calverton, New York; and

WHEREAS by Resolution # 599 adopted July 6, 2004, Extension 77 to the Riverhead Water District (hereinafter the "Resolution") was adopted extending the Water District to include the Charter School's property, more particularly described in Exhibit A to said Resolution; and

WHEREAS the Resolution required that the cost for the installation of the mains and appurtenances detailed in the report prepared by H2M referenced in the Resolution is to be borne solely by the Charter School, which report required the mains and appurtenances were to be installed an additional 350 +/- to the east from the end of the existing Water District water main; and;

WHEREAS the cost of installing the mains and appurtenances as described in the report prepared by H2M is estimated at approximately \$ 110,000;

NOW, THEREFORE, the parties agree as follows:

1. Simultaneously with the execution of this agreement, the Charter School will deposit with the Water District the sum of \$ 50,000 towards the costs complete the installation of the required mains and appurtenances (the "Installation Work").
2. The Water District shall determine whether the Installation Work can be performed under its general district construction contract or whether it will need to be separately competitively bid.

If separate competitive bidding is required, the Water District can use the funds deposited to pay the costs to competitively bid the Installation Work.

3. Once the cost of the Installation Work is determined, the Charter School shall deposit the balance of the cost with the Water District no later than July 31, 2015. It is estimated that the Installation Costs will be approximately \$ 110,000.

4. The Charter School's performance of the terms of this Agreement shall be deemed full satisfaction of its obligations under the Resolution.

5. The Water District agrees that this Agreement can be submitted by the Charter School to the Riverhead Building Department in support of its application for a temporary certificate of occupancy as evidencing interim compliance with the requirements of the Resolution.

Town of Riverhead Water District

Riverhead Charter School

By: _____
Sean Walter, Supervisor

By : _____

Acknowledgements

[to be inserted]

TOWN OF RIVERHEAD

Resolution # 903

AMENDS RESOLUTION NO. 330 OF 2008

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, by Resolution No. 330 adopted by the Town Board of the Town of Riverhead on April 15, 2008, the Town Board established a policy for usage of the Town owned showmobile by not-for-profit entities for community events open to the general public within the Town; and

WHEREAS, Resolution No. 330 also set the fee for showmobile usage to defray the costs of towing, set up, and employee supervision at \$100.00 per day or part thereof; and

WHEREAS, the Town Board wishes to make the showmobile available for a variety of special events open to the public including events sponsored by private entities and/or for-profit entities and amend the fees for use of the showmobile.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby amends Resolution No. 330 to make the showmobile available for a variety of special events open to the public, be it sponsored by for-profit and/or not-for-profit entities and amends the fees for use of the showmobile as follows:

Special Event: \$400.00 per day or part thereof (4 hour minimum)
\$25.00 each additional hour over 4 hours

Special Event sponsored by Not-For-Profit Corporation:
\$200.00 per day or part thereof (4 hour minimum)
\$25.00 each additional hour over 4 hours

BE IT FURTHER RESOLVED, that the Town may waive the fees for events sponsored by or in support of local, state, and federal government programs;

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared TABLED

TOWN OF RIVERHEAD

Resolution # 904

REAPPOINTS MARRIAGE OFFICER

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, pursuant to New York State Domestic Relations Law, Article Three, § 11-C(1), the Town Board of the Town of Riverhead is authorized to appoint one or more marriage officers who shall have the authority to solemnize a marriage and which marriage shall be valid if performed in accordance with other provisions of the Domestic Relations Law; and

WHEREAS, pursuant to New York State Domestic Relations Law, Article Three, § 11-C(2) and (4), the Town Board of the Town of Riverhead shall determine the number of such marriage officers appointed for the Town and term of office of each marriage officer; and

WHEREAS, Councilman James Wooten currently serves as Marriage Officer vested with the authority to solemnize marriages within the Town of Riverhead.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby reappoints James Wooten, Councilman of the Town of Riverhead, as Marriage Officer for a term set to expire on January 1, 2016; and be it further

RESOLVED, that the Town Clerk shall forward a copy of this resolution to Councilman James Wooten; and be it further

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

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten - ABSTAIN Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 905

