

725 RESOLUTION CALLING PUBLIC HEARING OF THE BLUFFS, PHASE II, FOR A LATERAL WATER MAIN

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike,

WHEREAS, the developers of The Bluffs have applied for a water lateral to serve The Bluffs at Phase II, and

WHEREAS, a map and plan has been proposed by H2M, consulting engineers to the Riverhead Water District, and

WHEREAS, the lateral comprises a condominium development located at Flag Drive, Baiting Hollow, New York, and

WHEREAS, the map and plan is available for review and inspection at the Office of the Riverhead Town Clerk, 200 Howell Avenue, Riverhead, New York, during normal business hours, and

WHEREAS, said map and plan calls for the installation of 2,700 feet of six, eight and twelve inch water mains and appurtenances excluding services for the condominium development at a total cost of \$105,000, and

WHEREAS, all costs associated with this lateral shall be borne by the petitioner and the petitioner will be required to pay key money in an amount to be determined by the Town Board. This cost represents the infrastructure costs to the Riverhead Water District to service these additional residences, and

WHEREAS, the Town Board desires to call a public hearing to consider the aforementioned petition,

NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and is hereby authorized to publish and post a Notice of Public Hearing to be held on the 21st day of November, 1989, at 7:55 P.M. to hear all interested persons with regard to the construction of a lateral water main at The Bluffs, Phase II, a condominium development located on Flag Drive, Baiting Hollow, New York, and that such notice be published in the November 9th issue of The News Review, and it is further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to H2M, Pierre Lundberg, Esq., and J. Stanton Pohl, Esq.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

726 Releases Performance and Labor and Material Bonds and Accepts Maintenance Bond of CBI Services, Inc., Re: Storage Standpipe at Plant No. 8 of the Riverhead Water District

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti,

WHEREAS, CBI Services, Inc., in accordance with the terms and conditions of the contract entered into between themselves and the Town of Riverhead Water District, did supply a Performance Bond and Labor and Material Bond regarding the construction of a one million gallon storage standpipe at Plant No. 8, which contract was in the amount of \$469,202, and

WHEREAS, the engineer has certified to the Town that the work has been completed in a satisfactory manner, and

WHEREAS, they have posted a Maintenance Bond for a period of one year as required by the contract,

NOW, THEREFORE, BE IT

RESOLVED, that the Performance Bond and Labor and Material Bond of CBI Services, Inc. as it relates to the construction of the one million gallon storage standpipe at Plant No. 8, Baiting Hollow, New York, be and is hereby released, and the Maintenance Bond which runs from September 15, 1989, to September 15, 1990, in the amount of \$469,202 is hereby accepted, and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to Pierre Lundberg, Esq.; Gary Pendzick; and CBI Services, Inc.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

727 Releases Performance and Labor and Material Bonds and Accepts Maintenance Bond of Tom Francis Construction Corp. Re: Gregory Place

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti,

WHEREAS, Tom Francis Construction Corp. in accordance with the terms and conditions of the contract entered into between themselves and the Town of Riverhead Water District, did supply a Performance Bond and Labor and Material Bond regarding a water lateral to Gregory Place which contract was in the amount of \$18,737.41, and

WHEREAS, the engineer has certified to the Town that the work has been completed in a satisfactory manner, and

WHEREAS, they have posted a Maintenance Bond for a period of one year as required by the contract,

NOW, THEREFORE, BE IT

RESOLVED, that the Performance Bond and Labor and Material Bond of Tom Francis Construction Corp. as it relates to a water lateral to Gregory Place, Riverhead, New York, be and is hereby released, and the Maintenance Bond which runs from October 14, 1989, to October 14, 1990, in the amount of \$18,737.41 is hereby accepted, and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to Pierre Lundberg, Esq.; Gary Pendzick; and Tom Francis Construction Corp.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

728 Releases Performance and Labor and Material Bonds and Accepts Maintenance Bond of Merrick Utility Re: Extension 19B, Tall Oaks Estates

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti,

WHEREAS, Merrick Utility in accordance with the terms and conditions of the contract entered into between themselves and the Town of Riverhead Water District, did supply a Performance Bond and Labor and Material Bond regarding Extension 19B to the Riverhead Water District, which contract was in the amount of \$217,359.88, and

WHEREAS, the engineer has certified to the Town that the work has been completed in a satisfactory manner, and

WHEREAS, they have posted a Maintenance Bond for a period of one year as required by the contract,

NOW, THEREFORE, BE IT

RESOLVED, that the Performance Bond and Labor and Material Bond of Merrick Utility as it relates to Extension 19B of the Riverhead Water District be and is hereby released, and the Maintenance Bond which runs from October 10, 1989, to October 10, 1990, in the amount of \$217,359.88 is hereby accepted, and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to Pierre Lundberg, Esq.; Gary Pendzick; and Merrick Utility

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

729 Releases Performance and Labor and Material Bonds and Accepts Maintenance Bond of Delta Well and Pump Co., Inc. Re: Contract No. 1 - Well Work at Plant No. 7

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti,

WHEREAS, Delta Well and Pump Co., Inc., in accordance with the terms and conditions of the contract entered into between themselves and the Town of Riverhead Water District, did supply a Performance Bond and Labor and Material Bond regarding well pump and appurtenances at Plant No. 7, which contract was in the amount of \$197,318, and

WHEREAS, the engineer has certified to the Town that the work has been completed in a satisfactory manner, and

WHEREAS, they have posted a Maintenance Bond for a period of one year as required by the contract,

NOW, THEREFORE, BE IT

RESOLVED, that the Performance Bond and Labor and Material Bond of Delta Well and Pump Co., Inc. as it relates to well pump and appurtenances at Plant No. 7, be and is hereby released, and the Maintenance Bond which runs from September 28, 1989, to September 28, 1990, in the amount of \$197,318 is hereby accepted, and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to Pierre Lundberg, Esq.; Gary Pendzick; and Delta Well and Pump Co., Inc.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

730 ORDER ESTABLISHING WILLIAM HUBBARD, CROSS RIVER DEVELOPMENT EXTENSION

Councilman Civiletti offered the following resolution which was seconded by Councilman Lombardi,

WHEREAS, application has been made by William Hubbard on behalf of the Cross River Development, the owners of the a residential development currently pending Town Board and Planning Board approval for an extension to the Riverhead Water District consisting of the construction of mains and appurtenances to serve the development, and

WHEREAS, the bounds of the proposed extension are described more fully on the attached Exhibit A, and

WHEREAS, the Riverhead Town Board, as governing body of the Riverhead Water District, caused a report to be made by H2M, consulting engineers to the Riverhead Water District, and

WHEREAS, the cost for the installation of said mains and appurtenances shall be borne solely by the applicant with no portion thereof to be borne by the district as a whole, and

WHEREAS, the cost of the proposed transmission/distribution system includes approximately 3,600 feet of 6 and 8 inch water mains and appurtenances, and

WHEREAS, the applicant shall pay key money in the amount of \$2,500 for each unit to be constructed, and

WHEREAS, the Town Board called a public hearing for October 17, 1989, which hearing was held and all persons wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board determines that the installation of the water mains and appurtenances is a Type II action pursuant to the State Environmental Quality Review Act which will not have a significant impact upon the environment. The environmental effects of the project as a whole have been previously dealt with by resolutions of this board, and be it further

RESOLVED that the Town Board, upon the proceeding and record of the hearing had herein, determines that the extension to the Riverhead Water District by William Hubbard within their realty development currently pending Town Board and Planning Board approval and located on Cross River Drive, as described in the

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

attached Exhibit A, is in the best interest of the district and will benefit the property to be served, and it is further

RESOLVED, that this Extension is conditioned and shall not become effective until the conditions contained herein are complied with, and be it further

RESOLVED, that the installation of said mains comprising the proposed transmission/distribution system is \$220,000, all being constructed subject to the following conditions:

1. The owner grants a permanent, unobstructed subsurface easement for the installation and maintenance of water mains and appurtenances within the streets of the proposed realty subdivision;

2. The owner has posted a bond or letter of credit covering the cost of construction in the amount of \$220,000;

3. Key money to be posted by cash or bond in the amount of \$2,500 per unit, for a total of \$740,000; Key money shall be owed after the passage of two years from the date of this resolution or upon application for a certificate of occupancy at the rate of \$2,500 for each certificate.

4. Subject to an easement to be obtained at the sole expense of the applicant from Hubbard Avenue to the Long Island Railroad as it is in a point opposite Sunrise and Fairway Avenues as shown more particularly on the map and plan prepared by the engineer.

and it is further

RESOLVED, that when the conditions called for herein have been completed, the Town Clerk shall cause a copy of this Order to be recorded in the Office of the Clerk of Suffolk County and filed with the New York State Comptroller, and it is further

RESOLVED, that the Town Clerk forward a certified copy of the resolution to Pierre Lundberg, Esq., H2M, Superintendent Gary Pendzick, the Riverhead Town Assessors, Allen M. Smith, Esq. and Cross River Development.

EXHIBIT ~~B~~ A

RIVERHEAD WATER DISTRICT

DESCRIPTION OF PROPOSED EXTENSION NO. 39

BEGINNING at a point on the existing Riverhead Water District boundary where it exists on the center line of Saw Mill Creek where it intersects the west line of Section 113, Block 1, Lot 1.

Running thence northerly across Saw Mill Creek to the north side of Saw Mill Creek, said point being on the northwest corner of Section 113, Block 1, Lot 1 and also on the shore line of Section 112, Block 2, Lot 2.

Running thence easterly and northeasterly along the shore line of Section 112, Block 2, Lot 2 to the south side of Section 112, Block 2, Lot 8 (MTA/LIRR).

Running thence across Lot 8 to a point on the north line of Lot 8 (on the boundary line of the Riverhead Water District).

Running thence westerly and southerly along the Water District boundary to the center line of Saw Mill Creek.

Thence easterly along the center line of Saw Mill Creek and the Riverhead Water District boundary to the point of BEGINNING.

The above description is intended to annex the following lots into the Riverhead Water District: Section 112, Block 1, Lots 1, 14 and 16.1 and Section 112, Block 1, Lots 2 and 8.

731 AUTHORIZES SUPERVISOR TO EXECUTE CHANGE ORDER NO. 3
RIVERHEAD SEWER DISTRICT, RIVERSIDE PUMP STATION
CONTRACT NO. 2, ELECTRICAL WORK - RSD 87-01

Councilperson Lombardi offered the following resolution which was seconded by Councilperson Civiletti.

WHEREAS, the Riverhead Town Board previously authorized the Supervisor to execute a contract on behalf of the Town of Riverhead with Eldor Contracting, Corp.; and

WHEREAS, the engineer retained by the town has submitted a change order with a recommendation of approval, copy attached,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute the attached change order; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Supervisor, Pierre G. Lundberg, Esq. and the engineer.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

September 13, 1989

CHANGE ORDER NO. 3

PROJECT: Riverhead Sewer District
Riverside Drive Pump Station Improvements
Contract No. 2: Electrical

OWNER: Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901

Contact: (516) 727-3069

CONTRACTOR: Eldor Contracting, Corp.
75A East Bethpage Road
Plainview, New York 11803

Contact: Nicholas P. Feldman
(516) 694-0010

ENGINEER: H2M/Holzmacher, McLendon & Murrell, P.C.
575 Broad Hollow Road
Melville, New York 11747-5076

Contact: Steven C. Hearl, P.E.
(516) 756-8000, ext. 510

DESCRIPTION OF CHANGE ORDER

Core drill two holes for electric conduit for wet well and valve pit.

REASONS FOR MODIFICATIONS

The plans indicated a location of conduit sleeves that could not be utilized based on the size of electrical junction boxes that were to be installed. Generally, the Electrical Contractor verifies the number and location of the conduit sleeves to be provided in precast concrete structures. For the Riverside Drive Pump Station project, the General Contractor was awarded the contract and submitted and received approval for precast concrete structures before the electrical contract was executed. Therefore, the contractor had to core drill two holes for electrical conduits.

CONTRACTOR'S PROPOSAL

<u>Labor</u>	7 hours at \$44.50/hr.	\$ 311.50
<u>Material and Equipment for Core Drilling</u>		\$ <u>300.00</u>
SUBTOTAL		\$ 611.50
20% OVERHEAD & PROFIT		\$ <u>122.30</u>
TOTAL NET COST OF CHANGE ORDER NO. 3		<u><u>\$ 733.80</u></u>

As a result of the above change order, the total contract amount will change from \$52,894.60 to \$53,628.40. The Engineer has reviewed this change and finds it to be in order.

APPROVAL BY:

OWNER: _____ DATE: _____

CONTRACTOR: [Signature] V.P. DATE: 9/18/89

ENGINEER: Steven C. Hank DATE: September 25, 1989

732 RESOLUTION CALLING PUBLIC HEARING FOR EXTENSION TO THE RIVERHEAD SEWER DISTRICT TO SERVE CROSS RIVER DEVELOPMENT

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike,

WHEREAS, a petition has been filed by the William Hubbard and Cross River Development for an extension to the Riverhead Sewer District to serve their project known as Cross River Development located at the Cross River Drive, Riverhead, New York, as more particularly described in the attached description, and

WHEREAS, a map and plan has been prepared by Malcolm Pirnie, consulting engineers to the Riverhead Sewer District and is on file for public inspection in the Office of the Riverhead Town Clerk during regular business hours, and

WHEREAS, the extension comprises the installation of a gravity sewer in Hubbard Avenue to a right-of-way location more particularly shown on the map and plan with force main connection to the site. On site collection and lift station to be constructed and owned by developer at their own expense, including upgrade to the East Main Street pump station at a total cost of \$584,820 to be paid by the applicant, and

WHEREAS, the engineer has determined that the additional flow of 51,600 gallons per day requires the future construction of a relief sewer serving the main to the plant, the total cost of which is estimated to be \$568,880, which relief sewer is sized for 400,000 gallons additional flow. Therefore, the applicant will be charged \$1.42 for each gallon of flow to be contributed toward the cost of the above-mentioned relief sewer totalling \$73,386, and

WHEREAS, all costs associated with this extension shall be borne by the applicant and the applicant will be required to pay key money at an amount to be determined by the Town Board after public hearing. This cost represents the infrastructure costs to the Riverhead Sewer District to service these additional units, with an estimated flow of 51,600 gallons per day, (exclusive of the above-mentioned relief sewer improvement) and

WHEREAS, the Town Board desires to call a public hearing to consider the map and plan,

NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and is hereby authorized to publish and post a Notice of Public Hearing to be held on the

21st day of November, 1989, at 8:05 P.M. to hear all interested persons with regard to the petition of William Hubbard and Cross River Development to extend the Riverhead Sewer District to service the 296 units to be located on the west side of Cross River Drive, Riverhead, New York, and that such notice be published in the November 9th issue of The News Review, and it is further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Malcolm Pirnie, Pierre Lundberg, Esq., Allen M. Smith, Esq., and the applicant.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

TABLED

733 AUTHORIZES SUPERVISOR TO PETITION THE STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR A HEARING REGARDING THEIR DENIAL OF OPERATIONAL AND MAINTENANCE ASSISTANCE FOR THE FISCAL YEAR 1988

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti,

WHEREAS, the Riverhead Sewer District and the joint Southampton/Riverhead Scavenger Waste District duly applied for operational and maintenance financial assistance from the State of New York Department of Environmental Conservation for the fiscal year 1988, and

WHEREAS, said application has been denied by Arthur F. Warner, P.E., Director of the Bureau of Wastewater Facilities Operations, Division of Water, at the New York State Department of Environmental Conservation under letter dated October 20, 1989, and

WHEREAS, pursuant to the Environmental Conservation Law, the Town Board has 20 days to petition the Commissioner for a hearing,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the Supervisor to petition New York State for a hearing on the denial of operational and maintenance assistance for the fiscal year 1988 covering the Riverhead Sewer District and the joint Southampton/Riverhead Scavenger Waste District, and be it further

RESOLVED, that the Town Clerk is authorized to forward certified copies of this resolution to Pierre G. Lundberg, Esq., John Batten at Malcolm Pirnie, and the Town Clerk of the Town of Southampton.

The vote, Boschetti, abstain, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared TABLED.

734 AWARDS BID FOR JANITORIAL SUPPLIES

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for various janitorial supplies; and

WHEREAS, bids were received and read aloud on the 18th day of September, 1989, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the notice to bidders; and

WHEREAS, all bids were received and read on the above date and at the time and place specified in the notice to bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for various janitorial supplies be and is hereby awarded to as follows:

Center Moriches Paper	Items #1, 2, 4 through 16, 18 through 26, 28, 31 through 38, 40 through 52, 56, 58 through 63, 66 through 70 and 72 through 81.
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Nugget Landmart Food Corp.	Items 3, 17, 27, 29, 30, 39, 50, 53 through 55, 57, 64, 65 and 71.
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and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Center Moriches Paper, Nugget Landmart Food Corp., the Purchasing Agent and the Town Attorney's Office.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

735 AUTHORIZES DISPOSTION OF TOWN RECORDS

Councilman Lombardi offered the following resolution,
which was seconded by Councilman Civiletti.

RESOLVED, BY the Town Board of the Town of Riverhead, that,
Irene J. Pendzick, Town Clerk, be and hereby is
authorized to dispose of record item Number 1b
of GAMES OF CHANCE/BINGO/LOTTERY RETENTION SCHEDULE MU-1

FURTHER RESOLVED, that the Clerk of this Board is hereby
directed to furnish a Certified Copy of theis Resolution
to bē forwarded to the Commissioner of Education.

CERTIFICATION

I CERTIFY, that the above is a true copy of the Resolution
adopted by the Town Board of the Town of Riverhead at a
regular meeting held November 8, 1989

DATED

IRENE J. PENDZICK
TOWN CLERK
TOWN OF RIVERHEAD
NEW YORK

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

736 TRANSFER OF FUNDS

Councilperson Boschetti offered the following resolution
which was seconded by Councilperson Pike

RESOLVED, that the Supervisor be and hereby is authorized to
transfer the following funds:

TOWN CLERK

FROM:		TO:	
001.5.1410.200 EQUIPMENT	\$ 200.00	001.5.1410.408 TRAVEL	\$ 200.00
001.5.1410.407 REPAIRS	\$ 144.30	001.5.1410.401 SUPPLIES	\$ 144.30

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Date _____

No. 737

COUNCILPERSON Pike offered the following resolution, which was seconded by COUNCILPERSON Boschetti.

RESOLVED, that the Supervisor be and hereby is, authorized to establish the following Budget for Osborne Avenue Drainage Capital Project

BUDGET ADOPTION

OSBORNE AVENUE DRAINAGE CAPITAL PROJECT

862.4.5730.001	Proceeds from Bonds	\$28,000.00
862.5.8540.301	Construction	\$23,000.00
862.5.8540.302	Engineering	3,000.00
862.5.8540.303	Contingency	2,000.00

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Date _____

No. 738

COUNCILPERSON Pike offered the following resolution, which was seconded by COUNCILPERSON Boschetti.

RESOLVED, that the Supervisor be and hereby is, authorized to establish the following Budget for North Wading River Road Capital Project.

BUDGET ADOPTION

NORTH WADING RIVER ROAD CAPITAL PROJECT

861.4.5730.001	Proceeds from Bonds	\$27,000.00
861.5.8540.301	Construction	\$22,000.00
861.5.8540.302	Engineering	3,000.00
861.5.8540.303	Contingency	2,000.00

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

739 AUTHORIZES THE SUPERVISOR TO APPLY TO NEW YORK STATE EXECUTIVE DEPARTMENT, OFFICE OF THE AGING FOR THE SUPPORT OF RIVERHEAD TOWNSHIP SENIOR CITIZENS.

Civiletti offered the following resolution which was seconded by Lombardi

RESOLVED, That the Supervisor be, and hereby is authorized to sign and submit an application to the New York State Executive Department, Office for the Aging, for State Aid for Riverhead Senior Citizens in 1990.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

11/08/89

740 AUTHORIZES THE SUPERVISOR TO APPLY TO NEW YORK STATE EXECUTIVE DEPARTMENT, DIVISION FOR YOUTH FOR SUPPORT OF A RIVERHEAD JUVENILE AID BUREAU.

Civiletti Offered the following resolution which was seconded by Lombardi

RESOLVED, That the Supervisor be, and hereby is authorized to sign and submit an application to the New York State Executive Department, Division For Youth, for the support of a Riverhead Juvenile Aid Bureau in 1990.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

11/08/89

741 AUTHORIZES THE SUPERVISOR TO APPLY TO NEW YORK STATE EXECUTIVE DEPARTMENT, DIVISION FOR YOUTH AND SUPPORT OF A RIVERHEAD TEEN CENTER.

Civiletti offered the following resolution which was seconded by Lombardi

RESOLVED, That the Supervisor be, and hereby is authorized to sign and submit an application to the New York State Executive Department, Division for Youth, for support of a Riverhead Teen Center in 1990.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

11/08/89

742 AUTHORIZES SUPERVISOR TO APPLY TO NEW YORK STATE
EXECUTIVE DEPARTMENT, DIVISION FOR YOUTH FOR SUPPORT
OF A RIVERHEAD RECREATION PROJECT.

Civiletti offered the following
resolution which was seconded by Lombardi

RESOLVED, That the Supervisor be, and hereby is authorized
to sign and submit an application to the New York State Executive
Department, Division for Youth, for the support of a Riverhead
Recreation Project in 1990.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

11/08/89

743 Appoints Park Attendant to Riverhead Recreation
Department

Lombardi offered the following
resolution and seconded by Civiletti.

RESOLVED, That Robert Stromski is hereby appointed to serve as Park Attendant effective October 22, 1989 to and including December 31, 1989, to be paid biweekly at the hourly rate of \$5.00 and to serve at the pleasure of the Town Board.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

11/08/89

744 Appoints Park Attendant to Riverhead Recreation
Department

Lombardi offered the following
resolution and seconded by Civiletti.

RESOLVED, That Colby Rowe is hereby appointed to
serve as Park Attendant effective October 22, 1989 to
and including December 31, 1989, to be paid biweekly
at the hourly rate of \$5.00 and to serve at the pleasure
of the Town Board.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

11/08/89

745 TRANSFER OF FUNDS

COUNCILMAN Boschetti, offered the following resolution which was seconded by COUNCILMAN Pike.

RESOLVED, That the Supervisor be, and hereby is, authorized to transfer the following fund:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Account #001.5.7180.109 (Beach Attendants)	Account #001.5.7180.410 (Printing)	\$900.00

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#746

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, 200 Howell Avenue, in Riverhead, New York in said Town, on November 8, 1989, at 7:30 o'clock P.M., Prevailing Time.

PRESENT:

Joseph Janoski
Supervisor

Lou Boschetti
Councilman

John Lombardi
Councilman

Robert Pike
Councilman

Denise Civiletti
Councilwoman

In the Matter :
of :
The Increase and Improvement of the :
Facilities of the Riverhead :
Public Parking District in the Town :
of Riverhead, Suffolk County, :
New York :
:

ORDER
CALLING
PUBLIC
HEARING

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has caused to be prepared a plan and estimate of cost relating to the increase and improvement of the facilities of the Riverhead Public Parking District of said Town, consisting of the reconstruction of the parking field located between Roanoke Avenue and Griffing Avenue, including the installation of drainage, lights and landscaping and incidental improvements in connection therewith, at an estimated cost of \$250,000; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the such Public Parking District in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW, THEREFORE, IT IS HEREBY

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

Section 1. A public hearing will be held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on November 21, 1989, at 7:45 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Riverhead Public Parking District in the Town of Riverhead, Suffolk County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in The Riverhead News Review, the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, Suffolk County, New York, will meet at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on November 21, 1989, at 7:45 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a certain plan and estimate of cost in relation to the proposed increase and improvement of the facilities of the Riverhead Public Parking District, by the reconstruction of the parking field located between Roanoke Avenue and Griffing Avenue, including the installation of drainage, lights and landscaping and incidental improvements in connection therewith, at a maximum estimated cost of \$250,000.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Riverhead, New York,

November 8, 1989.

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

By _____
Town Clerk

Section 4. This order shall take effect immediately.

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

<u>Supervisor Janoski</u>	<u>VOTING</u>	<u>Yes</u>
<u>Councilman Lombardi</u>	<u>VOTING</u>	<u>Yes</u>
<u>Councilman Boschetti</u>	<u>VOTING</u>	<u>Yes</u>
<u>Councilman Pike</u>	<u>VOTING</u>	<u>Yes</u>
<u>Councilwoman Civiletti</u>	<u>VOTING</u>	<u>Yes</u>

The order was thereupon declared duly adopted.

* * * * *

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on November _____, 1989, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

The News Review

January 5, 1989

11/8/89

1246

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)
of posted notice

Date of Posting

Town Clerk's Office Bulletin Board

January 5, 1989

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on November 22, 1989.


Town clerk

(CORPORATE
SEAL)

747 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE TO BIDDERS RE: PROMENADE DRIVE RECHARGE BASIN IMPROVEMENTS

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached notice to bidders for Promenade Drive, Aquebogue, New York, recharge basin improvements in the November 9, 1989, issue of the **Riverhead News-Review**.

DATED: Riverhead, New York
November 8, 1989.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

NOTICE TO BIDDERS

Sealed proposals for PROMENADE DRIVE RECHARGE BASIN IMPROVEMENTS will be received by the Town of Riverhead at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:00 a.m. prevailing time on **Nobember 30, 1989**, at which time and place they will be publicly opened and read aloud.

Plans and Specifications may be examined and obtained at the Town Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m. daily except Saturdays, Sundays, and Holidays.

A deposit of \$25.00 will be required for each copy of the Contract Documents. Deposits will be returned to all bidders upon the return of Documents in good condition within ten (10) days following opening of bids. No refund will be given to non-bidders.

Each proposal must be submitted on the form provided and must be accompanied by a bid surety as stated in the Instructions to Bidders.

The Town of Riverhead reserves the right to reject any and all bids.

Office of
Town Clerk
Town of Riverhead

Dated: November 16, 1989

#748 REJECTS BIDS FOR MAIN STREET LIGHTING IMPROVEMENT PROJECT

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson civiletti.

WHEREAS, the Town Clerk did open and publicly read aloud bids on November 6, 1989 for the Main Street Lighting Improvement Project; and

WHEREAS, only one (1) bid was received.

NOW, THEREFORE, BE IT RESOLVED, that the bid received on November 6, 1989 for the Main Street Lighting Improvement Project be and is hereby rejected; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Thomas Wolpert of Young & Young and Hinck Electric.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

749 ACCEPTS RESIGNATION OF CHARLES A. BLASL, JR.

Councilperson Boschetti offered the following resolution which was seconded by Councilperson Pike.

WHEREAS, Charles A. Blasl, Jr. is presently on a leave of absence from his position of Sewage Treatment Plant Operator with the Town of Riverhead Sewer/Scavenger Waste District; and

WHEREAS, by letter dated November 6, 1989, Charles A. Blasl, Jr. did submit his written resignation from his position.

NOW, THEREFORE, BE IT RESOLVED, that the resignation of Charles A. Blasl, Jr. be and is hereby accepted effective November 6, 1989; and

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

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

750 AUTHORIZES LEAVE OF ABSENCE OF JAMES BRAY

Councilperson Pike offered the following resolution which was seconded by Councilperson Boschetti.

WHEREAS, by letter dated October 27, 1989, James Bray has requested a leave of absence for the month of November from his position of Handyworker with the Home Chore Program.

NOW, THEREFORE, BE IT RESOLVED, that a leave of absence for the month of November be and is hereby authorized to James Bray from his position of Handyworker with the Home Chore Program; and

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

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

751 RATIFIES PUBLICATION OF NOTICE REGARDING RECYCLING & COMPOSTING AT LANDFILL

"Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, the Town of Riverhead desired to make its residents aware of the recycling and composting effort being made at the Riverhead Landfill; and

WHEREAS, because to weather conditions and time constraints, and there not being a regular meeting of the Town Board before the implimenting of said plan, an ad was published in the November 2, 1989, issue of the **Riverhead News-Review** and the November 8, 1989, issue of **Suffolk Life**; and

WHEREAS, it is the desire of the Town Board to ratify said publication.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby retifies the publication of the attached notice, which notice was published in the November 2, 1989, issue of the **Riverhead News-Review** and the November 8, 1989, issue of **Suffolk Life**; and be it further

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

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

The Riverhead Town Board

Asks You to Help Solve
Our Garbage Problem
by Using Our

Recycling Drop-off and Yard Waste Composting Areas at our Landfill

- Riverhead has been recycling for sometime but we need to do more so we can keep garbage costs down!
- We now have added yard waste composting to our recycling program! We have just received the State's go-ahead.
- We have expanded our recycling drop-off area at the landfill from 2 items last year to 14 items now! These are:

-newspaper	-green glass and bottles	-tires
-plastics	-large household appliances	-clear glass and bottles
-waste oil	-leaves	-aluminum
-household batteries	-tin and aluminum cans	-brown glass and bottles
	-cardboard	-brush
- We plan to do more! We are awaiting State DEC approval for us to receive your household solvents, cleaners, degreasers, and paints!
- You can also start your own backyard composting for your leaves, brush and grass clippings and avoid bringing them to the landfill.
- Come see our backyard composting exhibit at the landfill and please bring us your recyclables!
- Office and retail establishments can help by starting in-house recycling programs!
- Recycle now! Help us avoid expensive solutions to our solid waste problem!

Call or write for more information

"Riverhead Recycles and Composts"

Town Hall
200 Howell Avenue
Riverhead, NY 11901
727-3200

752 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW ENTITLED "COASTAL ZONE MANAGEMENT"

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, a public hearing was held to consider a local law entitled, "Coastal Zone Management"; and

WHEREAS, due to public comment, significant amendments to the proposed local law were proposed, which would require an additional public hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider a local law entitled "Coastal Zone Management" in the November 16, 1989, issue of the Riverhead News-Review:

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 5th day of December, 1989, at 7:45 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider a local law entitled "Coastal Zone Management", which proposed local law may be obtained, in its entirety, from the Town Clerk's Office, 200 Howell Avenue, Riverhead, New York, 11901, during normal business hours Monday through Friday, 8:30 a.m. to 4:30 p.m.

Dated: Riverhead, New York
November 8, 1989.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

A PROPOSED LOCAL LAW ENTITLED
"COASTAL ZONE MANAGEMENT"

6th Revision

Underscore denotes proposed additions to 5th Revision
~~Strike-over~~ denotes proposed deletions to 5th Revision

SECTION - 1 - Findings

The Town Board of the Town of Riverhead, New York, has determined that development along the coastal areas of the Town may result in the destruction or damage to housing, destruction or damage to public or private facilities, injury to and/or loss of human life, destruction or damage of significant ecological, geological, or hydrological areas. In order to mitigate the potentials for such damages and to achieve the purposes and objectives hereinafter set forth, this Chapter is adopted.

SECTION - 2 - Purpose

(a) The purpose of this Chapter is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood and/or erosion conditions in specified areas. The procedural requirements for this program will be established and outlined.

(b) Land use, development, and other activities are regulated in coastal areas subject to serious erosion to minimize or prevent damage or destruction to man-made property, natural protective features, other natural resources, and to protect human life.

(c) New construction or placement of structures is regulated to place them a safe distance from areas of active erosion to ensure

that these structures are not prematurely destroyed or damaged due to improper siting, as well as to prevent damage to natural protective features and other natural resources.

(d) Public investment in services, facilities, or activities which are likely to encourage new permanent development in erosion hazard areas is restricted.

(e) Publicly financed erosion protection structures to minimize erosion damage are to be used only where necessary to protect human life or where the public benefits of such structures clearly outweigh the public expenditures.

(f) The construction of erosion protection structures is regulated in coastal areas subject to serious erosion to assure that, when the construction of erosion protection structures is justified, their construction and operation will minimize or prevent damage or destruction to man-made property, private and public property, natural protective features, and other natural resources.

(g) New construction will be regulated in order to qualify for and maintain participation in the National Flood Insurance Program.

(h) Sites which have undergone appropriate review by Town agencies and boards and which have received project approval from the Town prior to the adoption of this Chapter shall not require further review according to the provisions of this Chapter.

(1) In the case of subdivision of land, conditional or preliminary approval of such plat pursuant to Section Two hundred seventy-six of the Town Law; provided, however, that final plat approval is granted within six months of preliminary plat approval.

(2) In the case of site plan not involving the subdivision of land, approval of the site plan by the appropriate body or office of the Town.

(3) In those cases not covered by subdivision One or Two of this Section, the issuance of a building permit or other authorization for the commencement of the activities or development for which such permit or authorization was issued or in those local governments which do not require such permits or authorizations, the actual commencement of the activities or development.

SECTION - 3 - Definitions

The following words, terms, or phrases have the meaning indicated so as to give this Chapter its most reasonable application. The extent of the bluff area, erosion hazard area, flood hazard area, and the Coastal Management Zone are indicated on Coastal Management Zone Maps which have been adopted by the Town of Riverhead.

(a) "Act" means the Coastal Erosion Hazard Areas Act which has been codified as Article 34 of the Environmental Conservation Law, as amended.

(b) "Accessory Structures" means a minor or appurtenant structure attached to or placed near a principal structure. Such structures will not change the land use or density.

(c) "Beach" means the zone of unconsolidated sand, gravel, cobble, or similar material that extends landward, from the mean low water line to the seaward toe of a dune or bluff, whichever is most seaward. Where no dune or bluff exists landward of a beach, the

landward limit of a beach is 100 feet landward from the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, whichever is most seaward.

~~(d) "Bluff" means any seaward sloping bank or cliff with a slope of 20 percent or more. The seaward limit of a bluff is the landward limit of its seaward natural protective feature. Where no beach is present, the seaward limit is mean low water. The landward limit of the bluff will be the point at which the slope of the land mass becomes less than 20 percent, or 25 feet from the receding edge whichever is greater. Where there is a further seaward sloping land mass within 50 feet of the limit mentioned above, this will be considered a continuation of the bluff if the slope is 20 percent or greater.~~

(d) "Bluff" means any bank or cliff with a precipitous or steeply sloped face adjoining a beach or a body of water. The seaward limit of a bluff is the landward limit of its seaward natural protective feature. Where no beach is present the seaward limit of a bluff is mean low water. The landward limit is 25 feet landward of the bluff's receding edge, or in those cases where there is no discernible line of active erosion to identify the receding edge, 25 feet landward of the point of inflection on the top of the bluff. (The point of inflection is that point along the top of the bluff where the trend of the land slope changes to begin its descent to the shoreline.)

~~(e) "Coastal Management Zone" refers to land bounded by a line 100 feet landward of the Erosion Buffer Zone and 200 feet landward of the Coastal Erosion Hazard Area as delineated by the New York State~~

~~Department of Environmental Conservation. Where appropriate, the Coastal Management Zone has been extended landward to include seaward sloping ravines or depressions which have slopes of 20 percent or greater.~~

(f) (e) "Coastal Management Zone Map" refers to the final map prepared for the Town delineating the coastal management zone and erosion/flood hazard areas.

(g) (f) "Coastal Waters" means Lakes Erie and Ontario, the St. Lawrence and Niagara Rivers, the Hudson River south of the federal dam at Troy, the East River, the Harlem River, the Kill van Kull and Arthur Kill, Long Island Sound and the Atlantic Ocean, their connecting water bodies, bays, harbors, shallows, and wetlands.

(h) (g) "Coastline" means the lands adjacent to the state's coastal waters.

(i) (h) "Commissioner" means the Commissioner of Environmental Conservation or his duly authorized representative.

(j) (i) "Debris Line" means a linear accumulation of waterborne debris deposited by high waters on a beach.

(k) (j) "Dune" means a ridge or hill of loose, windblown, or artificially placed material whose principal component is sand.

(l) (k) "Emergency" means a natural or an accidental human-made event which presents an immediate threat to life, health, safety, property, or the environment.

(m) (l) "Erosion" means the loss or displacement of land along the coastline due to the action of waves, currents, tides, wind-driven water, waterborne ice, or other impacts of storms. It also means

the loss or displacement of land due to the action of wind, runoff of surface waters, or groundwater seepage.

~~(n) "Erosion Area Permit" means the written approval required by this Chapter for the undertaking of any regulated activity within the Coastal Management Zone as shown on the Coastal Management Zone maps.~~

~~(e)~~ (m) "Erosion Buffer Zone" includes land bounded by a line 100 feet landward of the Erosion Hazard Areas limit as delineated by the New York State Department of Environmental Conservation.

~~(p)~~ (n) "Erosion Hazard Area" means an area of the coastline which is:

- (1) A structural hazard area, or
- (2) A natural protective feature area.

~~(q)~~ (o) "Erosion Protective Measure" or "Erosion Protective Structure" means an action specifically designed to reduce or prevent erosion such as a groin, jetty, seawall, revetment, bulkhead, breakwater, or artificial beach nourishment project.

~~(r)~~ (p) "Existing Structure" means a structure in existence, or one whose construction had commenced prior to the adoption of this enactment:

(1) For state agency owned structures and appurtenances, a structure in existence, or one whose construction had commenced, within an erosion hazard area on the date coastal erosion hazard area maps are filed for a local government:

(2) Existing structure also includes any structure or appurtenance which was initially constructed outside an erosion hazard

area, but as a result of amendments to coastal erosion hazard area maps is located in an erosion hazard area.

~~(s)~~ (q) "Flood Hazard Area" or "Flood Hazard Zone" refers to that coastal area subject to high-velocity waters, including, but not limited to, hurricane wave wash. This area is determined from the National Flood Insurance Program Maps.

~~(t)~~ (r) "Grading" means a redistribution of sand or other unconsolidated earth to effect a change in profile.

~~(u)~~ (s) "Local Program" means a coastal erosion management ordinance, or local law, or any other ordinance, local law, zoning regulation, subdivision regulation, site plan approval regulation, or other application of police power a local government may use in carrying out the purposes and policies of the act and meeting the minimum standards of Section 17 of 6 NYCRR Part 505 as amended March, 1988.

~~(v)~~ (t) "Major Addition" means an addition which results in a 25 percent or greater increase in the ground area coverage of a structure, other than an erosion protection structure, pier, dock, or wharf. The increase will be calculated as the ground area coverage to be added, including any additions previously constructed under an erosion area permit, divided by the ground area coverage of "existing structures" as defined in subdivision (r) above.

(u) "Mean High Water" means the approximate average high water level for a given body of water at a given location, determined by reference to the landward extent of tidal wetlands as located and depicted by the New York State Department of Environmental Conservation

on the inventory maps used for implementation of the Tidal Wetlands Act (Article 25 of the Environmental Conservation Law).

~~(w)~~ (v) "Mean Low Water" means the approximate average low water level for a given body of water at a given location, determined by reference to U. S. Coast and Geodetic Survey (mean sea level) datum.

~~(x)~~ (w) "Modification" means a change in size, design, or function.

~~(y)~~ (x) "Movable Structure" means a structure designed and constructed to be readily relocated with minimum disruption of intended use. Mobile homes and structures built on skids or piles and not having a permanent foundation are examples of movable structures.

~~(z)~~ (y) "Natural Protective Feature" means a nearshore area, beach, bluff, primary dune, secondary dune, or wetland, and the vegetation thereon.

~~(aa)~~ (z) "Natural Protective Feature Area" means a land and/or water area containing natural protective features, the alteration of which might reduce or destroy the protection afforded other lands against erosion or high water, or lower the reserves of sand or other natural materials available to replenish storm losses through natural processes. All natural protective feature areas are delineated as such on coastal erosion hazard area maps.

~~(bb)~~ (aa) "Nearshore Area" means those lands under water beginning at the mean low water line and extending in a direction perpendicular to the shoreline to a point where mean low water depth is 15 feet, or to a horizontal distance of 1000 feet from the mean water line, whichever is greater.

~~(ee)~~ (bb) "Normal Maintenance" means periodic replacement or repair of same-kind structural elements or protective coatings which do not change the size, design, or function of the original structure. A functioning structure is one which is fully performing as originally designed at the time that normal maintenance is scheduled to begin. Normal maintenance of a structure does not require a coastal erosion management permit.

~~(dd)~~ (cc) "Permit" means an Erosion Hazard Area, Flood Hazard Zone, and Erosion Buffer Zone permit.

~~(ee)~~ (dd) "Person" means any individual, public or private corporation, political subdivision, government agency, public improvement district, partnership, association, firm, trust, estate, or any other legal entity whatsoever.

~~(ff)~~ (ee) "Primary Dune" means the most seaward major dune where there are two or more parallel dune lines within a coastal area. Where there is only one dune present, it is the primary dune. Occasionally, one or more relatively small dune forms exist seaward of the primary dune. For the purposes of this Chapter, such forms will be considered to be part of the primary dune. The seaward limit of a primary dune is the landward limit of its fronting beach. The landward limit of a primary dune is 25 feet landward of its landward toe.

~~(gg)~~ (ff) "Receding Edge" means the most landward line of active erosion, or in cases where there is no discernible line of active erosion, it is the most seaward line of permanent vegetation.

~~(hh)~~ (gg) "Recession Edge" means the rate, expressed in feet per year, at which an eroding shoreline moves landward.

~~(ii)~~ (hh) "Regulated Activity" means the construction, modification or placement of a structure, or major addition to a structure or any action or use of land which materially alters the condition of land, including grading, excavating, dumping, mining, dredging, filling, or other disturbance of soil. Regulated activity does not include routine agricultural operations involving cultivation and harvesting, and the implementation of practices recommended in a soil and water conservation plan as defined in Section 3 (12) of the Soil and Water Conservation Districts Law provided; however, that agricultural operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure.

~~(jj)~~ (ii) "Restoration" means the reconstruction without modification of a structure, the cost of which equals or exceeds 50 percent of the estimated full replacement cost of the structure at the time of restoration. Modifications, however, may be allowed if they do not exceed preexisting size limits and are intended to mitigate impacts to natural protective features and other natural resources.

~~(kk)~~ (jj) "Secondary Dune" means the major dune immediately landward of the primary dune. The seaward limit of a secondary dune is the landward limit of its fronting primary dune. The landward limit of a secondary dune is 25 feet landward of its landward toe.

~~(ll)~~ (kk) "Significant Fish and Wildlife Habitat" means those designated habitats which:

(1) Are essential to the survival of a large portion of a particular fish or wildlife population, or

(2) Support rear or endangered species, or

(3) Are found at a very low frequency within a geographic area, or

(4) Support fish or wildlife populations having significant commercial or recreational value, or

(5) Would be difficult or impossible to replace.

~~(mm)~~ (ll) "State Agency" means any department, division, bureau, commission, board, public authority, or other agency of the state. Any public benefit corporation, any member of which is appointed by the governor, is a state agency.

~~(nn)~~ (mm) "Structure" means any object constructed, installed, or placed in, on, or under land or water; including, but not limited to, a building; permanent shed; deck; in-ground and above ground pool; garage; mobile home; public service distribution, transmission, or collection system; tank; pier; dock; wharf; groin; jetty; seawall; revetment; bulkhead; or breakwater; or any addition or alteration of the same.

~~(oo)~~ (nn) "Structural Hazard Area" means those shorelands, other than natural protective features, subject to erosion and located landward of shorelines having an average annual recession rate of one (1) foot or more per year. The inland boundary of a structural hazard area is calculated by starting at the landward limit of the natural protective feature and measuring along a line which is perpendicular to the shoreline a horizontal distance which is 40 times the long-term average annual recession rate.

~~(pp)~~ (oo) "Toe" means the lowest point on a slope of a dune or bluff.

~~(qq)~~ (pp) "Town" refers to the local government of the Town of Riverhead.

SECTION - 4 - Functions of Natural Protective Features

(a) Natural features such as beaches, bluffs, dunes, and nearshore areas, and the vegetation thereon, protect coastal areas and human lives from wind and water erosion and storm-induced high water. Inappropriate activities of man may diminish or eliminate entirely the erosion buffering function of natural protective features.

(b) The specific functions and protective values of different types of natural protective features may vary. Certain types of natural protective features are intrinsically better suited for certain types of uses, activities, or development than others. The standards and development restrictions of this Chapter that apply to regulated activities within specific types of natural protective features are based on:

(1) The protective functions that specific types of natural protective features provide, and

(2) The interaction between specific types of natural protective features and physical coastal processes.

(c) Described below are the erosion protection functions of various types of natural protective features and their relationship to physical coastal processes. These descriptions are to be used to guide the review of applications as required in Sections 5, 6, 7, 8, and 9 of

this Chapter and in the review of variance requests as required in Section 13 of this Chapter.

(1) Beaches buffer shorelands from erosion by absorbing wave energy that otherwise would be expended on the toes of bluffs or dunes. Beaches that are high and wide protect shorelands from erosion more effectively than beaches that are low or narrow. Beaches also act as a reservoir of sand or other unconsolidated material for longshore littoral transport and offshore sandbar and shoal formation.

(2) Bluffs protect shorelands and coastal development by absorbing the often destructive energy of open water. Bluffs are of greatest protective value during times of storm-induced high water. Bluffs are a source of depositional material for beaches and other unconsolidated natural protective features.

(3) Dunes, along with bluffs and beaches, buffer shorelands from the energy of open water. Like bluffs, dunes are of greatest protective value during conditions of storm-induced high water. Because dunes often protect some of the most biologically productive as well as developed coastal areas, their value as protective features is especially great. The two primary functions of dunes are prevention of wave overtopping and storage of sand for coastal processes. High, vegetated dunes provide a greater degree of protection than low, unvegetated ones. The keys to maintaining a stable dune system are the establishment and maintenance of beachgrass or other vegetation on the dunes and assurance of a supply of nourishment sand to the dunes.

(4) Nearshore areas dissipate a substantial amount of wave energy before it is expended on beaches, bluffs, or dunes by

causing waves to collapse or break. Nearshore areas also function as reservoirs of sand, gravel, and other unconsolidated material that is returned to beaches. Sandbars, which are located in nearshore areas, control the orientation of incoming waves and promote the development of ice cap formations which help to protect shorelines during winter storms. The roots of aquatic vegetation in nearshore areas bind fine grained silts, clays, and organic matter to form a fairly cohesive bottom that resists erosion. Such vegetation also assists in trapping sediments.

SECTION - 5 - Restrictions on Regulated Activities Within Erosion Hazard Areas

(a) The construction or placement of any structure, or major addition to an existing structure, is prohibited within the erosion hazard areas. Exception to this will be approved stairway and walkway accesses to beach areas.

(b) Any structure which has been built or placed within the Erosion Hazard Area, as delineated by the New York State Department of Environmental Conservation, prior to ~~April 2, 1983~~, the effective date of this Chapter, and which is indicated on either the Coastal Management Maps adopted by the Town or on the Coastal Erosion Hazard Area Maps (Town of Riverhead) prepared by the New York State Department of Environmental Conservation will not be regulated by this Chapter of the Town Code unless such structure(s) be modified, enlarged, or removed. The owner(s) of any structure(s) built or placed within the Erosion Hazard Area after ~~April 2, 1983~~, the effective date of this Chapter, and

which are not indicated on the Coastal Management Maps adopted by the Town or on the Coastal Erosion Hazard Area Maps (Town of Riverhead) prepared by the New York State Department of Environmental Conservation, and who have not procured a Building Permit for such structure, must apply to the Town for proper permits for such a structure. If such a structure within the Erosion Hazard Area does not comply with the requirements of the Town's Building Code, said structure must be modified to comply with the Town's Building Code. If such structures are not brought into compliance with the Town's Building Code, or corrective recommendations are not undertaken, such structures may be ordered removed at the discretion of the Town Board. If such structures within the Erosion Hazard Area are subsequently identified and application for appropriate permits has not been filed within a reasonable period of time, the Town Board may order the removal of such structure.

(c) An erosion area permit is required for the installation of public service distribution, transmission, or collection systems for gas, electricity, water, or wastewater. Systems installed to serve coastline development along mainland shorelines must be located landward of the shoreline structures being served.

(d) Any grading, excavating, or other soil disturbance conducted within an erosion hazard area must not direct surface water runoff over the receding edge.

LOCAL REGULATION OF COASTAL AREAS

SECTION - 6 - Erosion Buffer Zone, ~~Coastal Management Zone~~, and Flood Hazard Zone Permits

(a) Any person or non-state agency proposing to undertake a regulated activity within a designated Erosion Buffer Zone, ~~Coastal Management Zone~~, or Flood Hazard Zone must first obtain a permit from the Riverhead Planning Board.

(b) Permit applications are available from the Office of the Town Clerk. Applications must be made on the form prescribed by the Town and must include the following information:

- (1) A description of the proposed activity, and
- (2) A map drawn to a scale no greater than 1":100', with a minimum contour interval of 5', showing the location of the proposed activity, and
- (3) Additional information the Town may require to properly evaluate the proposed activity. Permit applications are not complete until the appropriate fee, as specified in Section 14 of this Chapter, is submitted. Completed permit applications will be submitted to the Chairperson of the Conservation Advisory Council for review and recommendation to the Riverhead Planning Board.
- (4) All regulated activities are subject to the review procedures required by the State Environmental Quality Review Act (SEQR), Article 8 of the Environmental Conservation Law. The applicant shall be required to submit information necessary for compliance with SEQR in addition to information required under this Chapter.

(c) Coastal Zone Permits are issued to State agencies by the New York State Department of Environmental Conservation pursuant to Section 34-0108(5) of the Act. Article 70 of the Environmental Conservation Law and Part 621 of 6 NYCRR govern the ~~department's~~ New York State Department of Environmental Conservation's procedures for the issuance, modification, renewal, suspension, and revocation of coastal erosion management permits under Part 505 as amended March, 1988.

(d) Prior to issuing a coastal erosion management permit for a regulated activity undertaken by a state agency within a local government jurisdiction having a local program, the ~~department~~ Commissioner must first make a finding that the standards, restrictions, and requirements of the local program, adopted pursuant to Section 34-~~0108~~ 0105 of the Act, have been met.

(e) A permit may be issued with such terms and conditions as are necessary to ensure compliance with the policies and provisions of the Act and of this Chapter.

(f) A permit issued pursuant to this Chapter does not relieve such permit applicant from the responsibility of obtaining other permits or approvals as may be necessary, nor does it convey any rights or interest in real property under the jurisdiction of the State of New York.

(g) - Where more than one regulatory agency has jurisdiction over an activity regulated by this Part, the application review process and hearing process must be consolidated and coordinated as required by Sections 34-0105(6), 34-0106(9), and 34-0107(6) of the Act, upon request

of the applicant. When an application is made for a Coastal Erosion Management Permit, variance thereto, or other form of approval required by this local law, and such activity is subject to other permit, variance, hearing, or application procedures required by another federal, state or local regulatory agency pursuant to any federal, state, or local law or ordinance, the ~~Zoning Enforcement Officer~~ Town shall, at the request of the applicant, consolidate and coordinate the application, permit, variance and hearing procedures as required by each regulatory agency into a single, comprehensive hearing and review procedure. However, nothing contained in this Section shall be deemed to limit or restrict any regulatory agencies, which are properly a party to such a consolidated review proceeding, from the independent exercise of such discretionary authority with respect to the issuance, denial, or modification of such permits, variances, or other forms of approval as they may have been granted by law.

(h) Any construction within the Erosion Hazard Area, Flood Hazard Zone, or Erosion Buffer Zone is done by the applicant at their own risk. The applicant, his successors or assigns shall hold the Town of Riverhead harmless and relieve the Town of Riverhead of any liability of damages which may be incurred to the property or structures due to the natural coastal process or events.

SECTION - 7 - Standards for Issuance of Erosion Buffer Zone Permits

(a) A permit will be issued only if the Town finds that the proposed regulated activity:

(1) Is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location, and

(2) Will not be likely to cause a measurable increase in erosion at the proposed site or at any other locations, and

(3) Prevents, if possible, or minimizes adverse effects on natural protective features and their protective value functions as described in Section 4 of this Chapter, existing erosion protection structures, or natural resources; including, but not limited to, significant fish and wildlife habitats and shellfish beds.

(b) Appurtenances which will not require any excavation are to be set back a minimum of 25 feet from the Erosion Hazard Area. The vertical load of such appurtenances will be carried by pilings or supports which result in minimum damage to the stability of the ground.

(c) Construction which requires ground excavation, construction which requires the presence or movement of heavy equipment, or construction of a primary residence must be set back a minimum of 50 feet from the Erosion Hazard Area.

SECTION - 8 - Restrictions on Regulated Activities Within Natural Protective Feature Areas

(a) Nearshore areas; the following restrictions and requirements apply to regulated activities in nearshore areas:

(1) Excavating, mining, or dredging; which diminishes the erosion protection afforded by nearshore areas, is prohibited. However, permits for dredging may be issued for constructing or

maintaining navigable depth of water, and bypassing sand around natural and man-made obstructions, or artificial beach nourishment.

(2) Clean sand or gravel is the only material which may be deposited within nearshore areas. Any deposition will require a permit.

(3) All development is prohibited in nearshore areas unless specifically allowed by Subdivision 8(a) of ~~6 NYCRR Part 505 as amended March, 1988~~ this Chapter.

(4) The normal maintenance of structures may be undertaken without a Coastal Erosion Management Permit.

(5) A permit is required for new construction, modification, or restoration of docks, piers, wharves, groins, jetties, seawalls, bulkheads, breakwaters, revetments, and artificial beach nourishment. Docks, piers, wharves, or structures built on floats, columns, open timber, piles, or similar openwork supports having a top surface area of 200 square feet or less, or docks, piers, wharves, or other structures built on floats and removed in the fall of each year are excepted from this permit requirement.

(b) Beaches; the following restrictions and requirements apply to regulated activities on beaches:

(1) Excavating or mining, which diminishes the erosion protection afforded by beaches, is prohibited.

(2) The following restrictions apply to the use of motor vehicles on beaches:

(i) Motor vehicles must operate seaward of the ~~upper debris lines~~ Mean High Water line at all times, ~~On those beaches~~

~~where no debris line exists,~~ provided motor vehicles must operate seaward of the toe of the primary dune or the bluff; and

(ii) Motor vehicles must not travel on vegetation.

(3) The normal maintenance of structures may be undertaken without a Coastal Erosion Management Permit.

(4) The restoration of existing structures that are damaged or destroyed by events not related to coastal flooding and erosion may be undertaken without a Coastal Erosion Management Permit.

(5) Non-major additions to existing structures may be allowed on beaches pursuant to a Coastal Erosion Management Permit.

(6) A permit for deposition of material on beaches will be issued only for expansion or stabilization of beaches; clean sand or gravel of an equivalent or slightly larger grain size must be used.

(7) Minor beach grooming or cleanup operations do not require a permit.

(8) A permit is required for new construction, modification, or restoration of docks, piers, wharves, boardwalks, groins, jetties, seawalls, bulkheads, breakwaters, revetments, and artificial beach nourishment projects. Docks, piers, wharves, or structures built on floats, columns, open timber, piles, or similar openwork supports having a top surface area of 200 square feet or less, or docks, piers, wharves, or other structures built on floats and removed in the fall of each year are excepted from this permit requirement.

(9) Docks, piers, wharves, or other structures built on floats which are removed in the fall of each year also require a onetime permit application.

(10) Active shore bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the New York State Department of Environmental Conservation.

(c) Bluffs; the following restrictions and requirements apply to regulated activities on bluffs:

(1) Excavating or mining of bluffs is prohibited except where:

(i) The minor alteration of a bluff is done in accordance with conditions stated in a Coastal Erosion Management Permit issued for the construction of an erosion or flood protection structure;

(2) Vehicular traffic is prohibited on bluffs except on trails or roads which have historically provided vehicular access onto the beach. Such an access may be proven to be historical by being indicated on United States Geological Survey Maps (Series 1956 revised 1975). Any improvement (grading, clearing, etc.) of these trails or roads needed to provide such access will require a permit under this Chapter. The level of traffic shall be limited to that density historically associated with the access in question.

(3) The normal maintenance of structures may be undertaken without a Coastal Erosion Management Permit.

(4) The restoration of existing structures that are damaged or destroyed by events not related to coastal flooding and erosion may be undertaken without a Coastal Erosion Management Permit.

(5) Non-major additions to existing structures may be allowed on bluffs pursuant to a Coastal Erosion Management Permit.

(6) A Coastal Erosion Management Permit is required for new construction, modification, or restoration of erosion protection structures, walkways, or stairways.

(7) Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the New York State Department of Environmental Conservation.

(8) Any grading, excavating, or other soil disturbance conducted on a bluff must not direct surface water runoff over the receding edge.

(d) Dunes; the following restrictions and requirements apply to regulated activities on all dunes within the erosion/flood hazard area:

(1) Excavating or mining of primary dunes is prohibited.

(2) Vehicular traffic is prohibited on any dunes, except in those areas designated by regulating agencies.

(3) Foot traffic which causes sufficient damage to any dunes to diminish the erosion protection afforded by them is prohibited. Pedestrian passage across dunes must utilize elevated walkways and stairways, or other specially designed dune crossing structures approved by the Town.

(4) There shall be no disturbance to the dune, except as otherwise provided in this Chapter.

(5) A permit is required for new construction, modification, or restoration of stone revetments or other erosion protection structures compatible with dunes placed at the seaward toe of the dunes, and for elevated walkways, or stairways. Such erosion protection structures will only be allowed at the seaward toe of primary dunes and must not interfere with the exchange of sand between primary dunes and their fronting beaches.

(6) Non-major additions to existing structures are allowed on dunes pursuant to a Coastal Erosion Management Permit and subject to permit conditions concerning the location, design, and potential impacts of the structure on the primary dune.

(7) The normal maintenance of structures may be undertaken without a Coastal Erosion Management Permit.

(8) The restoration of existing structures that are damaged or destroyed by events not related to coastal flooding and erosion may be undertaken without a Coastal Erosion Management Permit.

(9) Clean sand obtained from excavation, dredging, or beach grading may be deposited on a primary dune, or on an area formerly a dune, to increase its size or restore it. Such deposition must be vegetatively stabilized using native species tolerant to salt spray and sand burial; e.g., American beach grass. Such deposition requires a permit.

(10) There shall be no deposition in vegetated areas unless vegetation is removed and replanted.

(11) Vegetative planting and sand fencing, to stabilize or entrap sand in order to maintain or increase the height and width of dunes, does not require a permit, but vegetative plantings must be of native species tolerant to salt spray and burial; e.g., American beach grass.

(12) Active shore bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the New York State Department of Environmental Conservation.

SECTION - 9 - Erosion/Flood Protection Structures

Construction of erosion or flood protection structures is expensive, often only partially effective over time, and may even be harmful to adjacent or nearby properties. In some areas of the coastline, major erosion or flood protection structures of great length would be required to effectively reduce future damages due to erosion or flooding. However, in those instances where properly designed and constructed erosion protection structures will be likely to minimize or prevent damage or destruction to man-made property, private and public property, natural protective features, and other natural resources, construction of erosion and/or flood protection structures may be allowed. In such cases, the construction, modification, or restoration of such structures is subject to the following requirements:

(a) A permit is required for construction, modification, or restoration of erosion/flood protection structures including the modification or restoration of erosion/flood protection structures that

were constructed without a permit. Normal maintenance of an erosion protection structure does not require a permit.

(b) All erosion/flood protection structures must be designed and constructed according to generally accepted engineering principles, which have demonstrated success, or where sufficient data is not currently available, a likelihood of success in controlling long-term erosion or flooding. The protective measures must have a reasonable probability of controlling erosion on the immediate site for at least 30 years and have approval of the Riverhead Building Department.

(c) A long-term maintenance program must be included with every permit application for construction, modification, or restoration of an erosion/flood protection structure. That program must include specifications for normal maintenance of degradable materials and the periodic replacement of removable materials.

(d) All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required 30 years of erosion protection.

(e) The construction, modification, or restoration of erosion/flood protection structures must:

(1) Not likely to cause any measurable increase in erosion at the development site or other locations; and

(2) Minimize, and, if possible, prevent adverse effects to natural protective features, existing erosion protection structures, and natural resources such as significant fish and wildlife habitats.

SECTION - 10 - Appeal of Erosion Hazard Area Designation

(a) Any person who owns real property within a designated erosion hazard area may appeal that designation to the designating authority, the New York State Department of Environmental Conservation.

(b) Erosion hazard area designation appeals may be made after the Coastal Erosion Hazard Area Map(s) including the subject lands has been filed with the Town Clerk within the boundaries of which the subject lands are located.

(c) Any person wishing to make an appeal pursuant to this Section must complete an erosion hazard area designation appeal application and submit it to the Department of Environmental Conservation. Appeal applications are available at department regional offices and the Bureau of Flood Protection at the central office in Albany. Appeal applications are not complete until the applicant provides all necessary information and any required fees.

(d) The commissioner will decide such appeal within 30 days after receipt of a complete appeal application and, if necessary, will adjust the erosion hazard area boundaries accordingly.

(e) The sole acceptable basis for an erosion hazard area designation appeal is technical information indicating that:

(1) The long-term average annual rate of shoreline recession was incorrectly established; or

(2) The subject area was erroneously identified as a natural protective feature area.

SECTION - 11 - Emergency Activities

(a) The permit requirements of Section 6 of this Chapter do not apply to emergency activities that are necessary to protect public health, safety, or welfare including preventing damage to natural resources. Whenever emergency activities are undertaken, damage to natural protective features and other natural resources must be prevented, if possible; or minimized. Within two working days after the commencement of emergency measures, the person responsible for taking those measures must:

(1) Notify the Conservation Advisory Council and describe the emergency and the public health or safety or resources whose protection was sought, and

(2) Prepare documentation; i.e., photographs, to substantiate the necessity for emergency activities.

(3) Describe the measures which were taken to secure such protection.

(b) After completion of the emergency measures, the Town may shall require such information in writing.

(c) If the Town Board determines that a regulated activity undertaken without a permit does not meet the emergency activity criteria of this Section, the Town Attorney is authorized to order the immediate cessation of such activity. In addition, the Town Board may require:

(1) Removal of any structure that was constructed or placed without a permit, and

(2) The return to former conditions of any natural protective features that were excavated, mined, or otherwise disturbed without a permit.

SECTION - 12 - Bond

The Town may require a bond or other form of financial security if it determines that a person submitting an application for a permit has a record of noncompliance with the terms or conditions of permits issued by the Town. Such bond or security must be in an amount, with such surety and conditions as are satisfactory to the Town so as to ensure compliance with the terms and conditions stated in the permit.

SECTION - 13 - Variances

(a) When an applicant can demonstrate that the strict application of the restrictions or requirements of Sections 5, 6, 7, 8, and 9 of this Chapter will cause practical difficulty or unnecessary hardship, any such restriction or requirement may be varied or modified, provided that the following criteria area met:

(1) No reasonable, prudent, alternative site is available; and

(2) All responsible means and measures to mitigate adverse impacts on natural systems and the functions and protective values described in Section 4 of this Chapter have been incorporated

into project design and will be implemented at the developer's expense and

(3) The development will be reasonably safe from flood and erosion damage; and

(4) The variance requested is the minimum necessary to overcome the practical difficulty or hardship which was the basis for requesting it; and

(5) Where public funds are utilized, the public benefits clearly outweigh the long-term adverse effects for any proposed activities and development.

(b) Any person wishing to make a request for a variance must do so in writing to the Zoning Board of Appeals. The variance request must specify the standard, restriction, or requirement to be varied and how the requested variance meets the criteria established in subdivision (a) of this Section. The burden of demonstrating that the requested variance meets these criteria rests entirely with the applicant. The Zoning Board of Appeals shall reply to the variance request within 45 working days.

SECTION - 14 - Fees

(a) Applications for erosion/flood area permits and erosion/flood hazard area designation appeals must be accompanied by a money order or personal check made payable to the Town of Riverhead in the amount specified in Subdivision (c) of this Section.

(b) If an application is withdrawn before it is determined complete, the fee will be returned to the applicant upon request.

(c) Fees for review of applications.

- (1) Appeal of erosion/flood hazard area designation, \$50.
- (2) Construction or placement of structures other than erosion protection structures, docks, piers, and wharves, \$40.
- (3) Excavation, grading, mining, or filling:
 - (i) Projects not exceeding 100 cubic yards, \$25.
 - (ii) Projects greater than 100 cubic yards, \$50.
 - (iii) Projects greater than 1000 cubic yards, \$100.
- (4) Dredging:
 - (i) Projects not exceeding 100 cubic yards, \$25.
 - (ii) Projects greater than 100 cubic yards, \$50.
 - (iii) Projects greater than 1000 cubic yards, \$100.
- (5) Construction or modification of docks, piers, or wharves:
 - (i) Fixed docks, \$35.
 - (ii) Solid fill docks, \$50.
 - (iii) Floating docks on piles or fixed dock, ramp, and float combination, \$25.
- (6) Construction or modification of erosion protection structures:
 - (i) Structures not exceeding 100 linear feet, \$50.
 - (ii) Structures greater than 100 linear feet, \$100.
- (7) All projects or activities not listed in paragraphs (1) through (6) of this Section \$50.

SECTION - 15 - Notice of Violation; Penalties for Offenses

(a) Any person, firm, corporation, or entity found violating any provision of this Section or conditions imposed by the Town Board upon an approved permit shall be served with a written notice at the direction of the Town Board stating the nature of the violation and providing a specified time within which the violation shall cease and satisfactory corrective action taken by the violator.

(b) Any person, firm, corporation, or entity violating this Section shall be guilty of an offense and shall, upon conviction thereof, be punishable by fine or imprisonment, or both. Fines may be up to one thousand dollars (\$1,000.00) and imprisonment may be for thirty (30) days or less.

(c) Any person, firm, corporation, or entity who shall continue such violation beyond the time limit specified by the Town Board shall be guilty of another offense and shall, upon conviction thereof, be fined in an amount not to exceed one thousand dollars (\$1,000.00) for each offense or imprisoned thirty (30) days, or both.

(d) Each day of such violation shall constitute a separate offense under this Section.

(e) In the event that any person, firm, corporation, or entity shall continue any violation beyond the time limit specified by the Town Board, the Town Board shall direct the Town Attorney to apply to the Supreme Court for an order directing that the violation be corrected or removed and that all costs and expenses incurred by the Town of Riverhead in connection with proceedings, including the actual costs of correction or removal, shall be assessed against the offender.

(f) Any person, firm, corporation, or entity violating the provisions of this Section shall become liable to the Town for any expense or loss or damage occasioned the Town by reason of such violation.

(g) In addition to any penalties, fines, forfeitures, or injunctions that may be imposed pursuant to this Section, an applicant who files an application for a permit, after a violation of this Section has occurred, shall pay an application fee of one hundred dollars (\$100.00) in lieu of the appropriate application fee provided for in Section 14.

SECTION - 16 - Severability

The provisions of this ~~Section~~ Chapter are severable. If any clause, sentence, paragraph, subdivision, or part is adjudged invalid by a court of competent jurisdiction, the effect of such order or judgment is confined to the controversy to which it was rendered. Such order or judgment does not affect or invalidate any other provisions of this Chapter or their application to other persons and circumstances.

SECTION - 17 - Amendments

Procedure - The Town Board may, on its motion or on petition, or on recommendation from the Planning Board, amend, supplement or repeal the provisions, regulations, procedures or standards of this local law.

When an amendment is duly proposed, the Town Board must:

(a) Notify the Commissioner of the New York State Department of Environmental Conservation in writing of all proposed amendments and request his advice as to whether such amendment is subject to his approval, and if so, whether such amendment conforms to the minimum standards of a certified program.

(b) Issue public notice and conduct a hearing on all proposed amendments. The Town Board, by resolution, must cause notice of such hearing's time, date, and place to be published in the official newspaper not less than 10* days prior to the date of the hearing.

(c) Refer the proposed amendment at least 30 days prior to the public hearing, in writing to:

(1) The Planning Board, unless initiated thereby, for its review of the amendment and its report to the Town Board of recommendations thereon, including a full statement of reasons for such recommendations.

(2) The County Planning Board for its review and recommendations pursuant to Article 12-B, Section 239 of the New York State General Municipal Law.

Commissioner Approval - After enactment the amendment must be sent to the Commissioner of Environmental Conservation for Certification.

Recording - After an amendment to this local law: has been initially reviewed and found to be in conformance by the Commissioner of

* Villages and Cities are required to advertise 5 days prior to hearings. Towns are required to advertise 10 days prior to hearings.

the New York State Department of Environmental Conservation; completed the public hearing process and intergovernmental review; been finally approved and adopted by the Town Board; and been certified by the Commissioner; the Clerk will as prescribed by Section 27 of the Municipal Home-Rule Law:

(a) Record the amendment local law in the Town Clerk's Minute Book and in the Recorded Book of Local Law.

(1) 1 copy in the Clerk's office.

(2) 1 copy in the Office of the State Comptroller.

(3) 3 copies in the Office of the Secretary of State.

(4) 1 copy with the Commissioner of the New York State Department of Environmental Conservation.

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753 AUTHORIZES PREFERRED PLUMBING AND HEATING, INC. TO SERVE
AS CERTIFIED DRAINLAYERS

Councilperson Boschetti offered the following
resolution which was seconded by Councilperson Pike.

WHEREAS, by letter dated October 12, 1989, Preferred
Plumbing and Heating, Inc. did request authorization as a drain
layer in the Town of Riverhead; and

WHEREAS, Section 88 of the Riverhead Town Code prescribes
certain bonds and insurances to be provided prior to
certification; and

WHEREAS, all necessary paperwork has been filed with the
Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, that Preferred Plumbing and
Heating, Inc., 10 Beech Street, Islip, New York be and is hereby
certified as an authorized drainlayer with the Town of Riverhead
Sewer District; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby
authorized to forward a certified copy of this resolution to the
Riverhead Sewer District and Preferred Plumbing and Heating, Inc.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

754 APPROVES SITE PLAN OF JOHN J. MUNZEL & CAROL J. MUNZEL

Councilperson Pike offered the following resolution, which was seconded by Councilperson Boschetti:

WHEREAS, a site plan was submitted by John J. & Carol J. Munzel for the construction of a bluestone in oil base parking area with attendant curbing and drainage located at 548 Roanoke Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-126-4-23; and

WHEREAS, the Planning Department has reviewed the site plan dated July 18, 1989, and most recently revised October 23, 1989, as prepared by Gordon K. Ahlers, P.E., 188 Manor Lane, Jamesport, New York, 11947, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved as amended; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Type II Action without significant impact upon the environment; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan submitted by John J. & Carol J. Munzel, for the the construction of a bluestone in oil base parking area with attendant curbing and drainage, located at 548 Roanoke Avenue, Riverhead, New York, site plan dated July 18, 1989, and most recently revised October 23, 1989, as prepared by Gordon K. Ahlers, P.E., 188 Manor Lane, Jamesport, New York, 11947, be and are hereby approved by the Town Board of the Town of Riverhead, as amended and initialled by a majority of this Board, subject to the following:

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

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the

Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

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

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

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

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

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

8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, JOHN J. MUNZEL hereby authorizes the Town of Riverhead to enter premises at 548 Roanoke Avenue, Riverhead, New York, to enforce said handicapped parking regulations;

9. That by execution and filing of this document, JOHN J. MUNZEL hereby authorizes and consents to the Town of Riverhead to enter premises at 548 Roanoke Avenue, Riverhead, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

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

11. That an expanded planting plan and schedule shall be submitted by the applicant for review and approval prior to

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the issuance of a Certificate of Occupancy for the premises; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to John J. & Carol J. Munzel, Gordon K. Ahlers, P.E., the Riverhead Planning Department, the Riverhead Building Department, and the Office of the Town Attorney.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1989, made by JOHN J. MUNZEL, residing at 548 Roanoke Avenue, Riverhead, New York, 11901, Declarant.

W I T N E S S E T H:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

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

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

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

4. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

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

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

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

8. That by execution and filing of this document, JOHN J. MUNZEL hereby authorizes the Town of Riverhead to enter premises at 548 Roanoke Avenue, Riverhead, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

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

10. That an expanded planting plan and schedule shall be submitted by the applicant for review and approval prior to the issuance of a Certificate of Occupancy for the premises.

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

JOHN J. MUNZEL

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

On the _____ day of _____, 1989, before me personally came JOHN J. MUNZEL, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at 548 Roanoke Avenue, Riverhead, New York, the subject property of this

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Declaration and Covenant, and understands the content thereof;
and that (s)he did swear to me that (s)he executed the same.

NOTARY PUBLIC

755 AUTHORIZES TOWN CLERK TO REPUBLISH AND REPOST NOTICE TO BIDDERS RE: FOOD PRODUCTS FOR THE TOWN OF RIVERHEAD NUTRITION CENTER

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for food products for use by the Town of Riverhead Nutrition Center; and

WHEREAS, insufficient bids were received.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to republish and repost the attached notice to bidders for food products for use by the Town of Riverhead Nutrition Center.

DATED: Riverhead, New York
November 8, 1989.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

756 ACCEPTS AMENDED DECLARATION, COVENANTS, AND RESTRICTIONS ON THE MAP OF "WADING RIVER MANOR ASSOCIATES"

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Civiletti:

WHEREAS, the Riverhead Planning Board has adopted a resolution revising the final approval of the subdivision known as "Wading River Manor Associates" in order to amend the location of interior roadways to be in conformance with the "Wading River Hamlet Study" which has been adopted by this Board, and

WHEREAS, the Riverhead Town Board by resolution has accepted an offer of dedication from Manor Associates for the construction of a public highway in conformance with the layout as identified by the "Wading River Hamlet Study" and laid out by the Town Engineer, and

WHEREAS, the original covenant filed by the principals of the map of "Wading River Manor Associates" was neither reviewed nor accepted by the Riverhead Town Board or subscribed to by the Supervisor of the Town of Riverhead, and

WHEREAS, the Riverhead Planning Board has requested that the Town Board authorize the Town Clerk to forward certified copies of the Planning Board resolution and this Town Board resolution to all owners of lots within the subdivision known as "Wading River Manor Associates;"

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board accept the amended covenant and restriction upon the map of "Wading River Manor Associates" as amended by the Riverhead Planning Board by resolution on October 19, 1989, and set forth as follows:

The following language to be deleted from the original resolution (July 11, 1983):

At such time as any parcel (lot) on the map of "Wading River Manor Associates at Wading River, Town of Riverhead, Suffolk County, New York" filed in the Suffolk County Clerk's Office on July 12, 1983, as Map No. 7201, shall be sold, the developer of said parcel (lot) will not receive a Certificate of Occupancy until the interior roadway on this parcel (lot) as designated on the subdivision map shall have been constructed according to the standards of the Riverhead Building Department.

The following language to replace deleted language:

No site plan approved shall be granted for any lot in this subdivision except upon an offer of dedication for the property shown as an interior road as shown on the attached map of Louis K. McLean Associates, incorporated herein, dated July, 1989, and such

road be constructed to the highway specifications of the Town of Riverhead and no Certificate of Occupancy shall be issued for said site improvements, until such road shall have been constructed. And the owner shall execute a covenant, in recordable form, referencing this resolution and extinguishing the old covenant as it pertains to the affected lot, and

BE IT FURTHER

RESOLVED, that the Town Board authorize the Town Clerk to forward certified copies of this resolution, as well as the Planning Board resolution of October 19, 1989, to all owners of lots within the subdivision known as "Wading River Manor Associates" registered mail, return receipt requested, and

BE IT FURTHER

RESOLVED, that all claims that the amendment herein is improper and detrimental to the affected owners must be made by bringing an action within the statutory time prescribed pursuant to Article 78 of the Civil Practice Laws and Rules in the Supreme Court, and

BE IT FURTHER

RESOLVED, that the Town Clerk shall forward certified copies of this resolution with the Riverhead Building Department and the Riverhead Planning Department.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

757 AUTHORIZES TRANSFER OF FRANCHISE AGREEMENT OF L.I. CABLEVISION, INC. (TIMES MIRROR CABLE TELEVISION, INC.) TO C.S.C. ACQUISITION - N.Y., INC.

Councilperson Boschetti offered the following resolution, which was seconded by Councilperson Pike:

WHEREAS, a cable television franchise agreement between the Town of Riverhead and L.I. Cablevision, Inc., was granted September 20, 1983; and

WHEREAS, by application dated August 10, 1989, Cablevision Systems Corp. has requested permission of the Town of Riverhead to assume the rights and obligations of L.I. Cablevision, Inc. (Times Mirror, Inc.) contained in said franchise agreement; and

WHEREAS, the Town Board of the Town of Riverhead has reviewed this request for transfer of franchise agreement with the N.Y.S. Cable Commission; and

WHEREAS, the Town of Riverhead has negotiated certain clarifications to the franchise agreement as more particularly set forth in the letter of agreement attached hereto.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute the attached letter of agreement and any consent forms necessary to permit said transfer of franchise agreement; and be it further

RESOLVED, that the Town Board authorizes the assignment of rights and obligations of said franchise agreement to Cablevision, Inc. (C.S.C. Acquisition - N.Y., Inc.) to be effective upon the approval of the N.Y.S. Cable Commission; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to L.I. Cablevision, Inc. (Times Mirror, Inc.), C.S.C. Acquisition - N.Y., Inc. and the N.Y.S. Cable Commission.

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AGREEMENT made this _____ day of November, 1989, by and between CSC ACQUISITION - NY, INC. a corporation having an office at One Media Crossways, Woodbury, New York, 11797 ("Cablevision"), and the TOWN OF RIVERHEAD, a municipal corporation with its principal office at 200 Howell Avenue, Riverhead, New York, 11901.

W I T N E S S E T H:

It is hereby agreed by and between the parties hereinabove-mentioned that Cablevision is assuming the rights and obligations of Times Mirror Cable Television, Inc., formerly known as L.I. Cablevision, Inc., pursuant to a franchise dated September, 1983. The Town of Riverhead hereby agrees to permit Times Mirror Cable Television, Inc., formerly known as L.I. Cablevision, Inc., to transfer its cable television franchise to Cablevision, subject to the following:

1. That Cablevision shall post a performance bond in the amount of twenty-five thousand and 00/100 (\$25,000.00) dollars and a liability insurance certificate in the amount of five million and 00/100 (\$5,000,000.00) dollars, which certificate shall name the Town of Riverhead as additional insured. Both the performance bond and the insurance certificate shall be filed with the Town Clerk of the Town of Riverhead;
2. The cost of acquisition to Cablevision and the ratio of debt per subscriber will not affect rates for service;
3. Cablevision agrees that any reference to the obligation to provide energized service to new subdivisions shall be required as follows:
 - (a) The developer shall pay costs associated with the installation of underground facilities within the subdivision;
 - (b) Cablevision shall be required to energize such underground facilities as provided by the subdivider where the subdivision contains 35 lots per mile of road, or lots at the same ratio (i.e., 35 lots per mile, 7 lots per 1/5 of a mile, etc.).
4. Cablevision commits to maintaining an office within the Town of Riverhead for the duration of the franchise agreement. Furthermore, Cablevision commits to the construction of a new multi-functional cable center within the geographic boundaries of the Town of Riverhead;
5. Cablevision hereby commits to an engineering upgrade in the Town of Riverhead resulting in a 52-channel, fully addressable system by 1993. Furthermore, pending the development of cable technology, particularly as it relates to fiber optics, Cablevision will further upgrade the Riverhead system to 77 channels by the end of the next decade;

6. Cablevision hereby commits to completing the construction of, and providing cable television to, the area known as "Century Farms" in Wading River within 90 days of the start of the 1990 construction season.

Cablevision further commits to the construction of, and providing cable television service to, the following areas within 12-18 months after the transfer of this franchise has been completed.

- Kay Road, Calverton
- Michael's Lane, Calverton
- Westwood Boulevard, Calverton
- Southview Court, Wading River
- Legend Lane, Jamesport
- Peconic Bay Boulevard, Aquabogue
- Promenade Drive, Aquabogue
- Pier Avenue, Northville
- The Manors, Calverton
- Vista Court, Jamesport
- Union Avenue, Aquabogue

All other reasonable requests for extension of service will be incorporated into the normal construction schedule of Cablevision;

7. Cablevision commits that no fee will be charged for converter box adjustments for downgrade of service when customer delivers the converter box to the office of Cablevision provided no service call to the home is required;

8. Cablevision commits to offering a senior citizen discount at a rate that is equal to or more than the discount rate currently available through L.I. Cablevision, Inc., as of the date of the signing of this letter of agreement;

9. Cablevision agrees to execute a written agreement binding the corporation to and assuming all obligations and responsibilities of L.I. Cablevision, Inc. Such written agreement is to be filed in the Office of the Town Clerk, 200 Howall Avenue, Riverhead, New York, 11901, within 30 days of the date of the signing of this letter of agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

TOWN OF RIVERHEAD

By: _____
JOSEPH F. JANOSKI, Supervisor

CSC ACQUISITION-NY, INC.

By: _____

758 PROMOTES PLANNING AIDE TO THE POSITION OF PLANNER

Councilperson Lombardi offered the following resolution which was seconded by Councilperson Civiletti.

WHEREAS, the Suffolk County Department of Civil Service has reclassified the position of Planning Aide to Planner; and

WHEREAS, Brenda Filmanski, the encumbant in the Planning Aide position, also appears on the Suffolk County Civil Service list of eligibles for the position of Planner.

NOW, THEREFORE, BE IT RESOLVED, that Brenda Filmanski is hereby appointed to the position of Planner, Group 9, Step 3 of the Administrative Salary Schedule at an annual salary of \$34,816.46 retroactive August 9, 1989; and

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

The vote, Boschetti, no, Pike, yes, Civiletti, yes, Lombardi, no, Janoski, yes.

The resolution was thereupon duly declared adopted.

759 RETAINS RAINS & PODGREBEN, P.C., AS OF COUNSEL

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

RESOLVED, that the law firm of Rains & Podgreben, P.C., be and is hereby retained as of counsel to the Town Attorney at the rate currently on file with the Town Clerk; and be it further

RESOLVED, that the Town Board hereby authorizes Rains & Podgreben, P.C., to be retained as of counsel to the Town Attorney regarding the matter of the Police Benevolent Association v. Town of Riverhead; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Rains & Podgreben, P.C., and the Office of the Town Attorney.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

760 REINSTATES LANDMARKS PRESERVATION COMMISSION

Councilperson Lombardi offered the following resolution which was seconded by Councilperson Civiletti.

RESOLVED, that the following members be and are hereby reinstated to their respective terms of office:

Alice Graff - 4 years

Donald Denis - 3 years

Miles Kucera - 2 years

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Alice Graff, Donald Denis and Miles Kucera.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

#761 AUTHORIZES PAYMENT OF BILLS.

Councilman Pike offered the following resolution which was seconded by Councilwoman Civiletti.

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

GENERAL TOWN

Abstract #23 vouchers 3731, totalling \$5,006,055.49
3789-4060

CHIPS LOCAL STREETS & HIGHWAYS

Abstract #23 vouchers 1 totalling \$ 52,687.56

POLICE ATHLETIC LEAGUE

Abstract #23 vouchers 8 totalling \$ 742.00

HIGHWAY

Abstract #23 vouchers 468-499 totalling \$ 246,201.80

STREET LIGHTING

Abstract #23 vouchers 147-149 totalling \$ 24,364.40
151-161

PUBLIC PARKING

Abstract #23 vouchers 5a-6a, 99-106 totalling \$ 358,801.42

DISCRETIONARY

Abstract #23 vouchers 222-245 totalling \$ 21,772.43

MUNICIPAL GARAGE

Abstract #23 vouchers 181-188 totalling \$ 7,799.81

TRUST & AGENCY

Abstract #23 vouchers 37-39 totalling \$ 814,889.63

RISK RETENTION

Abstract #23 vouchers 80a totalling \$ 800,387.50

UNEMPLOYMENT INSURANCE RESERVE

Abstract #23 vouchers 2 totalling \$ 3,946.25

TOWN HALL CAPITAL PROJECTS

Abstract #23 vouchers 141-145 totalling \$ 3,197.60

EIGHT HUNDRED SERIES

Abstract #23 vouchers 57-61 totalling \$ 42,229.68

YOUTH SERVICES

Abstract #23 vouchers 57-63 totalling \$ 3,687.56

SENIORS HELPING SENIORS

Abstract #23 vouchers 99-108 totalling \$ 7,037.87

EISEP

Abstract #23 vouchers 68-75 totalling \$ 3,723.67

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,
Lombardi, no, Janoski, yes.

The resolution was thereupon duly declared adopted.

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