RESCINDS RESOLUTION #851

(ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF RIVERHEAD - §108-64. Prefabricated dwellings.)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Resolution #789, adopted by the Town Board on November 18, 2014, adopted a local law to amend Chapter 108 entitled "Zoning" (§108-64. Prefabricated dwellings.) of the Riverhead Town Code; and

WHEREAS, Resolution #851, adopted on December 16, 2014, duplicated Resolution #789, adopted on November 18, 2014.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby rescinds Resolution #851, dated December 16, 2014; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 906

**ADOPTS A LOCAL LAW AMENDING CHAPTER 52 ENTITLED
“BUILDING CONSTRUCTION” OF THE RIVERHEAD TOWN CODE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 52 entitled “Building Construction” of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 5th day of November 2014 at 2:25 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the adoption of the proposed local law is a Type II Action per 6 NYCRR Part 617.5(c)(9), and no further agency review is required.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 52 entitled “Building Construction” of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 52 entitled “Building Construction”, of the Riverhead Town Code at its meeting held on December 30, 2014. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 52
BUILDING CONSTRUCTION
Article I Administration and Enforcement**

§ 52-6. Application for building permit.

K. The development of a lot within a residential or agricultural zoning use district and/or located within 150 feet of the boundary of any state or local designated freshwater wetland or 300 feet of the boundary of any state or local designated tidal wetland shall conform to the following standards in the consideration of a building permit:

(8) In addition to the provisions set forth above and in an effort to prevent water pollution, improve water quality and protect our ecosystems, the owner or applicant seeking to perform any renovation which involves a modification of an existing floor plan or any additions which increase the square footage of living area of any one or two family dwellings, including accessory structures (e.g. pool house) located within the jurisdiction of Tidal or Freshwater Wetlands within the Town of Riverhead as defined in 52-6 (K) above the owner or applicant shall require approval by the Suffolk County Department of Health Services and Town of Riverhead Building Department prior to the issuance of a building permit. The approvals for Subsurface Sewage Treatment Systems (SSTS), or such other alternative septic system design types approved by the Suffolk County Department of Health Services and/or New York State Uniform Building Code for one and two family dwellings, shall include the calculation of the potential occupancy determined by the number of bedrooms, bathrooms and kitchen facilities, including improvements to existing kitchen facilities. Floor plans for renovations or additions must be reviewed to ensure the total number of bedrooms, potential bedrooms as described in K (8) (c), bathrooms(s) and kitchen facilities and/or kitchen improvements are the same as the original certificate of occupancy.

- a. If the dwelling and/or accessory structure has a certificate of occupancy issued prior to 1973 or is eligible for a letter of preexisting use and the number of bedrooms, potential bedrooms bathrooms or kitchen facilities/improvements as described in 8 (c) below will increase, a permit from the Suffolk County Department of Health Services Wastewater Management and Town of Riverhead Building Department is required prior to the issuance of a building permit. Note, this provision is intended to make clear that the Town of Riverhead may be more restrictive than Suffolk County Department of Health Services or New York State Uniform Building Code with respect to requirement for installation or upgrade of SSTS or such other alternative septic systems approved by Suffolk County Department of Health Services or New York State Office of Planning & Development for renovations, modifications, additions to one and two family dwellings located within the jurisdiction of Tidal or Freshwater Wetlands within the Town of Riverhead, however, such upgraded system or alternative system

shall not exceed the design or type of sanitary system approved for use in residential structures and/or accessory structures by the Suffolk County Department of Health Services and/or New York State Uniform Building Code.

- b. If the dwelling and/or accessory structure has a certificate of occupancy issued after 1973 and the number of bedrooms or potential bedrooms, bathrooms, or kitchen facilities as described in 8 (c) below will increase to a number greater than 4, a permit from the Suffolk County Department of Health Services Wastewater Management and Town of Riverhead Building Department is required prior to the issuance of a building permit. Note, this provision is intended to make clear that the Town of Riverhead may be more restrictive than Suffolk County Department of Health Services or New York State Uniform Building Code with respect to permit requirements for SSTS or alternative septic systems for renovations, modifications, additions to one and two family dwellings located within the jurisdiction of Tidal or Freshwater Wetlands within the Town of Riverhead, however, such upgraded system or alternative system shall not exceed the design or type of sanitary system approved for use in residential structures and/or accessory structures by the Suffolk County Department of Health Services and/or New York State Uniform Building Code.

- c. Any room which could potentially be used as a bedroom may be considered a bedroom by the Building Department or Suffolk County Department of Health Services. An office, den, play room, study room, media room, exercise room and rooms not listed as integral to the dwelling; Integral parts of the house that will not contribute to bedroom count include one kitchen, one living room, one dining room, one family room (which may be substituted for an office, den, or study), foyers, garages, or open unfinished basements. In addition, bathrooms, second kitchens, kitchen improvements such as sinks, dishwashers, and laundry equipment which may increase potential flow to the existing septic system may be considered for the calculation of additional living space/bedrooms such that an upgraded SSTS or such other alternative septic system design type approved by the Suffolk County Department of Health Services and/or New York State Uniform Building Code may be required as set forth in the provisions above.

- d. In the event that the Suffolk County Department of Health Services requires an upgraded SSTS or other alternative septic system design type approved by the Suffolk County Department of Health Services and/or New York State Uniform Building Code, the owner or applicant must comply with all permit requirements set forth in Suffolk County Department of Health Services standards and regulations. In the alternative, in the event that the Building Department determines that installation or upgrade is required pursuant to the provisions above, the Building Department shall issue a referral and request for review/approval to the Suffolk County Department of Health Services and owner and/or applicant shall comply with all application procedures of the Suffolk County Department of Health Services, including submission of fees. In addition, the owner and/or applicant shall be responsible for all costs related to all tests wells or test borings and such other requirements required by the Suffolk County Department of Health Services.

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

Dated: Riverhead, New York
December 30, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

TOWN OF RIVERHEAD

Resolution # 907

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR DISPOSAL OF TOWN GENERATED CONSTRUCTION AND DEMOLITION MATERIAL

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for **DISPOSAL OF TOWN GENERATED CONSTRUCTION AND DEMOLITION MATERIAL**.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby authorized to publish and post the following public notice in the January 8, 2015 issue of the News-Review; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

TAKE NOTICE that sealed bids for **DISPOSAL OF TOWN GENERATED CONSTRUCTION AND DEMOLITION MATERIAL** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, until **11:05 a.m. on February 5, 2015.**

Bid packets, including Specifications, may be examined and/or obtained beginning **January 8, 2015** by visiting the Town of Riverhead website at www.townofriverheadny.gov and click on Bid Requests. Beginning **January 8, 2015.**

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.

All bids are to be submitted in a sealed envelope bearing the designation **DISPOSAL OF TOWN GENERATED CONSTRUCTION AND DEMOLITION MATERIAL.** Bids must be received by the Office of the Town Clerk by no later than **11:05 am on February 5, 2015.**

Please take further notice that the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids, and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lowest bidder. Note: Bid responses must be delivered to the Office of the Town Clerk at the address above. The Town may decline to accept, deem untimely, and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 908

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #14-43 Dec 23, 2014 (TBM 12/30/14)			
			Grand
Fund Name	Fund #	Ckrun	Totals
GENERAL FUND	1	950,670.87	950,670.87
POLICE ATHLETIC LEAGUE	4	157.98	157.98
RECREATION PROGRAM FUND	6	3,713.42	3,713.42
MULTI YEAR OPERATING GRANT FUND	99	45,000.00	45,000.00
HIGHWAY FUND	111	83,350.29	83,350.29
WATER DISTRICT	112	67,884.23	67,884.23
RIVERHEAD SEWER DISTRICT	114	79,753.09	79,753.09
REFUSE & GARBAGE COLLECTION DI	115	6,153.20	6,153.20
STREET LIGHTING DISTRICT	116	14,825.72	14,825.72
EAST CREEK DOCKING FACILITY FU	122	1,388.59	1,388.59
CALVERTON SEWER DISTRICT	124	3,951.21	3,951.21
RIVERHEAD SCAVENGER WASTE DIST	128	32,469.34	32,469.34
RISK RETENTION FUND	175	30,000.00	30,000.00
CDBG CONSORTIUM ACCOUNT	181	114.74	114.74
TRUST & AGENCY	735	552,753.08	552,753.08
CALVERTON PARK - C.D.A.	914	2,915.00	2,915.00
		1,875,100.76	1,875,100.76

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted