

**MARCH 18, 2015**

**CDA RESOLUTIONS:**

**CDA #3 Authorization to Publish Advertisement of a Request for Proposals for NYS Licensed Real Estate Broker for marketing, Sale or Lease of Property at EPCAL**

**TOWN BOARD RESOLUTIONS:**

**Res. #167 Rescinds Resolution #233 Adopted April 7, 1998 Establishing the Riverhead Anti-Bias Task Force and Authorizes it's Re-Establishment**

**Res. #168 Authorizes Execution of Sewer Infrastructure Program Development Agreement with County of Suffolk**

**Res. #169 Authorizes Town Clerk to Publish and Post the Attached Notice to Bidders for Annual Construction Contract**

**Res. #170 Authorizes Town Clerk to Publish and Post the Attached Notice to Bidders for Annual Procurement Contract**

**Res. #171 Authorizes Execution of Contract with Seed Clam Administrator**

**Res. #172 Authorizes the Attendance of a Police Department Employee to NY/NJ Regional Fugitive Task Force Training**

**Res. #173 Authorizes Publication of Help Wanted Advertisement for a Part-Time Maintenance Mechanic I**

**Res. # 174 Appoints a Temporary Part-Time Environmental Planner (Jeffrey Seeman)**

**Res. #175 Extends Bid Contract for Hardware Items with Griffing Hardware Co., Inc.**

**Res. #176 Authorization to Publish Advertisement for Sporting Goods for the Town of Riverhead**

**Res. #177 Authorizes Attendance at the 2015 37<sup>th</sup> New York State Association of Municipal Purchasing Officials Annual Professional Development Conference**

**Res. #178 Adopts Policy Regarding Invocations before Opening Town Board Meetings**

**Res. #179 Adopts a Local Law to Amend Chapter 106 Entitled "Waterways" of the Code of the Town of Riverhead**

**Res. #180 Authorizes Agreement with Universal Television, LLC (Utilize parking stalls)**

- Res. #181** Authorizes the Retention of Joel d. Gonia as an Expert in the Matter of United Riverhead Terminal Inc. v. Riverhead Town Assessors
- Res. #182** Authorization to Publish Advertisement of a Request for Proposals for NYS Licensed Real Estate Broker for Marketing, Sale or Lease of Property at EPCAL
- Res. #183** Authorizes Nunc Pro Tunc Reimbursement for 2014 and Authorizes Town to Provide Funding Assistance in 2015 to Riverhead Community Awareness Program, Inc.
- Res. #184** Town Board Authorization for Office of Town Attorney to Proceed with Sale of Building Located at 542 East Main Street, Riverhead, NY (SCTM #600-129-3-35.2) Known as East Lawn Building Subject to Permissive Referendum
- Res. #185** Approves the Chapter 90 Application of Nile Rodgers Productions, Inc. (“The Freak Out!” Music, Art & Wine Festival – August 4<sup>th</sup> and 5<sup>th</sup>, 2015)
- Res. #186** Grants Excavation Permit to Stoneleigh Woods at Riverhead, LLC as Provided by Chapter 62 entitled “Excavations” of the Riverhead Town Code
- Res. #187** Appoints Interpreter for Police Department and Justice Court (Magdalena Ewa Lagun)
- Res. #188** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 86 Entitled “Rental Dwelling Units” of the Riverhead Town Code
- Res. #189** Town Board Authorizes Town Clerk to Publish and Post Notice for the Town Board to Classify the Action as Unlisted Pursuant to SEQRA, Assume Lead Agency, Consider an Amendment to the Comprehensive Plan and Zoning Map and to Change the Zoning Classification of Certain Parcels from Residence A-40 (RA-40) to Downtown Center 5: Residential (DC-5) Along East Main Street, Riverhead, New York
- Res. #190** Authorizes the Town Clerk to Publish and Post a Public Notice of a Public Hearing to Consider a Local Law for the Addition of Chapter 113 in the Riverhead Town Code Entitled “Hunting”
- Res. #191** Sets Date and Time of 6<sup>th</sup> Annual “Great Riverhead Cardboard Boat Race”
- Res. #192** Order Calling Public Hearing Regarding Improvements to Facilities of Riverhead Water District – Wellhead Treatment for Perchlorate Removal – Plant No. 16
- Res. #193** Authorizes Town Clerk to Publish and Post Notice to Bidders for Corrosion Control Chemical (PO4)

**Res. #194 Pays Bills**

**Res. #195 Authorizes the Town Attorney's Office to Execute a Stipulation and Order of Settlement in a Lawsuit (Legal Aid Society v. Town of Southampton, et al.)**

**TOWN OF RIVERHEAD  
Community Development Agency**

**Resolution # 3**

**AUTHORIZATION TO PUBLISH ADVERTISEMENT OF A REQUEST FOR PROPOSALS FOR NYS LICENSED REAL ESTATE BROKER FOR MARKETING, SALE OR LEASE OF PROPERTY AT EPCAL**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town of Riverhead and Town Board, as governing body of the Community Development Agency, seeks to obtain the services of a New York State licensed real estate Broker or firm having experience in commercial transactions to assist the Town in the marketing, sale or lease of certain Town property located at Enterprise Park at Calverton (EPCAL); and

**WHEREAS**, the Town of Riverhead and Town Board seeks authorization to publish and post a notice to bidders for proposals for New York State Licensed Real Estate Brokers.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Riverhead and Town Board, as governing body of the Community Development Agency, hereby authorizes the issuance of the attached Request for Proposals for New York State Licensed Real Estate Broker; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to publish and post the following public notice in the March 26, 2015 issue of the News-Review; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

## NOTICE TO BIDDERS

**TAKE NOTICE**, that sealed proposals will be received by the Office of the Town Clerk at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on or before **April 28, 2015 at 11:00 a.m.** prevailing time, for:

### REQUEST FOR PROPOSALS

The Town of Riverhead is seeking proposals for **NYS LICENSED REAL ESTATE BROKER.**

Specifications and guidelines for submission of proposals will be available on **March 26, 2015** on the Town of Riverhead website at [www.townofriverheadny.gov](http://www.townofriverheadny.gov), click on bid requests.

Each proposal must be submitted in a sealed envelope clearly marked “**NYS LICENSED REAL ESTATE BROKER**”. Proposals must be received by the **Office of the Town Clerk** by no later than **11:00 am on April 28, 2015.**

This RFP is not an offer or a binding commitment to contract on the part of the Town. The Town retains the right to postpone or cancel the RFP or to reject all proposals, if the Town determines, in its sole discretion, that the best interests of the Town will be served thereby.

**BY ORDER OF THE TOWN BOARD  
TOWN OF RIVERHEAD  
Diane M. Wilhelm, TOWN CLERK**

TOWN OF RIVERHEAD

Resolution # 167

**RESCINDS RESOLUTION #233 ADOPTED APRIL 7, 1998  
ESTABLISHING THE RIVERHEAD ANTI-BIAS TASK FORCE AND AUTHORIZES  
ITS RE-ESTABLISHMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on April 7, 1998 the Town Board did adopt Resolution #233 entitled Riverhead Anti-Bias Task Force; and

**WHEREAS**, the task force became inactive; and further rescinds Resolutions #168, February 15, 2005; #277, March 21, 2006 and #453 May 16, 2006; and

**WHEREAS**, Supervisor Walter expressed the need to re-establish this taskforce and appoints Councilman John Dunleavy, Town Board Liaison, and Police Chief David J. Hegermiller Police Department Liaison; and Connie Lassandro, Chair Anti-Bias Task Force and Noreen LeCann, Vice-Chair Anti-Bias Task Force;

**WHEREAS**, The purpose of the Town of Riverhead Anti-Bias Task Force is to assist this government in identifying issues related to prejudice or bias and to advise the Town Board of the task force recommendations as to the direction the Town can take in combating bias and improve social conditions for all and further a proactive means to eradicate various forms of social oppression. The ultimate goal is to create anti-bias curriculum in the establishment of social justice; and further act as a good sounding board when there is a problem in the town; and

**NOW THEREFORE BE IT RESOLVED**, that the Riverhead Town Board does hereby authorize Resolution #233 of 1998; #168 of 2005 and #277 & #453 of 2006 be rescinded; and

**RESOLVED**, that the Town of Riverhead Anti-Bias Task Force be and is hereby re-established with its membership as follows:

John Dunleavy, Councilman  
David J Hegermiller, Police Chief

Ex-Officio Member, Town Board Liaison  
Ex-Officio Member, Police Department Liaison

**MEMBERS:**

Connie Lassandro  
Noreen LeCann  
Susan M Bergmann  
Marjorie Acevedo  
Nancy Carney

Chair  
Vice-Chair  
Secretary/Treasurer

Angela Devito  
Father Larry Duncklee  
Tracey Lutz  
Dr. Jesus Marte  
Sarah Mayo  
Stephen T. Palmer  
Roberto Ramos  
Shirley Sinclair  
Sister Margaret Smyth  
Louise Stacey  
Ethel Sussman  
Louise C Wilkinson

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the above named individuals and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 168

**AUTHORIZES EXECUTION OF SEWER INFRASTRUCTURE PROGRAM  
DEVELOPMENT AGREEMENT WITH COUNTY OF SUFFOLK**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, by resolution number 403 adopted May 22, 2013, the Riverhead Town Board as governing body of the Riverhead Sewer District authorized application to the Suffolk County Infrastructure Grant Program to permit the improvements to the treatment plant as required by the Suffolk County Department of Health Services and New York DEC TMDL requirements, and

**WHEREAS**, the Suffolk County Sewer Infrastructure Committee determined that a grant of \$8,091,000.00 was appropriate, and

**WHEREAS**, the Suffolk County Legislature by Resolution Number 866-2013 set aside funds and authorized the negotiation of an Agreement funding the construction of the required TMDL improvements, which agreement has been negotiated by town Sewer District representatives and is attached hereto as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** that the Riverhead Town Board as governing body of the Riverhead Sewer District hereby authorizes the Supervisor to execute the attached Sewer Infrastructure Program Development Agreement on behalf of the Riverhead Sewer District and to do all acts in furtherance of the Grant as set forth in the Agreement, and be it further

**RESOLVED**, that the Riverhead Town Clerk shall send certified copies of this resolution to Clerk of the Suffolk County Legislature, The Honorable Albert Krupski, Suffolk County Legislator; Sarah Lansdale, Director, Suffolk County Planning Commission, H. Lee Dennison Bldg., 4<sup>th</sup> Floor, 100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099, and Robert Braun, Esq., Deputy Bureau Chief, Municipal Law Bureau, Real Estate/Condemnation, Suffolk County Department of Law, H. Lee Dennison Bldg., 6<sup>th</sup> Floor, 100 Veterans Memorial Highway, PO Box 6100 Hauppauge, NY 11788.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**SEWER INFRASTRUCTURE PROGRAM  
DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (the "Agreement") made the \_\_\_\_ day of \_\_\_\_\_, 2014 between THE COUNTY OF SUFFOLK (the "County"), a municipal corporation of the State of New York, having its principal office at County Center, Riverhead, New York 11901 acting by and through its Department of Economic Development and Planning (the "Department"), having its offices at 100 Veterans Memorial Highway, Hauppauge, New York 11788, and THE TOWN OF RIVERHEAD, a New York municipal corporation having its offices at 2 River Avenue, Riverhead, NY 11901 (the "Recipient").

The County, and/or the Recipient may also hereinafter be referred to as a "Party" or the "Parties" as the context may require.

WHEREAS, in furtherance of the objectives of Local Law 44-2011, (the "Program"), the County has undertaken a program for assisting in the financing of installation, improvement, maintenance and operation of sewer infrastructure and sewage treatment plants and for the installation of residential and commercial enhanced nitrogen removal septic systems in areas outside of sewer districts ("Sewer Improvements"); and

WHEREAS, there exists a need in Suffolk County to provide such Sewer Improvements thereby protecting ground water and promoting the County's economic growth and prosperity; and

WHEREAS, the Recipient has applied to the County for Twelve Million One Hundred Forty Seven Thousand Nine Hundred (\$12,147,900.00) Dollars as a grant to be used in connection with Recipient's project known as Upgrade of Advanced Wastewater Treatment Facility for New USEPA TMDL Regulations, ("Project") and after due consideration the County, through its Sewer Infrastructure Committee ("SIC"), has determined to grant Eight Million Ninety One Thousand (\$8,091,000.00) Dollars to Recipient as a portion of the cost of completing such Project, and to lend Four Million Fifty Seven Thousand (\$4,057,000.00) Dollars to Recipient for its use in such Project, which Project will be built within the County of Suffolk on the land identified as Suffolk County Tax Map Number 0600-131.00-03.00-031.005 and 035.001, all as more particularly described in Schedule A annexed hereto and made a part hereof (the Project Area") pursuant to the terms of this Agreement; and

WHEREAS, Resolution No. 866-2013 authorizes the County to enter into this Agreement to provide the funds set forth above toward the cost of Sewer Improvements in the Project Area in accordance with the Program, which funds are not subject to appropriation, and

WHEREAS, Resolution No. -2015 further authorizes the awards made herein.

NOW, THEREFORE, each of the Parties, for and in consideration of the promises and agreements of the other Party, does covenant and agree as follows:

ARTICLE 1  
SEWER INFRASTRUCTURE IMPROVEMENTS

101. Sewer Improvements.

A. The County agrees to provide grant funding to the Recipient in an amount not to exceed Eight Million, Ninety One Thousand (\$8,091,000.00) Dollars (the “Sewer Infrastructure Subsidy” or “Infrastructure Subsidy”) to subsidize a portion of the Sewer Improvements in the Project Area. Payments shall be made to the Recipient according to the disbursement schedule set forth in Exhibit 1, attached hereto.

B. The County is willing to provide loan funding to the Recipient in an amount not to exceed Four Million Fifty Seven Thousand (\$4,057,000.00) Dollars (the “Sewer Infrastructure Loan” or “Infrastructure Loan”) to subsidize a portion of the Sewer Improvements in the Project Area. Notwithstanding the foregoing, the County has been advised by the Recipient that the Recipient declines to accept the loan funding, and accordingly, the loan will not be made.

C. All construction will be carried out by the Recipient through completion to the reasonable satisfaction of the County. All Sewer Improvements shall be constructed in accordance with all applicable laws, codes, rules and regulations, including, without limitation, the Suffolk County Sewer Code, Chapter 740 of the Laws of Suffolk County, Suffolk County Sanitary Code, Chapter 760 of the Laws of Suffolk County, as well as rules and regulations of the United States Environmental Protection Agency and the New York State Department of Environmental Conservation.

These funds are intended to off-set the costs of Sewer Improvements as set forth in Recipient’s application (the “Application”), attached hereto as Schedule B.

102. Conditions. As additional conditions precedent to the County’s obligations hereunder the following conditions shall have been met:

- A. On or prior to the date hereof, the Recipient shall have provided the County with documentation necessary to support the Sewer Infrastructure Subsidy requested, as shown on Schedule B, attached hereto.
- B. On or prior to the date hereof, the Recipient shall have delivered to the Department documents satisfactory to the Department indicating that there are sufficient public and/or private funds committed to complete the Project. In the event federal or state grant funds are obtained to finance the Project or any part thereof, the federal and state requirements shall be met. Notwithstanding the foregoing, if the County's requirements are more stringent, the County's requirements shall prevail.
- C. On or prior to the date hereof, title to the Project Area shall be in the Recipient, or appropriate easements or other rights shall have been obtained from other owners through whose property the Project will pass. Recipient shall certify to County that all necessary rights have been obtained.
- D. On or prior to the date hereof, all subdivisions, zone changes, variances and municipal approvals required to be obtained in order to develop the Project Area shall have been obtained.

ARTICLE 2  
COVENANTS, AGREEMENTS, REPRESENTATIONS

- 201. Covenants. Recipient hereby covenants and agrees for itself and its successors in interest to the Project Area or any part thereof, as follows:
  - A. Construction of the Project. Recipient covenants that construction of the Project shall commence no later than two (2) months from the date hereof and shall proceed diligently to completion of the Project within thirty-six (36) months from the date hereof unless the Commissioner of the Department (the "Commissioner") or her duly authorized designee has granted an extension in writing, for good cause shown. Said extension shall be no longer than two (2) years unless approved by a duly enacted resolution of the Suffolk County Legislature.
  - B. Plans and Specifications. Recipient agrees to undertake and carry out the construction of the Project in accordance with the approved plans and the applicable building and fire codes and zoning restrictions which are in effect. Recipient may make amendments, modifications or corrections to the approved plans, provided that the same comply with the requirements of the applicable building and fire codes and zoning restrictions which are in effect, and provided further, that any modifications, amendments or

corrections to the plans which materially affect the work to be performed in the Project by increasing or reducing the cost thereof to the Recipient in an amount exceeding 5% in the aggregate of the cost set forth in Recipient's Application (Schedule B) ("Material Change") shall require the prior written approval of the SIC. "Material Change" shall be as reasonably determined by the Commissioner. Any requests to modify the plans shall be made in accordance with the notice requirements of Section 515 of this Development Agreement. If the Project is modified or amended, all changes must be approved by the Department in accordance with this Section 201(B).

C. Environmental Compliance.

The Recipient agrees to demolish and remove, at its sole cost and expense, any and all buildings, structures, cesspools, septic tanks, mains, laterals, fuel tanks and similar structures located on the Project Area, which are not integral to the plans. In the event that any remediation work to the Project Area is necessary, Recipient shall complete same at its sole cost and expense.

The demolition and removal of any and all buildings, structures, cesspools, septic tanks, mains, laterals, fuel tanks and similar structures at the Project Area and remediation work, if any, including, but not limited to, the proper disposal of any debris, solid wastes, pollutants, hazardous materials and/or soil will be performed by the Recipient in accordance with all applicable Federal, State and County laws and local ordinances. The Recipient covenants and agrees that it will defend, indemnify, and hold harmless the County, and any of its respective officers, agents, employees, and their successors and assigns, against any and all damages, claims, losses, liabilities and expenses, including, without limitation, responsibility for legal, consulting, engineering and other costs and expenses which may arise out of any action, suit, claim, or proceeding seeking money damages, injunctive or compulsive relief, remedial action, or other remedy by reason of (1) a violation or non-compliance with any environmental law; or (2) the disposal, discharge or release of solid wastes, pollutants, hazardous materials and/or soil; or (3) its acts or omissions or negligence in the performance of the aforementioned demolition, removal and remediation work, if any. The provisions of this Paragraph shall survive the delivery of any instrument of conveyance, satisfaction or completion pursuant to this Agreement.

D. Charges, Costs and Assessments,

Any charges, costs, assessments or levies imposed by any governmental entity against County for any cost incurred or projected to be incurred for the cleaning up of any debris on the Project Area shall be paid by Recipient immediately upon receipt by Recipient, from County or otherwise, of any bill, assessment or levy therefore. County shall have neither responsibility nor any obligation for the payment or reimbursement of any such charges,

costs, assessments or levies.

202. Project Signs. The Recipient shall, at its own cost and expense, promptly erect and maintain a Project sign identifying the interest of the Parties in lettering of such size and form as shall be approved by the Department. The provisions of this Section 202 shall survive until Completion of Construction as described immediately below in Section 203.
203. Completion of Construction. Construction of the Project shall be deemed complete when (i) a permanent Certificate of Occupancy or Completion has been issued for the Project Area, and (ii) the municipality certifies in writing to the Department that the Project meets all applicable building and fire codes and zoning restrictions and that all the Project construction obligations of Recipient have been met ("Completion of Construction").
204. Drawings. Upon Completion of Construction, Recipient shall submit to the Suffolk County Department of Public Works ("DPW") and to the Director of Planning "as built" surveys of the Project. "As-builts" shall be initially submitted on two paper prints, and once reviewed by DPW, on one (1) Mylar, and one (1) AutoCAD drawing on CD, projected in NAD 83 State Plane Feet, showing all the construction certified as complete by municipality. The "as built" surveys shall indicate, on their faces, the locations of all buildings, rights-of-way, utility and other easements and work as actually built and installed. Such locations shall be shown by offset distances from permanent surface improvements such as buildings, retaining walls or curbs and such sizes shall be shown by dimensions in feet and inches.
205. Reports. Recipient shall submit a narrative report in writing to the SIC within Twelve (12) months after the date hereof, and annually thereafter, up to the time of Completion of Construction pursuant to Section 203 above, as to the progress of the construction on the Project Area.
206. Limitation on Use of Project Area. Recipient, prior to Completion of Construction of the Project, shall not rent, license or permit temporary use of the Project Area for purposes unrelated to the construction of the Project; provided, however, that Recipient may enter into agreements approving the connection of users of the Project, prior to completion of the entire Project. Notwithstanding the foregoing, Recipient may continue to provide wastewater transportation and treatment through its existing facilities and through temporary systems during construction.
207. Access. Recipient shall permit representatives, employees and agents of the County to have access at all reasonable times to all parts of the Project Area for the purpose of obtaining data and making various tests concerning the Project necessary to carry out and/or ensure that the Recipient is carrying out the provisions of this Agreement. During construction, Recipient shall permit the representatives of the County access to the Project Area upon prior reasonable notice and at all reasonable times, for the purposes of this Agreement, including,

but not limited to, inspection of all work being performed in connection with the construction of the Project. It is agreed by the Parties that "reasonable time" shall be normal working hours for construction trades in Suffolk County. No compensation or other charge or sum shall be payable or made by any Party for access provided for in this Section 207.

208. Compliance with Laws. Recipient, and any successors, assigns, transferees, contractors and subcontractors, shall comply with all applicable Federal, State, and local laws, rules, regulations, ordinances and codes including, but not limited to, zoning, building and fire codes.
209. Living Wage Law. This Agreement is subject to the Living Wage Law of the County of Suffolk (Suffolk County Local Law Chapter 575, the "Living Wage Law"). The law requires that, unless specific exemptions apply, all employers (as defined therein) under service contracts and all recipients of County financial assistance, (as defined therein) provide payment of a minimum wage to employees as set forth in the Living Wage Law. Such rate shall be adjusted annually pursuant to the terms of the Living Wage Law. Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate this Agreement and to seek other remedies as set forth therein, for violations of the law. This provision shall apply to the Recipient its contractors and subcontractors, but not to residential or commercial/retail users connected to the completed Project.

### ARTICLE III

#### PROHIBITION AGAINST ASSIGNMENT AND TRANSFER

301. Prohibition Against Transfer of Property and Assignment of Agreement. Recipient represents and agrees, for itself and its successors and assigns that, except for financing described in the Application (the "Permitted Encumbrances"), it has not made or created, and will not prior to the Completion of Construction, make or create, or suffer to be made or created, any total or partial sale, assignment, conveyance, mortgage or lease nor will it make or create any trust or power, or transfer in any other mode or form of, or with respect to this Agreement or the Project Area or any part thereof or any interest in the real property therein, or any contract or agreement to do any of the same, except as a remedy permitted pursuant to any superior mortgage used for construction of the Project described in Schedule B .
302. Representations. Each of the Parties hereby represents for itself and its successors in interest to the Project Area or any part thereof, as follows:

- A. This Agreement is for the sole purpose of constructing, reconstructing or rehabilitating sewer infrastructure in the Project Area and for no other purpose inconsistent therewith. Recipient recognizes, in view of (1) the importance of the development of the Project Area to the general welfare of the community; and (2) the substantial financing and other public aid that have been made available by law and by governmental entities for the purpose of making such development possible, that the County is relying on the Recipient for the faithful performance of all agreements, undertakings and covenants hereby to be performed hereunder.
- B. This Agreement is a legal, valid and binding obligation of each of the Parties with respect to provisions applicable to such Party, and, upon due execution and delivery by the Parties hereto, as applicable, all agreements, instruments and documents to be executed by such Party in connection with the transactions contemplated hereby will be legal, valid and binding obligations of such Party, each enforceable against such Party in accordance with its terms. Recipient is a municipal corporation, duly organized, validly existing and in good standing under the laws of the State of New York, has all requisite power and authority to own, operate and lease its properties and to carry on its operations as now conducted, or as contemplated to be conducted by the terms hereof.
- C. Each of the Parties has full power and authority to execute, deliver and perform its obligations under this Agreement and all agreements, instruments and documents contemplated hereby, and all actions of the parties, as applicable, necessary for such execution, delivery and performance of this Agreement and the transactions contemplated hereby have been duly taken. Authority to apply for this funding was authorized by Recipient's Town Resolution #403- 2013.
- D. On the date hereof, the Recipient has or, by the date of funding hereunder will have good, valid and marketable title to the Project Area free and clear of all liens, claims, charges or encumbrances, except for mortgages described in the Application upon which this agreement is based, or easements or other rights to traverse areas owned by others, pursuant to the plans for the Project.

#### ARTICLE IV

#### REMEDIES

#### 401. Right to Terminate.

- A. Without limiting, and in addition to any other rights and remedies available to the County pursuant to this Agreement, and unless an extension of time has been granted by the Commissioner or as otherwise permitted, in the event that Recipient shall fail to effect the Completion of Construction within the time specified in Section 201(A), and in accordance with the Project, or

has otherwise defaulted in its obligations hereunder, and if such failure is not remedied or in the case of default not capable of remedy within such time not begun to be remedied within sixty (60) days after the Commissioner has provided written notice of such failure, then the County shall have the right to terminate this Agreement and the County shall have no further obligation pursuant to this Agreement or otherwise, including, without limitation any obligation to provide the Sewer Infrastructure Subsidy. Notwithstanding anything to the contrary herein, if the condition giving rise to the County's right to terminate is such that correction, cure or remedy is impossible or impracticable to complete within 60 days after notice, then Recipient shall be obligated to commence to correct, cure or remedy the condition within such 60-day period and thereafter diligently to prosecute the correction, cure or remedy of such condition to completion and County shall not have the right to terminate this Agreement for so long as Recipient is diligently prosecuting to correct, cure or remedy such condition. Furthermore, notwithstanding anything to the contrary herein, any such right to notice from the County and any applicable right to cure of the Recipient contained in this Agreement shall be extended to Recipient's construction lender, and any acceptable and appropriate cure offered by the construction lender, or an affiliate thereof, shall be accepted by the County as if offered by the Recipient. It is the intent of this Agreement that the County's obligation to Recipient shall be made upon the condition that, if any default, failure, violation, or other action or inaction by Recipient is not remedied, ended or abrogated within the period provided, if any, and in the manner stated, the Department, at its option may declare a termination of this Agreement, and the County's obligation's hereunder shall terminate, but such termination shall not limit any other rights or remedies available to the County pursuant to this Agreement, at law or in equity, including but not limited to specific performance and/or a suit for the return of all funds granted or loaned to Recipient hereunder, which the Parties agree shall be appropriate remedies available to the County.

## ARTICLE V

### GENERAL PROVISIONS

501. Non-Discrimination. Each of the Parties covenants and agrees, for itself and on behalf of each of its affiliates, successors and assigns, lessees, agents, contractors and subcontractors and every successor in interest to the Project Area, or any part thereof, to be bound by the following covenants, which shall be binding for the benefit of the County and enforceable by the County to the fullest extent permitted by law and equity:

- A. Non-Discrimination in Employment and Affirmative Action. In connection with the performance of this Agreement there shall be no discrimination against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status or marital status, and the Parties will undertake or continue existing programs of affirmative action to ensure that women and minority group members are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation any of which shall be intended to overcome the effects of intentional or unintentional discrimination.
- B. Non-Discrimination in Services. No agreement, lease, conveyance, or other instrument concerning the Project Area or any improvements erected or to be erected thereon, or any part thereof, shall have the effect of discrimination because of race, creed, national origin, sex, age, disability, sexual orientation, alienage, citizenship or marital status, nor utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, creed, national origin, sex, age, disability, sexual orientation, alienage, citizenship or marital status or have the effect of defeating or substantially impairing accomplishment of the objectives of the program in respect to individuals of a particular race, creed, national origin, sex, age, disability, sexual orientation, alienage, citizenship or marital status. Further, during the construction of the Project and after completion of the Project:
1. The Parties shall not, on the grounds of race, creed, color, national origin, sex, age disability, sexual orientation, military status or marital status:
    - a. deny any individual any services or other benefits from the Project; or
    - b. provide any services or other benefits to an individual that are different, or are provided in a different manner, from those provided to others pursuant to this Agreement; or
    - c. subject an individual to segregation or separate treatment in any matter related to the individual's receipt of any service(s) or other benefits provided by the Project; or
    - d. restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any services or other benefits provided pursuant by the Project; or
    - e. treat an individual differently from others in determining whether or not the individual satisfies any eligibility or other requirements or condition which individuals must meet in order

to receive any aid, care, service(s) or other benefits provided by the Project.

2. The Parties shall not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, creed, color, national origin, sex, age, disability, sexual orientation, military status or marital status, or have the effect of defeating or substantially impairing accomplishment of the objectives of this Agreement in respect to individuals of a particular race, creed, color, national origin, sex, age, disability, sexual orientation, military status or marital status in determining:
  - a. the types of service(s) or other benefits to be provided; or
  - b. the class of individuals to whom, or the situations in which, such service(s) or other benefits will be provided; or
  - c. the class of individuals to be afforded an opportunity to receive service(s).
- C. The covenants of Paragraphs 501(A) and (B), as applicable, shall be included in any agreement, lease, conveyance, or other instrument with respect to the sale, lease, use or occupancy of the Project or any improvements erected or to be erected therein, or any part thereof.
- D. Compliance with this Section 501 constitutes a material term of this Agreement, and that it is binding upon the Parties and their affiliates, successors, transferees, and assignees. The Parties also agree that the County may, at its discretion, seek a court order requiring compliance with the terms of this Section 501 or seek other appropriate judicial relief.

502. Gratuities and Disclosure Statement.

- A. Gratuities. Recipient represents and warrants, and shall require its successors and assigns to represent and warrant, that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that [the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 664 of the Suffolk County Code).
- B. Disclosure Statement. Recipient represents and warrants, and shall require its successors and assigns to represent and warrant, that, unless exempt, they have filed with the Comptroller of Suffolk County the verified public disclosure statement required by Suffolk County Administrative Code §A5-7 and shall file an update of any changes to such statement with the said Comptroller on or before the 31st day of January in each year of this

Agreement's duration. Recipient acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of this Agreement, for which, inasmuch as actual damages shall be difficult or impossible to calculate, the County shall be entitled, upon a determination that such breach has occurred, to liquidated monetary damages, in addition to other legal remedies, of fifteen percent (15%) of the amount of the Sewer Infrastructure Subsidy provided in this Agreement.

503. Conflicts of Interest.

- A. Recipient agrees that it will not, during the term of this Agreement, engage in any activity that is contrary to and/or in conflict with the goals and purposes of the County.
- B. Recipient is charged with the duty to disclose to the County the existence of any adverse interests, whether existing or potential. This duty shall continue so long as the term of this Agreement. The determination as to whether or when a conflict exists or may potentially exist shall ultimately be made by the County Attorney after full disclosure is obtained.

504. Confidentiality. Any records, reports or other documents of the County or any of its agencies used by the Parties pursuant to this Agreement or any documents created as a part of this Agreement shall remain the property of the County and shall be kept confidential in accordance with applicable laws, rules and regulations.

505. Reincorporation. Prohibition Against Contracting with Corporations that Reincorporate Overseas. Recipient represents that it is in compliance with Suffolk County Administrative Code §§ A4-13 and A4-14, found in Suffolk County Local Law No. 20-2004, entitled "A Local Law to Amend Local Law No. 5-1993, To Prohibit The County of Suffolk From Contracting With Corporations That Reincorporate Overseas." Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

506. Use of County Resources to Interfere with Collective Bargaining Activities Local Law No. 26-2003.

Recipient represents and warrants that it has read and is familiar with the requirements of Chapter 803 of the Code of Suffolk County "Use of County Resources to Interfere with Collective Bargaining Activities." The Parties shall fully comply with the requirements of Local Law No. 26-2003.

507. Certification as to Relationships. Pursuant to Suffolk County Code Chapter 189, Recipient hereby certifies that, other than the funds provided in this Agreement and other valid Agreements with the County, there is no known relationship within the third degree of consanguinity, life partner, or business, commercial economic or financial relationship between the Parties, the signatories to this Agreement, and any partners, members, directors, or shareholders of five (5%) percent or more of any Party to this Agreement.
508. Use of Funds in Prosecution of Civil Actions Prohibited. Pursuant to the Suffolk County Code § 893-3, Recipient represents that it shall not use any of the moneys received under this Agreement, either directly or indirectly, in connection with the prosecution of any civil action against the County of Suffolk or any of its programs funded by the County, in part or in whole, in any jurisdiction or any judicial or administrative forum.
509. Suffolk County Local Laws. Suffolk County Local Laws, Rules and Regulations can be found on the internet at <http://legis.suffolkcountyny.gov/main.html>. Click on "Search the Laws of Suffolk County."
510. Survival. None of the provisions of this Agreement are intended to or shall be merged or ended by reason of any closing of the transactions contemplated hereby and any such closing shall not be deemed to affect or impair the provisions and covenants and representations of this Agreement, all of which shall survive the closing.
511. Binding Effect. This Agreement shall inure to the benefit of and be binding upon any successor or assign of any Party, but this provision shall not operate to permit any assignment or other voluntary transfer of any rights created hereunder except in such manner as may be expressly permitted by this Agreement.
512. Execution of Documents.
- A. This Agreement may be executed in any number of counterparts and each of such counterparts shall for all purposes be deemed to be an original; and all such counterparts shall together constitute but one and the same Agreement.
- B. 1. Subsequent to the full execution of this Agreement, the Commissioner of the Department or the Director of Planning may execute on behalf of County such agreements, documents or instruments as are necessary or desirable to accomplish the purposes of the Project.
2. Subsequent to the full execution of this Agreement, the chief executive officer of the Recipient, on behalf of the Recipient, may execute such agreements, documents or instruments as are necessary or desirable to accomplish the purposes of the Project.

513. County Employees. No official or employee of the County shall have any personal interest, direct or indirect, in this Agreement nor shall any such member, official or employee participate in any decision relating to this Agreement or any agreement arising out of or through this Agreement which affects his or her personal interest or the interest of any corporation, partnership or association in which he or she is directly or indirectly interested. No person hired by the Recipient or the Fee Owner shall be considered employees of the County for any purpose whatsoever.
514. Headings. Any headings or titles of the several parts, Articles, Paragraphs, Subparagraphs and Sections of this Agreement are for convenience only and shall be disregarded in construing or interpreting any of its provisions.
515. Notices. Any communication, notice, claim for payment, report or other submission, including but not limited to, submissions regarding insurance, indemnification and/or termination, necessary or required to be made by the Parties regarding this Agreement shall be in writing and shall be given to the County and Recipient or their designated representative at the following addresses or at such other address that may later be specified in writing by the Parties and must be delivered as follows:

A. Notices Relating to Payments, Reports, or Other Submissions:

**For the COUNTY and the DEPARTMENT:  
By registered or certified mail, return receipt requested in postpaid envelope or by nationally recognized courier service,**

Suffolk County Department of  
Economic Development and Planning  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
P.O. Box 6100  
Hauppauge, New York 11788  
Attention: Sarah Lansdale, Director of Planning

With a copy to:

Suffolk County Department of Law  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
P.O. Box 6100  
Hauppauge, New York 11788  
Attention: Dennis M. Brown, County Attorney

**FOR RECIPIENT:**

**By registered or certified mail, return receipt requested in Postpaid Envelope or by nationally recognized courier service**

With a copy to:

**B. Notices Relating to Litigation.**

1. Any notice by any Party to the other with respect to the commencement of any lawsuit or legal proceeding against the other, shall be effected pursuant to and governed by the New York State Civil Practice Law and Rules or the Federal Rules of Civil Procedure, as applicable.
2. In the event a Party receives a notice or claim or becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third party defendant) to a lawsuit or any legal proceeding related to this Agreement, the Party shall immediately forward to the County Attorney, at the addresses set forth in Paragraph A above, copies of all papers filed by or against such Party. Notices shall be as provided in Paragraph A above.

The notice shall also be given to interested parties in accordance with Section 401 above.

Each Party shall give prompt written notice to the other Party of the appointment of successor(s) to the designated contact person(s) or in the event of a change of address or contact, which such address or contact shall thereafter be the address or contact to which notices are sent.

516. No Implied Waiver. No waiver shall be inferred from any failure or forbearance of the County to enforce any provision of this Agreement in any particular instance or instances, but the same shall otherwise remain in full force and effect notwithstanding any such failure or forbearance.
517. Entire Agreement. This Agreement contains the entire understanding between the Parties and may not be amended or modified except by an instrument in writing duly executed by all of the Parties.
518. Severability. It is expressly agreed that if any term or provision of this Agreement, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which

it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

519. Provisions Required by Law Deemed Inserted. Each and every provision of law and governmental regulation required by law to be inserted in this Agreement shall be deemed to be inserted herein and this Agreement shall read and shall be enforced as though so included herein. If through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either Party, this Agreement shall be deemed to be amended to make such insertion or correction so as to comply strictly with the law and without prejudice to the rights of either Party hereunder.
520. Unlawful Provisions Deemed Stricken. If this Agreement contains any unlawful provision not an essential part of this Agreement and which shall not appear to have been a controlling or material inducement to the making thereof, the same shall be deemed of no effect and shall, upon notice by either Party, be deemed stricken from this Agreement without affecting the binding force of the remainder.
521. Claims and Actions.
- A. No Claims and Action Officers, Agents or Employees. No claim whatsoever shall be made by Recipient, its successors or assigns, against any officer, agent or employee of the County for, or on account of, anything done or omitted to be done in connection with this Agreement.
  - B. Cooperation. If any action is brought against the County, and the action relates in any way to this Agreement or the Project and the County and the other Party, as applicable, are not adverse parties in that action, then such Party shall diligently render to the County without additional compensation, any and all assistance which the County may require, including but not limited to indemnification for all costs and expenses of the County, and its reasonable attorneys' fees.
  - C. Reports of Actions. The Parties shall report to the County in writing within ten (10) days of the initiation by or against it of any legal action or proceeding in connection with or relating to this Agreement or the Development Area.
  - D. All Rights Reserved. Each and every defense, right and remedy that the County has under this Agreement is not exclusive and is in addition to and concurrent with all other defenses, rights and remedies which the County has under this Agreement and which the County otherwise has, will have, or may have under law, equity or otherwise.
  - E. Insurance and Indemnification.

1. Prior to commencement of any work hereunder, Recipient agrees to procure, pay the entire premium for, and maintain throughout the term of this Agreement, insurance in amounts and types specified by the County and as may be mandated and increased from time to time. Recipient agrees to require that all of its subcontractors, in connection with work performed for the Recipient related to this Agreement, procure, pay the entire premium for and maintain throughout the term of this Agreement, insurance in amounts and types equal to that specified by the County. Unless otherwise specified by the County and agreed to by Recipient in writing, such insurance shall be as follows:
  - a. Commercial General Liability Insurance, including contractual liability coverage, in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (2,000,000.00) per occurrence for property damage.
  - b. Automobile Liability Insurance (if any vehicles are used in the performance of this Agreement) in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) per person, per accident, for bodily injury and not less than One Hundred Thousand Dollars (\$100,000.00) for property damage per occurrence.
  - c. Workers' Compensation And Employer's Liability Insurance in compliance with all applicable New York State laws and regulations and Disability Benefits Insurance if required by law. Municipality, if applicable and Recipient shall furnish to the County, prior to its execution of this Agreement the documentation required by the State of New York Workers' Compensation Board of coverage or exemption from coverage pursuant to §§ 57 and 220 of the Workers' Compensation Law. In accordance with General Municipal Law § 108, this Agreement shall be void and of no effect unless Recipient, its successors, assigns, contractors or subcontractors, shall provide and maintain coverage during the term of this Agreement for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

2. All policies shall be issued by insurance companies with an A.M. Best rating of A- or better which are licensed to do business in the State of New York. Recipient shall furnish to County, Declaration Pages for each such policy of insurance, and upon request, a true and certified original copy of each such policy, evidencing compliance with the aforesaid insurance requirements. In the case of commercial general liability insurance, the County of Suffolk shall be named as an additional insured and Recipient shall furnish a Declaration Page and endorsement page evidencing the County's status as an additional insured on said policy. All such Declaration Pages, certificates or other evidence of insurance shall provide for the County of Suffolk to be notified in writing thirty (30) days prior to any cancellation, nonrenewal or material change in said policies. Such Declaration Pages, certificates, policies and/or other evidence of insurance and notices shall be mailed to the Department at its address as set forth in this Agreement in the paragraph entitled "Notices" in Section 508, or at such other address of which the County shall have given Recipient, notice in writing. If Recipient, has a self-insurance program under which it acts as a self-insurer for any of such required coverage, it may provide self-funded coverage and certificates or other evidence of such self-insurance in lieu of insurance issued by insurance companies. Recipient shall also require its successors, assigns, contractors and subcontractors to provide insurance coverage in like amounts and quality and naming the County of Suffolk as an additional insured.
3. In the event Recipient, its successors, assigns, contractors, subcontractors, shall fail to provide the Declaration Pages or certificates of insurance or to maintain any insurance required by this Agreement, the County may, but shall not be required to, obtain such policies and deduct the cost thereof from payments due under this Agreement or any other agreement between the County and the Recipient.
4. Furthermore, Recipient agrees that it shall protect, defend, indemnify and hold harmless the County, its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorneys' fees, arising out of the acts or omissions or the negligence of the Recipient, or their affiliates, agents, lessees, officers, members, officials, employees, contractors or subcontractors, in connection with the services and transactions described or referred to in this Agreement. Recipient shall defend the County and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at the County's option, pay reasonable attorneys' fees for defense of any such suit arising out of the acts or omissions or negligence of the Recipient, its affiliates, agents, officers, members, officials, employees, lessees,

contractors, subcontractors or agents, if any, in connection with the services described or referred to in this Agreement. Notwithstanding anything to the contrary herein, Recipient shall have no obligation to protect, defend, indemnify and hold harmless the County from any liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorneys' fees, which arise out of the acts or omissions or the negligence of the County, or its affiliates, agents, lessees, officers, members, officials, employees, contractors or subcontractors.

- F. Choice of Law and Consent to Jurisdiction and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of New York without regard to conflict of law provisions. Venue shall be designated as Suffolk County, New York or the United States District Court for the Eastern District of New York.
- G. Cooperation on Claims. Each of the Parties agrees to render truthfully and diligently to the other Party, without additional compensation, any and all cooperation, that may be required to defend the other Party, its employees and designated representatives against any claim, demand or action that may be brought against the other Party, its employees or designated representatives in connection with this Agreement.
522. Merger. It is expressly agreed that this Agreement represents the entire agreement of the Parties, that all previous understandings are merged in this Agreement. No modification of this Agreement shall be valid unless written in the form of an Amendment and executed by both Parties. Any and all prior writings, or agreements including, without limitation, oral communications, discussions, negotiations, commitments and understandings relating thereto, are hereby merged herein and superseded hereby.
523. No Commission. No brokerage or any other fee or compensation shall be due or payable by the County for this transaction.
524. Arrears. Recipient warrants that it is not in arrears to County upon debt or contract and is not in default as surety, contractor or otherwise on any obligation to or contract with the County.
525. Withholding of Funds and Set-Off Rights. The County shall have all of its common law, equitable, and statutory rights of set-off. These rights shall include, but not be limited to, the County's option to withhold, for the purposes of set-off, any moneys due to Recipient under this Agreement up to any amounts due and owing to the County with regard to this Agreement and/or any other contract with any County

department or agency, including any contract for a term commencing prior to the term of this Agreement, plus any amounts due and owing to the County for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The County shall exercise its set-off rights in accordance with normal County practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the County agency, its representatives, or the County Comptroller, and only after legal consultation with the County Attorney.

Article VI

Schedules

601. Schedules. Attached hereto and made part hereof are the following Schedules:

|            |                                    |
|------------|------------------------------------|
| Schedule A | Description of the Project Area    |
| Schedule B | Recipient's Application            |
| Schedule C | Recipient's Authorizing Resolution |

602. Exhibits. Attached hereto and made part hereof are the following Exhibits:

|           |                             |
|-----------|-----------------------------|
| Exhibit 1 | Grant Disbursement Schedule |
| Exhibit 2 | Intentionally Omitted       |

**IN WITNESS WHEREOF**, the Parties have executed this Agreement as of the \_\_\_\_ day of \_\_\_\_\_, 2015

**COUNTY OF SUFFOLK**

By: \_\_\_\_\_

Name: Dennis M. Cohen  
Title: Chief Deputy County Executive



which the individual acted, executed the instrument.

---

Signature and Office of Individual  
Taking Acknowledgement

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

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2015 before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or provided to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

---

Signature and Office of Individual  
Taking Acknowledgment

## Schedule A

### Description of the Project Area

Schedule B  
Recipient's Application

## Schedule C

### Recipient's Authorizing Resolution

Exhibit 1

Grant Disbursement Schedule

| <b>Construction Costs Spent</b> | <b>Retainage Amount</b> | <b>Basis for County Payment</b> | <b>County Payment</b> |
|---------------------------------|-------------------------|---------------------------------|-----------------------|
| \$ 3,000,000                    | \$ 300,000              | \$ 2,700,000                    | \$ 1,350,000 (50%)    |
| \$ 3,000,000                    | \$ 300,000              | \$ 2,700,000                    | \$ 1,350,000 (50%)    |
| \$ 5,000,000                    | \$ 500,000              | \$ 4,500,000                    | \$ 2,250,000 (50%)    |
| \$ 1,000,000                    | \$ 100,000              | \$ 900,000                      | \$ 450,000 (50%)      |
|                                 |                         |                                 | <b>\$ 5,400,000</b>   |
| <hr/>                           |                         |                                 |                       |
| \$ 3,000,000                    | \$ 300,000              | \$ 2,700,000                    | \$ 900,000 (33.33%)   |
| \$ 3,000,000                    | \$ 300,000              | \$ 2,700,000                    | \$ 900,000 (33.33%)   |
|                                 |                         |                                 | <b>\$ 1,800,000</b>   |
| <hr/>                           |                         |                                 |                       |
| \$ 3,000,000                    | \$ 300,000              | \$ 2,700,000                    | \$ -0-                |
| \$ 1,000,000                    | \$ 100,000              | \$ 900,000                      | \$ -0-                |
| \$ 500,000                      | \$ 50,000               | \$ 450,000                      | \$ 891,000            |
|                                 |                         |                                 | <b>\$ 891,000</b>     |
| <hr/>                           |                         |                                 |                       |
| <b>\$ 22,500,000</b>            | <b>\$ 2,250,000</b>     | <b>\$ 20,250,000</b>            | <b>\$ 8,091,000</b>   |

The Recipient shall submit vouchers and supporting documentation to the Suffolk County Department of Public Works (DPW) for amounts it has actually paid to contractors. Upon approval of the vouchers by DPW, the amounts set forth above will be authorized to be paid. The final payment set forth above shall only be paid after the Project is complete, as provided in Section 203.

TOWN OF RIVERHEAD

Resolution # 169

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST THE ATTACHED NOTICE TO BIDDERS FOR ANNUAL CONSTRUCTION CONTRACT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for the ANNUAL CONSTRUCTION CONTRACT in the March 26, 2015 issue of the official Town newspaper; and

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD  
NOTICE TO BIDDERS

Sealed proposals for the Annual Construction Contract must be submitted to the Office of the Town Clerk at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 4:00 pm on April 23, 2015 and will be publicly opened and read aloud at 11:00 am on April 24, 2015 in the Office of the Town Clerk.

Plans and specifications may be examined and/or obtained on or about March 26, 2015 by visiting the Town of Riverhead website: [www.townofriverheadny.gov](http://www.townofriverheadny.gov) and click on Bid Requests.

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

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

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

Dated: March 18, 2015

TOWN OF RIVERHEAD

Resolution # 170

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST THE ATTACHED NOTICE  
TO BIDDERS FOR ANNUAL PROCUREMENT CONTRACT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for the Annual Procurement Contract in the March 26, 2015 issue of the official Town newspaper; and

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

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD  
NOTICE TO BIDDERS

Sealed proposals for the Annual Procurement Contract must be submitted to the **Office of the Town Clerk** at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 4:00 pm on April 23, 2015 and will be publicly opened and read aloud at 11:10 am on April 24, 2015 in the Office of the Town Clerk.

Plans and specifications may be examined and/or obtained by visiting the Town of Riverhead website: [www.townofriverheadny.gov](http://www.townofriverheadny.gov) and click on Bid Requests.

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

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

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

Dated: March 18, 2015

TOWN OF RIVERHEAD

Resolution # 171

**AUTHORIZES EXECUTION OF CONTRACT  
WITH SEED CLAM ADMINISTRATOR**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the TOWN, in connection with its Municipal Operations, requires services consisting of the following: Seed Clam Administrator – Year 2015; and

**WHEREAS**, David Lessard, Contractor, is willing to provide the following services to the Town:

Description of Services: Administration of Seed Clam Program

Date(s) and Hour(s) of Services: Year 2015

**NOW, THEREFORE, BE IT RESOLVED** that David Lessard is appointed Administrator of the Town of Riverhead Seed Clam Program – Year 2015; and be it further

**RESOLVED** that the Supervisor be and is hereby authorized to execute the attached Agreement in connection with the administration services of the aforementioned individual; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**AGREEMENT**

**BETWEEN** The TOWN OF RIVERHEAD, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as "TOWN" and DAVID LESSARD, a partnership/corporation/limited liability partnership, with offices at P.O. Box 139, Jamesport, New York, Vendor Number 029027, hereinafter referred to as "CONTRACTOR".

**WITNESSETH**

**WHEREAS**, the TOWN, in connection with its municipal operations, requires services consisting of the following: Seed Clam Administrator – Year 2015; and

**WHEREAS**, the CONTRACTOR is willing to provide the following services to the Town:

Description of Services: Administration of Seed Clam Program

Date(s) and Hour(s) of Services Year 2015

**IT IS HEREBY AGREED** by the TOWN and CONTRACTOR as follows:

1. That CONTRACTOR shall provide and fully perform, to the TOWN'S satisfaction, the aforementioned services to the TOWN on the date(s) and time(s) stated above.
2. In return for CONTRACTOR'S services, the TOWN shall pay CONTRACTOR as follows: The sum of Five Thousand (\$5,000.00) Dollars payable in half-payments of Two Thousand Five Hundred (\$2,500.00) Dollars each in April, 2015 and September, 2015.
3. Administration shall include the bidding process and oversight of facilities to provide seed. The TOWN is responsible for the cost of repair and materials of their rafts, which contain the clams.

DATED: Riverhead, New York  
March \_\_\_\_\_, 2015

**TOWN OF RIVERHEAD**

BY:

\_\_\_\_\_  
SEAN WALTER  
Town Supervisor

BY: \_\_\_\_\_

DAVID LESSARD  
**CONTRACTOR**

TOWN OF RIVERHEAD

Resolution # 172

**AUTHORIZES THE ATTENDANCE OF A POLICE DEPARTMENT EMPLOYEE TO  
NY/NJ REGIONAL FUGITIVE TASK FORCE TRAINING**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, Police Chief Hegermiller has requested authorization from the Riverhead Town Board for the attendance of one (1) Police Department employee to attend a NY/NJ Regional Fugitive Task Force Practical Training course; and,

**WHEREAS**, the course will be held in Atlantic City, New Jersey, from April 20 to April 24, 2015.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the attendance of one (1) Police Department employee at the aforementioned training course; and be it further

**RESOLVED**, that all related expenses incurred shall not exceed \$100.00 and shall be reimbursed in accordance with the Town's Travel and Conference Policy; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 173**

**AUTHORIZES PUBLICATION OF HELP WANTED ADVERTISEMENT FOR  
A PART-TIME MAINTENANCE MECHANIC I**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**BE IT RESOLVED**, that the Town Clerk is hereby authorized to publish the attached help wanted advertisement for a Part-Time Maintenance Mechanic I in the March 26, 2015 issue of The New Review, and

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

**THE VOTE**

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

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**ADVERTISEMENT TO BE PLACED IN NEWS REVIEW**

## HELP WANTED

**PLEASE TAKE NOTICE** that the Town of Riverhead is seeking a qualified individual to serve in the position of Part-Time Maintenance Mechanic I in the Home Chore Program at the Seniors Center. **This is a temporary position that may become permanent in the near future.** Interested applicants must possess a valid driver's license, and must have one year's experience in minor maintenance or repair work, or have completed one year of vocational courses in a vocational school program or apprenticeship training program. Applications are to be submitted to the Personnel Department, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:30 p.m. on April 10, 2015. EOE

**BY ORDER OF:  
THE RIVERHEAD TOWN BOARD  
DIANE M. WILHELM, TOWN CLERK**

## THE VOTE

Giglio Yes No Gabrielsen Yes No

Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was  Was Not

Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 174

**APPOINTS A TEMPORARY PART-TIME ENVIRONMENTAL PLANNER**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, in accordance with the CSEA contract, this position was duly posted for, Job Posting #4, duly advertised for, interviews were conducted, and, as a result, a recommendation of a suitable candidate has been made by the Personnel Committee.

**NOW, THEREFORE, BE IT RESOLVED**, that pending the results of a successful background investigation, this Town Board hereby makes a temporary appointment of Jeffrey Seeman to the position of Part-Time Environmental Planner effective March 19, 2015 at the hourly rate of \$32.97; and

**BE IT FURTHER RESOLVED**, that this appointment is for a period of time not to exceed six months.

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 175

**EXTENDS BID CONTRACT FOR HARDWARE ITEMS WITH  
GRIFFING HARDWARE CO., INC.**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Purchasing Department has requested that the contract with GRIFFING HARDWARE CO., INC. originally awarded by Resolution #12-2781 adopted April 17, 2012 be extended for one year.

**WHEREAS**, this will be the third and final extension of an allowable 3 one year extensions.

**WHEREAS**, the above named vendor has agreed to extend the contract until April 17, 2016 for the original bid amount, 15% off the current Ace Hardware catalogue.

WHEREAS, the Town Board has reviewed said request.

**NOW THEREFORE BE IT RESOLVED**, that the bid contract for Hardware Items be and is hereby extended to April 17, 2016; and be it further

**RESOLVED**, that the Town Clerk be directed to forward a certified copy of this resolution to GRIFFING HARDWARE CO., INC.

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 176

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR SPORTING GOODS  
FOR THE TOWN OF RIVERHEAD**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town Clerk is authorized to publish and post a notice to bidders for proposals for SPORTING GOODS for the Town of Riverhead and;

**WHEREAS**, the Town Clerk is hereby authorized to publish and post the following public notice in the MARCH 26, 2015 issue of the News Review.

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

NOTICE TO BIDDERS

Sealed bids for the purchase of SPORTING GOODS for the use in the Town of Riverhead, Riverhead, New York will be received by the Town of Riverhead at the **Office of the Town Clerk**, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 2:00 pm on APRIL 23, 2015 at which time they will be publicly opened and read aloud.

Bid packets including specifications may be examined and/or obtained on MARCH 26, 2015 on the Town's website at [www.townofriverheadny.gov](http://www.townofriverheadny.gov) click on bid requests.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked SPORTING GOODS. Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and attached to the bid form.

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

**BY ORDER OF THE TOWN BOARD**

**OF THE TOWN OF RIVERHEAD**

**Diane M. Wilhelm, Town Clerk**

TOWN OF RIVERHEAD

Resolution # 177

**AUTHORIZES ATTENDANCE AT THE 2015 37<sup>TH</sup> NEW YORK STATE ASSOCIATION OF MUNICIPAL PURCHASING OFFICIALS ANNUAL PROFESSIONAL DEVELOPMENT CONFERENCE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the New York State Association of Municipal Purchasing Officials is conducting its annual conference from May 12<sup>th</sup> through May 15<sup>th</sup>, 2015 in Albany, NY; and

**WHEREAS**, the Town Purchasing Agent has requested authorization to attend said conference.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Purchasing Agent is authorized to attend the New York State Association of Municipal Purchasing Officials annual conference in Albany, NY; and be it further

**RESOLVED**, that all related expenses incurred shall not exceed \$750.00 (expenses to include fees for registration, hotel accommodations, meals and other travel costs) and shall be reimbursed in accordance with the Town's Travel and Conference Policy; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 178

**ADOPTS POLICY REGARDING INVOCATIONS BEFORE  
OPENING TOWN BOARD MEETINGS**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town Board of the Town of Riverhead has permitted invocations, which may include a prayer, to be offered at the beginning of Town Board meetings; and

**WHEREAS**, in Town of Greece v. Galloway, 134 S.Ct. 1811, 2014 WL 1757828 (May 5, 2014), the United States Supreme Court validated opening prayers at meetings of this Town Board finding that "legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society."; and

**WHEREAS**, the Town Board desires to avail itself of the Supreme Court's recognition and adopt a written policy regarding opening invocations.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board, be and hereby, adopts the attached policy entitled "Policy Regarding Opening Invocations Before Meetings of the Town Board of the Town of Riverhead"; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Supervisor of the Town of Greece, 1 Vince Tofany Blvd., Greece, NY 14612; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**POLICY REGARDING OPENING INVOCATIONS BEFORE MEETINGS OF  
THE TOWN BOARD OF THE TOWN OF RIVERHEAD**

**WHEREAS**, the Town Board of the Town of Riverhead ("the Town Board") is an elected legislative and deliberative public body, serving the citizens of Riverhead, New York; and

**WHEREAS**, the Town Board wishes to solemnize its proceedings by allowing for an opening invocation before each meeting, for the benefit and blessing of the Town Board; and

**WHEREAS**, the Town Board now desires to adopt this formal, written policy to clarify and codify its invocation practices; and

**WHEREAS**, our country's Founders recognized that we possess certain rights that cannot be awarded, surrendered, nor corrupted by human power, and the Founders explicitly attributed the origin of these, our inalienable rights, to a Creator. These rights ultimately ensure the self-government manifest in our deliberative bodies, upon which we desire to invoke divine guidance and blessing; and

**WHEREAS**, in *Marsh v. Chambers*, 463 U.S. 783 (1983), the United States Supreme Court validated the Nebraska Legislature's practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, "The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom." *Id.* at 786; and

**WHEREAS**, in *Town of Greece v. Galloway*, 134 S.Ct. 1811, 2014 WL 1757828 (May 5, 2014), the United States Supreme Court validated opening prayers at meetings of this Town Board finding that "legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society." *Id.* at \*7; and

**WHEREAS**, the Town Board desires to avail itself of the Supreme Court's recognition that it is constitutionally permissible for a public body to "invoke divine guidance" on its work. *Id.* at 792; and

**WHEREAS**, the Supreme Court has clarified that opening invocations are "meant to lend gravity to the occasion and reflect values long part of the Nation's heritage" and should not show over time "that the invocations denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion." *Town of Greece*, 2014 WL 1757828, at \*11; and

**WHEREAS**, in *Town of Greece* the Supreme Court rejected a challenge based on the religious content of the prayers and cautioned against government officials acting as "supervisors and censors of religious speech" by requiring that prayers be "generic" or "nonsectarian," noting

that "[t]he law and the Court could not... require ministers to set aside their nuanced and deeply personal beliefs for vague and artificial ones." *Id.* at \*10, \*11. Further, the Court stated: "Once it invites prayer into the public sphere, government must permit a prayer giver to address his or her own God or gods as conscience dictates." *Id.* at \* 11; and

**WHEREAS**, this Town Board is not establishing a policy that defines the constitutional limits for permissible public invocations; rather, this Town Board intends to adopt guidelines that are consistent with the guidance provided by several courts that have considered the validity of public invocations; and

**WHEREAS**, numerous courts have approved an invocation practice that incorporates a neutral system to invite religious leaders from the local community and/or volunteers to provide an invocation before public meetings. *Town of Greece*, 2014 WL 1757828; *see also Simpson v. Chesterfield Cnty. Bd. of Supervisors*, 404 F.3d 276 (4th Cir. 2005), *cert. denied*, 546 U.S. 937 (2005); *Pelphrey v. Cobb Cnty.*, 547 F.3d 1263 (11th Cir. 2008); *Rubin v. City of Lancaster*, 710 F.3d 1087 (9th Cir. 2013); and

**WHEREAS**, the Town Board intends to adopt a policy that does not proselytize or advance any particular faith, or show any purposeful preference of one religious view to the exclusion of others; and

**WHEREAS**, the Town Board intends to adopt a policy that will not show a purposeful preference of one religious view over another by not permitting the faith of the person offering the invocation to be considered when extending an invitation or scheduling participation; and

**WHEREAS**, the Town Board believes that clergy that serve the local community are peculiarly suited through training, tradition, and public service to petition for divine guidance upon the deliberations of the Town Board, and to accomplish the Town Board's objective to solemnize public occasions, express confidence in the future, and to encourage the recognition of what is worthy of appreciation in society. *See Lynch v. Donnelly*, 465 U.S. 668, 693 (1984) (O'Conner, J., concurring); and

**WHEREAS**, the Town Board accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and New York State Constitutions and statutes.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Riverhead, New York, that the Town Board hereby adopts the following written policy regarding opening invocations before meetings of the Town Board, to wit:

1. It is the intent of the Town Board to allow a private citizen to solemnize the proceedings of the Town Board. It is the policy of the Town Board to allow for an invocation, which may include a prayer, a reflective moment of silence, or a short solemnizing message, to be offered before its meetings for the benefit of the Town Board to accommodate the spiritual needs of the public officials.

2. No member or employee of the Town Board or any other person in attendance at the meeting shall be required to participate in any prayer that is offered and such decision shall have no impact on the ability of the person to actively participate in the business of the Town Board.

3. No member or employee of the Town Board will direct the public to stand, bow, or in any way participate in the prayers; make public note of a person's presence or absence, attention or inattention during the invocation; or indicate that decisions of the Town Board will in any way be influenced by a person's acquiescence in the prayer opportunity.

4. The invocation shall be voluntarily delivered by an appointed representative of an Assemblies List for the Town of Riverhead. To ensure that such person (the "invocation speaker") is selected from among a wide pool of representatives, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

a. The Office of the Town Supervisor shall compile and maintain a database (the "Assemblies List") of the assemblies with an established presence in the Town of Riverhead that regularly meet for the primary purpose of sharing a religious perspective (hereinafter referred to as a religious assembly).

b. The Assemblies List shall be compiled by using reasonable efforts, including research from the Internet, to identify all "churches," "synagogues," "congregations," "temples," "mosques" or other religious assemblies in the Town of Riverhead. All religious assemblies with an established presence in the Town of Riverhead are eligible to be included in the Assemblies List, and any such religious assembly can confirm its inclusion by specific written request to the Office of the Town Supervisor.

c. The policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious assembly serving the citizens of the Town of Riverhead. The Assembly List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all of the community's religious leaders, who may themselves choose whether to respond to the Town Board's invitation and participate. Should a question arise as to the authenticity of a religious assembly, the Office of the Town Supervisor shall refer to criteria used by the Internal Revenue Service in its determination of those organizations that would legitimately qualify for I.R.C. § 501(c)(3) tax-exempt status.

d. The Assemblies List shall also include any religious assembly located outside the Town of Riverhead if such assembly is regularly attended by at least one resident of the Town of Riverhead and such resident requests inclusion of the assembly by specific written communication to the Office of the Town Supervisor.

- e. The Assemblies List shall be updated, by reasonable efforts of the Office of the Town Supervisor, in November of each calendar year.
- f. On or about December 1 of each calendar year, the Office of the Town Supervisor shall mail an invitation addressed to the "religious leader\*" of each entry on the Assemblies List.
- g. The invitation shall be dated at the top of the page, signed by the Office of the Town Supervisor at the bottom of the page, and read as follows:

*Dear Religious Leader,*

*The Town Board of the Town of Riverhead makes it a policy to invite members of the clergy or religious representatives in the Town of Riverhead to voluntarily offer an invocation before the beginning of its meetings, for the benefit and blessing of the Town Board. As a representative of one of the religious congregations with an established presence serving the local community you are eligible to offer this important service at an upcoming meeting of the Town Board.*

*If you are willing to assist the Town Board in this regard, please send a written reply at your earliest convenience to the Clerk of the Town Board at the address included on this letterhead. Representatives are scheduled on a first-come, first-serve basis. The anticipated dates of the Town Board's scheduled meetings for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.*

*This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect, the Town Board requests only that the opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker or to disparage any faith or belief different than that of the invocation speaker.*

*On behalf of the Town Board of the Town of Riverhead, I thank you in advance for considering this invitation.*

*Sincerely,  
Town Supervisor*

- h. The respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocation.
- i. In the event an eligible representative of an Assembly serving the local community believes that the town has not complied with the terms of this policy, the representative has the right to have the matter reviewed by the Town Board.

5. No invocation speaker shall receive compensation for his or her service.

6. No guidelines or limitations shall be issued regarding an invocation's content, except that the Town Board shall request by the language of this policy that no invocation should proselytize or advance any faith, or disparage the religious faith or non-religious views of others.

7. The Office of the Town Supervisor shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Town Board's meetings.

8. Neither the Town Board nor the Office of the Town Supervisor shall engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by an invocation speaker.

9. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Town Board with, nor express the Town Board's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Town Board's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of the Town of Riverhead.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this policy shall become effective immediately upon adoption by the Town Board.

TOWN OF RIVERHEAD

Resolution # 179

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 106 ENTITLED  
"WATERWAYS" OF THE CODE OF THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 106 entitled, "Waterways" of the Riverhead Town Code ("Town Code"); and

**WHEREAS**, the Riverhead Planning Department has reviewed the proposed amendment and recommended that it be considered a Unlisted action; and

**WHEREAS**, a public hearing was held on the 18<sup>th</sup> day of February, 2015 at 7:05 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board be and hereby, declares the amendment of Chapter 108 to be an unlisted action for the purposes of SEQR compliance; and be it further

**RESOLVED**, that coordinated review is not required as the Town Board is the sole involved agency for purposes of implementing the amendment to Chapter 106; and be it further

**RESOLVED** that the Town Board of the Town of Riverhead hereby finds that "A Local Law in relation to Amendments to Chapter 106 entitled "Waterways" will not result in significant impacts on the environment and issues a Negative Declaration for the action and authorizes Supervisor Sean M. Walter to sign the Short Environmental Assessment Form; and be it further

**RESOLVED**, that the local law amending Chapter 106 entitled, "Waterways" of the Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

**THE VOTE**

Giglio  Yes  No

Gabrielsen  Yes  No

Wooten  Yes  No

Dunleavy  Yes  No

Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending the Chapter 106 entitled "Waterways" of the Riverhead Town Code, at its regular meeting held on March 18, 2015.

**Be it enacted** by the Town Board of the Town of Riverhead as follows:

CHAPTER 106  
WATERWAYS

**§ 106-16. Penalties for offenses.**

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

**§ 106-17. Severability.**

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

**§ 106-17. When Effective.**

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

**Article IV Jet Pack Vessels**

**§ 106-16. Scope.**

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

**§ 106-17. Purpose.**

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

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

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

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

#### **§ 106-18. Exceptions.**

This chapter does not apply to:

- A. JetPack Vessels used solely for the purpose of emergency rescue operations and associated emergency training programs; and
- B. If approved by state and federal regulatory agencies, if applicable and if approved the Town Board of the Town of Riverhead pursuant to Chapter 90 and/or section 106-9 of the Town Code of the Town of Riverhead where JetPack Vessels are engaged in a:
  - (1) Professional exhibition;
  - (2) Regatta;
  - (3) Motorboat race or other boat race;
  - (4) Marine parade; or
  - (5) Tournament or exhibition.
- C. Not more than two (2) of the events set forth above in subsection B. shall be conducted within any calendar year.

#### **§ 106-19. Definitions and word usage.**

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

## **BOAT UNIT**

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

The boat unit includes:

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

## **CLASS A VESSEL**

A motorboat less than 16 feet in length.

## **HELMET**

An “International Orange” colored water sports helmet.

## **INSTRUCTOR**

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

## **JETPACK VESSEL**

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

## **JET PROPELLED DEVICE**

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

## **OBSERVER**

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

## **OPERATE**

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

## **OPERATOR**

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

## **OWNER**

The person or entity that registers the JetPack Vessel.

## **PERSONAL WATERCRAFT**

A Class A vessel which:

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

## **PORPOISE LIKE MOTION**

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

## **RESCUE VESSEL**

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

## **RESTRICTED VISIBILITY**

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

## **RIDER**

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

### **§ 106-20. Restrictions.**

- A. A person may not operate or give permission to operate a JetPack Vessel in a reckless or negligent manner.
- B. A person may not lease, hire, rent, operate, or give permission to operate a JetPack Vessel unless the observer, operator, and rider are 16 years old or older.
- C. A person may not operate or give permission to operate a JetPack Vessel unless:  
(1) An observer is on the boat unit;  
(2) Where the boat unit does not require an observer on the boat unit, an observer is on a navigable rescue vessel that is located at least 100 feet, but no more than 300 feet, away from the rider;  
(3) The observer is responsible for the safety of only one rider at a time; and  
(4) The observer meets New York requirements for a vessel operator.
- D. A person may not operate or give permission to operate a JetPack Vessel on the waters of the Town of Riverhead unless the rider is wearing a “International Orange” water sports helmet.
- E. A person may not operate or give permission to operate a JetPack Vessel unless the rider is wearing a high impact Type I, Type II, or Type III personal flotation device approved by the U.S. Coast Guard.
- F. A person may not operate or give permission to operate a JetPack Vessel in any area of water with a depth of less than 6 feet unless the jet propelled device and rider maintain contact with the water at all times.
- G. A person may not operate or give permission to operate a JetPack Vessel in properly identified speed zones unless the jet propelled device and rider maintain contact with the water at all times. Properly identified speed zones include 5 statute miles per hour speed zones and wake zones.

- H. A person may not operate or give permission to operate a JetPack Vessel on the waters of the Town of Riverhead within 300 feet in all directions, including vertically, of any bridge, residence, structure, shore, wharf, pier, piling, mooring ball, buoy, vessel, or people in the water. This distance restriction shall also apply to the instructor, the boat unit, or the operator.
- I. The rider is prohibited from picking up any other person or using a tandem harness to include a second rider.
- J. A person may not operate or give permission to operate a JetPack Vessel on the waters of the Town:  
(1) Between sunset and sunrise; or  
(2) In or near an area of restricted visibility; or  
(3) In any channel or within 100 feet of any channel marker; or
- K. A JetPack Vessel operator, observer shall carry a certificate of Boater Safety Education.
- L. Where a JetPack Vessel is operated for commercial ("for hire") uses, a JetPack Vessel observer shall carry a CPR certificate.
- M. A person may not act as an observer, rider, operator, and instructor or give permission to operate or observe a JetPack Vessel on the waters of the State if they are:  
(1) Under the influence of alcohol;  
(2) Impaired by alcohol;  
(3) So far impaired by any drug, combination of drugs, or combination of one or more drugs and alcohol that the person cannot operate a vessel safely; or  
(4) Impaired by any controlled dangerous substance, unless the person is entitled to use the controlled dangerous substance under the laws of the State.
- N. A person may not operate or give permission to operate on the waters of the State a JetPack Vessel unless it is equipped with an engine cutoff switch.
- O. All JetPack Vessels must be registered.

#### **§ 106-21. Special Operating Conditions.**

- A. A person may not operate or give permission to operate a JetPack Vessel in a porpoise like motion unless the water depth is a minimum of 20 feet.
- B. A person may not operate or give permission to operate a JetPack Vessel where the jet propelled device and rider rise higher than 6 feet unless the water depth is a minimum depth of 12 feet.

#### **§ 106-22. Registration of Boat Units.**

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

#### **§ 106-23 Penalties for offenses.**

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

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

**§ 106-24. Severability.**

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

- Underscore indicates additions
- Overstrike indicates deletions

Dated: Riverhead, New York  
March 18, 2015

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

TOWN OF RIVERHEAD

Resolution # 180

**AUTHORIZES AGREEMENT WITH UNIVERSAL TELEVISION, LLC.**  
**(Utilize parking stalls)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Riverhead hereby authorizes execution of the Location Agreement (copy attached herewith) between the Town of Riverhead and Universal Television, LLC. in connection with the utilization of Town of Riverhead property for filming of the "Sharing"; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Rafael Lima, Location Manager, Universal Television, LLC., /o Silver Cup Studios Main, 44-22 22<sup>nd</sup> Street, Suite 3M, 350 Broadway, 6<sup>th</sup> Floor, Long Island City, New York 11101 177 North 10<sup>th</sup> Street, Brooklyn, New York 11211; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**LICENSE AGREEMENT FOR  
UTILIZATION OF TOWN FACILITIES**

This Contract is made and entered into as of this \_\_\_\_\_ day of March, 2015 by and between the Town Board of the Town of Riverhead, a municipal corporation acting on behalf of the Riverhead Public Parking District # 1, with offices located at 200 Howell Avenue, County of Suffolk and State of New York (hereinafter the "Town") and Universal Television, LLC, a limited liability company existing under laws of the State of New York, having a principal place of business c/o Silver Cup Studios Main, 44-22 22<sup>nd</sup> Street, Suite 3M, 350 Broadway, 6<sup>th</sup> Floor, Long Island City, New York 11101 (hereinafter the "Company"); and

WHEREAS, the Company, wishes to utilize the premises consisting of eight (8) parking stalls as depicted on attached Exhibit; which premises is also known and designated as part of SCTM # 0600-129-4-14 for the purposes of videotaping for film production for picture title "Sharing"; and

WHEREAS, the Town and Company agree to the use of said facilities of the Town of Riverhead Police Department upon the terms and conditions herein.

NOW THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties agree as follows:

1. Use of Property: the Town hereby grants the Company permission to utilize the premises (the "Town property") consisting of eight (8) parking stalls as depicted on the attached Exhibit commencing at 5:00 a.m. and ending at 9:00 p.m. on March 30, 2015 (alternate/rain date of March 31, 2015) for the aforementioned purposes.

2. Cleanup: The Company agrees to provide cleanup and removal of any debris or props deposited by reason of its actions in connection with the agreement.

3. Compliance With Laws: The Company agrees at all times comply with all applicable federal, state, county and municipal laws, regulations, ordinances, codes and restrictions, including, without limitation, compliance with Article 28 of the New York State Tax Law and applicable regulations thereunder, and will secure any and all permits or licenses required for its activities and operations carried out at the Property.

4. Representations and Warranties by Town: The Town hereby represents and warrants that:

- a) Its possesses the right authority to make and enter into this Agreement and to grant us rights set forth herein;
- b) the consent or permission of no other person, firm, or corporation is necessary in order to enable company to enjoy full rights to the use of the Premises as outlined herein;
- c) the undersigned will take no action, nor allow or authorize any third party to take any action which might interfere with the full use and enjoyment of the Premises by Company as outlined herein; and
- d) there are no outstanding contracts or commitments of any kind which conflict with this Agreement or may limit, restrict or impair Company's use and enjoyment of the Premises or the rights granted to Company hereunder.

5. Compensation: In exchange for License set forth above for the use of the Town property, the Company, as required, will pay the Town \$500.00 for the utilization of eight (8) parking stalls as indicated on the attached Exhibit. The Company shall takes steps to ensure that they will mark, block, or cordon off, the area. The Town shall not have any

obligation to provide an employee or staff. Payment shall be due at the time the company signs the within agreement, which sum shall be made payable to the "Town of Riverhead". Notwithstanding the above, should any dispute arise with any third party regarding the use of the parking stalls, the Town agrees that the company may request assistance and it shall use its best efforts to render assistance.

5. Responsibilities of Company: Subject to the terms of this Agreement, Company will be responsible for carrying out and shall have exclusive control of all operations associated with the videotaping and related activities, including without limitation, and shall diligently and continuously engage in such cleanup efforts so that the cleanup will be accomplished as soon as reasonably practicable (but in no event later than five days thereafter). All facilities and grounds, if applicable, will be restored to the condition that existed prior to the videotaping (hereafter, the "restoration") and be completely clean and free of clutter and debris.

6. Insurance and Indemnification: The Company will be responsible for providing commercial general liability insurance in the amount of not less than \$2,000,000.00 with a company or companies reasonably satisfactory to the Town. The Company shall provide certificate(s) of the foregoing insurance, showing the Town of Riverhead and the Riverhead Public Parking District # 1 as additional insureds to the extent of their interest. Finally, The Company agrees to indemnify and hold the Town of Riverhead, the Riverhead Public Parking District # 1 and their respective officers, employees, agents, representatives and officials from any and all loss or liability associated with the videotaping and related activities described herein, including liability for damages to

property or for injuries or death to persons which may arise from, or be attributable or incident to the use by The Company and its employees, agents, representatives and concessionaires, of the Property except to the extent caused by the negligence or willful misconduct by the Town of Riverhead and the Riverhead Public Parking District # 1. With respect to any suit or claim by Town of Riverhead, the Riverhead Public Parking District # 1, whether under this indemnification provision or otherwise, the Company for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable outside attorneys fees incurred by the Town securing compliance with the provision of this indemnification agreement.

7. Successors and Assigns: This agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the parties; provided, however, that nothing herein shall be deemed to permit the assignment of this Agreement by either party without the express written consent of the other party.

8. Entire Agreement: This contract constitutes the entire agreement between the parties and no further agreement, express or implied, written or oral, exists with respect to the subject matter of this document.

9. Governing Law: This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

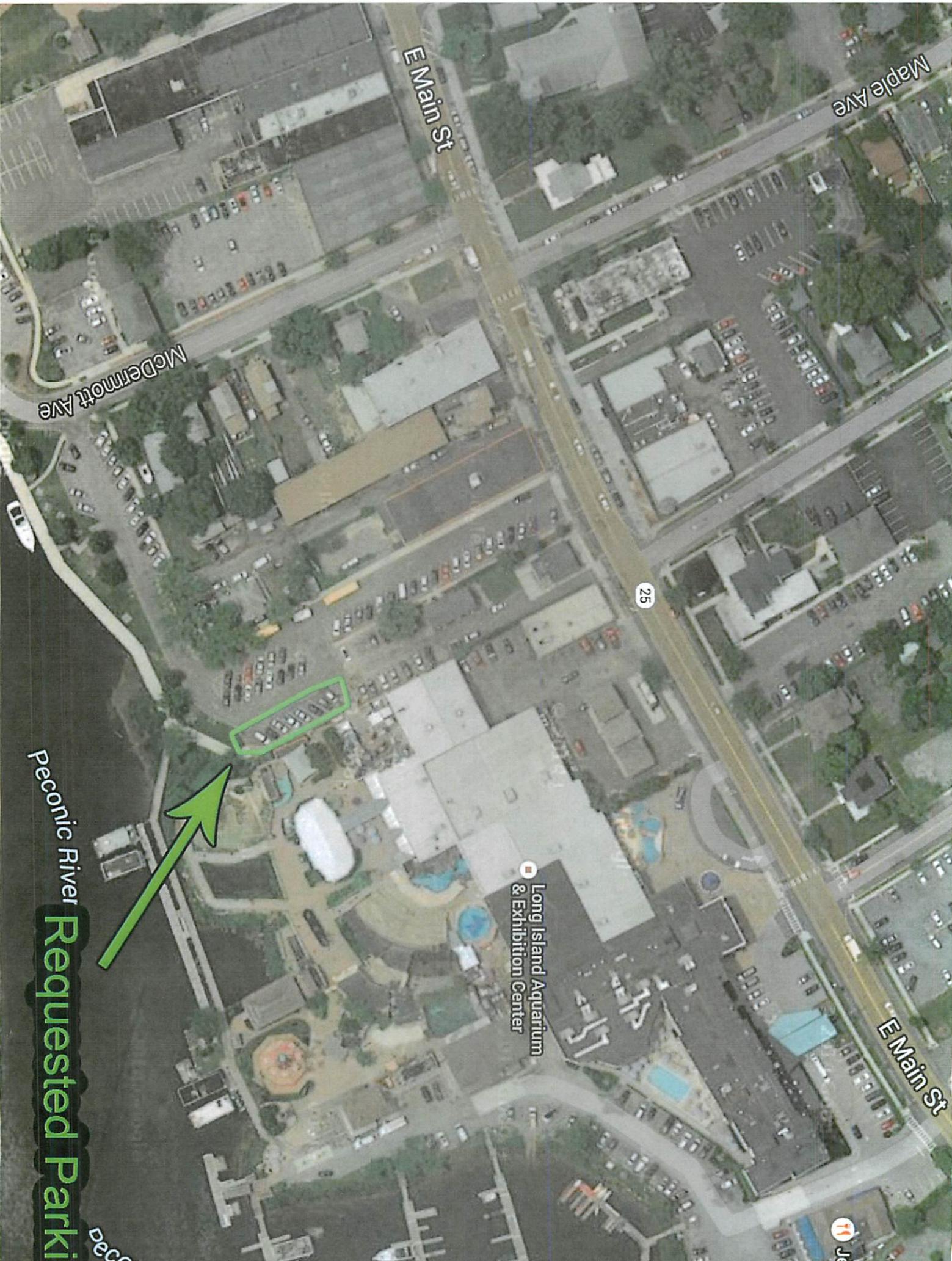
In Witness Whereof, Universal Television, LLC. has caused this instrument to be signed in its corporate name and Town of Riverhead, acting on behalf of the Riverhead Public Parking District #1 has caused this instrument to be signed in its municipal name by Sean M. Walter, its Supervisor, hereunto duly authorized, as of the day and the year first above written.

Universal Television, LLC.

By: \_\_\_\_\_  
Name: Rafael Lima, Location Manager

The Town of Riverhead, acting on behalf of  
Riverhead Public Parking District # 1

By: \_\_\_\_\_  
Name: Sean M. Walter, Supervisor



E Main St

Maple Ave

McDermott Ave

25

Peconic River

Requested Parking

Long Island Aquarium & Exhibition Center

E Main St

Jet

TOWN OF RIVERHEAD

Resolution # 181

**AUTHORIZES THE RETENTION OF JOEL D. GONIA AS AN EXPERT IN THE MATTER OF UNITED RIVERHEAD TERMINAL, INC. v. RIVERHEAD TOWN ASSESSORS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Riverhead Town Assessors have been named defendants in various actions commenced by United Riverhead Terminal, Inc.; and

**WHEREAS**, the Town Board, on advice of special counsel, has determined that it would be appropriate to engage the services of an expert to value the personality in these matters.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby retains Joel D. Gonia, ASA – MTS/M & E to act as its expert in connection with the above mentioned litigation for the purposes of conducting a desk review of the personality at a cost not to exceed \$5,000.00; and be it further

**RESOLVED**, that the Town Board hereby authorizes the signing of the agreement with Joel D. Gonia, ASA – MTS/M & E by the Law Firm of Scott DeSimone, P.C. and the Town Clerk is hereby directed to forward a copy of this resolution to the Law Firm of Scott DeSimone, P.C., LLP, 41780 Route 25, P.O. Box 233, Peconic, New York 11958-0233; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 182

**AUTHORIZATION TO PUBLISH ADVERTISEMENT OF A REQUEST FOR PROPOSALS FOR NYS LICENSED REAL ESTATE BROKER FOR MARKETING, SALE OR LEASE OF PROPERTY AT EPCAL**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town of Riverhead seeks to obtain the services of a New York State licensed real estate Broker or firm having experience in commercial transactions to assist the Town in the marketing, sale or lease of certain Town property located at Enterprise Park at Calverton (EPCAL); and

**WHEREAS**, the Town of Riverhead seeks authorization to publish and post a notice to bidders for proposals for New York State Licensed Real Estate Brokers.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the issuance of the attached Request for Proposals for New York State Licensed Real Estate Broker; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to publish and post the following public notice in the March 26, 2015 issue of the News-Review; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

## NOTICE TO BIDDERS

**TAKE NOTICE**, that sealed proposals will be received by the Office of the Town Clerk at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on or before **April 28, 2015 at 11:00 a.m.** prevailing time, for:

### REQUEST FOR PROPOSALS

The Town of Riverhead is seeking proposals for **NYS LICENSED REAL ESTATE BROKER.**

Specifications and guidelines for submission of proposals will be available on **March 26, 2015** on the Town of Riverhead website at [www.townofriverheadny.gov](http://www.townofriverheadny.gov), click on bid requests.

Each proposal must be submitted in a sealed envelope clearly marked “**NYS LICENSED REAL ESTATE BROKER**”. Proposals must be received by the Office of the Town Clerk by no later than **11:00 am on April 28, 2015.**

This RFP is not an offer or a binding commitment to contract on the part of the Town. The Town retains the right to postpone or cancel the RFP or to reject all proposals, if the Town determines, in its sole discretion, that the best interests of the Town will be served thereby.

**BY ORDER OF THE TOWN BOARD  
TOWN OF RIVERHEAD  
Diane M. Wilhelm, TOWN CLERK**

TOWN OF RIVERHEAD

Resolution # 183

**AUTHORIZES NUNC PRO TUNC REIMBURSEMENT FOR 2014 AND  
AUTHORIZES TOWN TO PROVIDE FUNDING ASSISTANCE IN 2015 TO  
RIVERHEAD COMMUNITY AWARENESS PROGRAM, INC.**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Riverhead Community Awareness Program, Inc. (CAP) is a non-profit community-based organization founded in 1979 by volunteers to address growing problems caused by alcohol and other drugs within the Riverhead schools and community. In 1982 CAP embarked on an ambitious agenda of providing a monthly prevention education to all students in Pulaski Street Elementary School; this program continues today and is taught by community volunteers who are assisted by Peer Leaders from the 8<sup>th</sup> grade and high school; and

**WHEREAS**, the Riverhead Community Awareness Program, Inc. relies upon different funding sources, including federal grant monies, fund raising and financial assistance from the Town of Riverhead, to administer its program of providing drug and alcohol prevention and counseling services to Riverhead youth and their families; and

**WHEREAS**, the Town of Riverhead determines that an expenditure of municipal funds to support the Riverhead Community Awareness Program, Inc. serves a valid public purpose and serves to further the health, safety, and welfare of the community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby determines that it is in the best interests of the Town to support the efforts of the Riverhead Community Awareness Program, Inc. and agrees to provide monetary support nunc pro tunc for 2014 in an amount not to exceed \$7500.00 which may be used for reimbursement for New York State Insurance/Workers Compensation Insurance, website services, audit services and phone service and 2015 in an amount not to exceed \$7500.00; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Riverhead Community Awareness Program, Inc., Felicia Scocozza, Executive Director, 542 East Main Street, Suite 3, Riverhead, NY 11901; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No  
The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 184

**TOWN BOARD AUTHORIZATION FOR OFFICE OF TOWN ATTORNEY TO PROCEED WITH SALE OF BUILDING LOCATED AT 542 EAST MAIN STREET, RIVERHEAD, NY (SCTM# 600-129-3-35.2) KNOWN AS EAST LAWN BUILDING, SUBJECT TO PERMISSIVE REFERENDUM**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town of Riverhead owns property located at 542 East Main, Riverhead, NY, SCTM# 600-129-3-35.2 ("Subject Property"), and

**WHEREAS**, the 542 East Main, Riverhead, NY, SCTM# 600-129-3-35.2 ("Subject Property") is presently occupied by the Town Historian, Chamber of Commerce, Riverhead Housing Development Corporation and Town of Riverhead Community Awareness Program; and

**WHEREAS**, while the Town acknowledges the laudable purpose and efforts of all of the above named entities, and the Town has supported those efforts by providing space at 542 East Main Street, consistent with applicable provisions of law, due to the buildings depreciating condition and required investment of Town monies and labor to maintain the building and the Town's desire to eliminate and/or remediate inadequate and inefficient buildings, together with the desire of the above named entities to relocate to a space that better meets their respective needs, the Town has considered the sale, lease or renovation of 542 East Main Street for more than two years; and

**WHEREAS**, by Resolution #658 adopted on September 4, 2013, the Town authorized the Town Clerk to publish and post a request for proposals for sale and/or sale with option for Town to lease real property located at 542 East Main Street; and

**WHEREAS**, four (4) responses to the Request for Proposals were received, opened and read aloud on October 22, 2013; and

**WHEREAS**, by Resolution #697 adopted on October 7, 2014, the Town authorized the Town Clerk to publish and post a second request for proposals for sale of property located at 542 East Main Street; and

**WHEREAS**, two (2) responses to the Request for Proposals were received, opened and read aloud on December 9, 2014; and

**WHEREAS**, after the deadline for submission of proposals for each of the request for proposals, the Town did receive other offers to purchase the property; and

**WHEREAS**, the Town did consider and evaluate all submissions, including the timely responses to the first and second request for proposals and those proposals

received after the submission deadline for purchase price; planned use of the property, including possible lease to existing tenants; proposed renovation of the structure and grounds to preserve the historic character of the structure; consistency with zoning, Downtown Urban Renewal Plan and the Town's revitalization efforts for the Downtown Business District; the Town desires to have a taxable use of the subject property; and the individuals/entities demonstration of the financial resources to purchase and complete the renovation of the subject property within a short but reasonable amount of time.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board, after serious consideration of all proposals and based upon Robert Castaldi and/or Castle Restoration's experience and successful completion of restoration projects within the Town of Riverhead; proposed taxable use of the property and consistency with zoning and adjacent uses in proximity to the subject property; financial resources to undertake and timely complete full restoration and payment of purchase price, authorizes the sale of 542 East Main, Riverhead, NY, known as the East Lawn Building, to Robert Castaldi and/or Castle Restoration for \$125,000.00, contingent and including terms and conditions which include, but are not limited to, continued right of occupancy for a period of 75 days from date herein (June 30, 2015) rent free for the Chamber of Commerce, Riverhead Housing Development Corporation and Town of Riverhead Community Awareness Program; office space, with adequate space to display and store the books, records, historic memorabilia, for the Town Historian at the Second Street Firehouse with 1 year rent free and limited to payment of proportionate share of utilities applicable to the space provided to the Town Historian; renovation of the building such that the historic character of the building is preserved, and use of the building for commercial use consistent with zoning; and such other terms- this resolution shall be subject to permissive referendum; and

**BE IT FURTHER RESOLVED** that the Town Board authorizes the Office of the Town Attorney to proceed with negotiation and preparation of documents to effectuate the sale subject to the terms set forth above including permissive referendum requirements; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the Supervisor to execute any documents to effectuate the sale subject to the terms set forth above including permissive referendum requirements; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Robert Castaldi, Castle Restoration & Construction, Inc. and the Office of Town Attorney; and

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

**BE IT FURTHER RESOLVED** that the Office of the Town Clerk for the Town of Riverhead shall publish and post a public notice, an abstract of which is as follows:

**PUBLIC NOTICE  
TOWN OF RIVERHEAD**

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the Town Board, as governing body of the Town of Riverhead, held on March 18, 2015, the Town Board duly adopted a resolution, an abstract of which follows, which resolution was made subject to a permissive referendum pursuant to the provisions of Town Law and Municipal Home Rule Law:

**TOWN BOARD AUTHORIZATION FOR OFFICE OF TOWN ATTORNEY TO  
PROCEED WITH SALE OF BUILDING LOCATED AT 542 EAST MAIN STREET,  
RIVERHEAD, NY (SCTM# 600-129-3-35.2) KNOWN AS EAST LAWN BUILDING,  
SUBJECT TO PERMISSIVE REFERENDUM**

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

**WHEREAS**, the Town of Riverhead owns property located at 542 East Main, Riverhead, NY, SCTM# 600-129-3-35.2 (“Subject Property”), and

**WHEREAS**, the 542 East Main, Riverhead, NY, SCTM# 600-129-3-35.2 (“Subject Property”) is presently occupied by the Town Historian, Chamber of Commerce, Riverhead Housing Development Corporation and Town of Riverhead Community Awareness Program; and

**WHEREAS**, while the Town acknowledges the laudable purpose and efforts of all of the above named entities, and the Town has supported those efforts by providing space at 542 East Main Street, consistent with applicable provisions of law, due to the buildings depreciating condition and required investment of Town monies and labor to maintain the building and the Town’s desire to eliminate and/or remediate inadequate and inefficient buildings, together with the desire of the above named entities to relocate to a space that better meets their respective needs, the Town has considered the sale, lease or renovation of 542 East Main Street for more than two years; and

**WHEREAS**, by Resolution #658 adopted on September 4, 2013, the Town authorized the Town Clerk to publish and post a request for proposals for sale and/or sale with option for Town to lease real property located at 542 East Main Street; and

**WHEREAS**, four (4) responses to the Request for Proposals were received, opened and read aloud on October 22, 2013; and

**WHEREAS**, by Resolution #697 adopted on October 7, 2014, the Town authorized the Town Clerk to publish and post a second request for proposals for sale of property located at 542 East Main Street; and

**WHEREAS**, two (2) responses to the Request for Proposals were received, opened and read aloud on December 9, 2014; and

**WHEREAS**, after the deadline for submission of proposals for each of the request for proposals, the Town did receive other offers to purchase the property; and

**WHEREAS**, the Town did consider and evaluate all submissions, including the timely responses to the first and second request for proposals and those proposals

received after the submission deadline for purchase price; planned use of the property, including possible lease to existing tenants; proposed renovation of the structure and grounds to preserve the historic character of the structure; consistency with zoning, Downtown Urban Renewal Plan and the Town's revitalization efforts for the Downtown Business District; the Town desires to have a taxable use of the subject property; and the individuals/entities demonstration of the financial resources to purchase and complete the renovation of the subject property within a short but reasonable amount of time.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board, after serious consideration of all proposals and based upon Robert Castaldi and/or Castle Restoration's experience and successful completion of restoration projects within the Town of Riverhead; proposed taxable use of the property and consistency with zoning and adjacent uses in proximity to the subject property; financial resources to undertake and timely complete full restoration and payment of purchase price, authorizes the sale of 542 East Main, Riverhead, NY, known as the East Lawn Building, to Robert Castaldi and/or Castle Restoration for \$125,000.00, contingent and including terms and conditions which include, but are not limited to, continued right of occupancy for a period of not less than 75 days from date herein (June 30, 2015) rent free for the Chamber of Commerce, Riverhead Housing Development Corporation and Town of Riverhead Community Awareness Program; office space, with adequate space to display and store the books, records, historic memorabilia, for the Town Historian at the Second Street Firehouse with 1 year rent free and limited to payment of proportionate share of utilities applicable to the space provided to the Town Historian; renovation of the building such that the historic character of the building is preserved, and use of the building for commercial use consistent with zoning; and such other terms- this resolution shall be subject to permissive referendum; and

**BE IT FURTHER RESOLVED** that the Town Board authorizes the Office of the Town Attorney to proceed with negotiation and preparation of documents to effectuate the sale subject to the terms set forth above including permissive referendum requirements; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the Supervisor to execute any documents to effectuate the sale subject to the terms set forth above including permissive referendum requirements; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Robert Castaldi, Castle Restoration & Construction, Inc. and the Office of Town Attorney; and

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 185

**APPROVES THE CHAPTER 90 APPLICATION OF  
NILE RODGERS PRODUCTIONS, INC.  
("The Freak Out!" Music, Art & Wine Festival – August 4<sup>th</sup> and 5<sup>th</sup>, 2015)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, on February 3, 2015, Peter Herman, on behalf of Nile Rodgers Productions, Inc., submitted a Chapter 90 Application for the purpose of conducting a Music, Art & Wine Festival entitled "The Freak Out!", with an expected total daily attendance of 10,500 attendees, to be held at Martha Clara Vineyards located at 6025 Sound Avenue, Riverhead, New York, on Tuesday, August 4, 2015 and Wednesday, August 5, 2015, between the hours of 9:00 a.m. and 11:00 p.m.; and

**WHEREAS**, Nile Rodgers Productions, Inc. has completed and filed a Large Gathering Chapter 90 Application and a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b); and

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

**WHEREAS**, the applicable Chapter 90 Application fee has been paid.

**NOW THEREFORE BE IT RESOLVED**, that Town Board of the Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

**RESOLVED**, that the Chapter 90 Application of Nile Rodgers Productions, Inc. submitted a Chapter 90 Application for the purpose of conducting a Music, Art & Wine Festival entitled "The Freak Out!", with an expected total daily attendance of 10,500 attendees, to be held at Martha Clara Vineyards located at 6025 Sound Avenue, Riverhead, New York, on Tuesday, August 4, 2015 and Wednesday, August 5, 2015, between the hours of 9:00 a.m. and 11:00 p.m., is hereby approved; and be it further

**RESOLVED**, that this approval is subject to receipt of a Certificate of Insurance acceptable to the Town Attorney, **no later than June 1, 2015**; and be it further

**RESOLVED**, that this approval is subject to the obtaining of any permits as may be required by the New York State Department of Labor and the Suffolk County Department of Health; and be it further

**RESOLVED**, that this approval is subject to receipt of an Outdoor Public Safety Plan, to be submitted to the Fire Marshal's office **no later than June 1, 2015**; and be it further

**RESOLVED**, that this approval is subject to receipt of a fully executed license agreement, together with the requisite license fee as stated in said license agreement, for purposes of the utilization of Police and Fire Marshal personnel and patrol vehicles; and be it further

**RESOLVED**, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

**RESOLVED**, that the necessary tent permit(s) must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State and the Building Code of New York State; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Peter Herman, Nile Rodgers Productions, Inc., 320 W. 37<sup>th</sup> Street, 8<sup>th</sup> Floor, New York, New York, 10018; and be it further

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

### **THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 186

**GRANTS EXCAVATION PERMIT TO STONELEIGH WOODS AT RIVERHEAD, LLC  
AS PROVIDED BY CHAPTER 62 ENTITLED "EXCAVATIONS"  
OF THE RIVERHEAD TOWN CODE**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town Board, pursuant to Resolution No. 390, dated May 2, 2006, and by amended Town of Riverhead Planning Board Resolution No. 2010-0060, dated October 7, 2010, did approve the site plan application of Stoneleigh Woods of Riverhead, LLC to allow the construction of 176 age restricted condominium units and related improvements upon real property located at Middle Road, Riverhead, New York; such real property more particularly described as Suffolk County Tax Lot Number 0600-082-09-001, (previously known as SCTM Nos. 0600-082-4-221.5 & 221.9); and

**WHEREAS**, Stoneleigh Woods at Riverhead, LLC has petitioned the Town Board for an excavation permit pursuant to Chapter 62 of the Riverhead Town Code to clear and grade the property, with the removal of 3,000 cubic yards of soil from this parcel, for the preparation to construct thirteen (13) additional condominium units; and

**WHEREAS**, submitted total earthwork volumes were calculated and submitted on a map dated August 23, 2006, prepared by Young & Young, where as much as 69,783 cubic yards of material were proposed to be exported; and

**WHEREAS**, with approval by Town Board Resolutions No. 1067-2006, and No. 85-2007, only 19,854 cubic yards of total earth material has been exported from the site as of October 16, 2012, per Young & Young Engineer Doug Adams' certification; and

**WHEREAS**, the Town Board has reviewed and considered the application for the aforementioned excavation permit; and

**WHEREAS**, the Building Department is in receipt of a check for the fee of \$6,100 (3,000 cubic yards at \$2.00 per plus the \$100 permit fee).

**NOW THEREFORE BE IT RESOLVED**, the Town Board hereby grants the excavation permit requested by the applicant, such excavation permit authorizing the clearing, grading, and exportation of soil from this property, pursuant to the site plan submitted with the application dated November 18, 2013; and be it further

**RESOLVED**, that the excavation permit is conditioned upon specific hours of operation, between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday only; and be it further

**RESOLVED**, the applicant grants permission to the Town of Riverhead to randomly oversee the land clearing, grading, and excavation during the construction of the said project; and be it further

**RESOLVED**, that all other provisions of Chapter 62 being hereby waived pursuant to Chapter 62.5; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Stoneleigh Woods at Riverhead, LLC, P.O. Box 1442, Riverhead, New York 11901; and be it further

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 187**

**APPOINTS INTERPRETER FOR POLICE DEPARTMENT AND JUSTICE COURT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town, in connection with its municipal operations, requires services consisting of the following: Language Translation; and

**WHEREAS**, Magdalena Ewa Lagun, Contractor, is willing to provide the following services to the Town:

Description of Services: Language Translation – Polish  
Date(s) and Hours of Service: On – call, Flexible

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Supervisor is hereby authorized to execute the attached Agreement in connection with interpreter services of the aforementioned individual; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Magdalena Ewa Lagun, 420 Griffing Avenue, Riverhead, New York, 11901; and

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

## AGREEMENT

BETWEEN, **THE TOWN OF RIVERHEAD**, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as "**TOWN**" and **MAGDALENA EWA LAGUN**, residing at 420 Griffing Avenue, Riverhead, New York, 11901, hereinafter referred to as "**CONTRACTOR**".

### W I T N E S S E T H

**WHEREAS**, the Town, in connection with its municipal operations, requires services consisting of the following: Language Translation; and

**WHEREAS**, the contractor is willing to provide the following services to the Town:

|                                |                               |
|--------------------------------|-------------------------------|
| Description of Services:       | Language Translation – Polish |
| Date(s) and Hours of Services: | On-call, Flexible             |

**IT IS HEREBY AGREED**, by the Town and Contractor as follows:

1. That Contractor shall provide and fully perform to the Town's satisfaction the aforementioned services to the Town on the date(s) and times(s) stated above.
2. In return for Contractor's services, the Town shall pay Contractor as follows: The sum of Fifty (\$50.00) Dollars for the first (1<sup>st</sup>) hour of service, or part thereof, and Thirty-Five (\$35.) Dollars for each hour, or part thereof, thereafter. That sum shall be payable after the Contractor performs the services described for the Town and after contractor has filed with the Town of Riverhead, vouchers and any other documents reasonably required for payment; and

**WHEREAS**, either party may terminate this agreement upon 30 days prior written notice; and

**WHEREAS**, any previously executed agreements are hereby determined to be null and void; and

**WHEREAS**, this agreement is effective March 19, 2015.

Dated: Riverhead, New York  
March , 2015

### **TOWN OF RIVERHEAD**

By: \_\_\_\_\_  
SEAN M. WALTER  
Town Supervisor

\_\_\_\_\_  
MAGDALENA EWA LAGUN

TOWN OF RIVERHEAD

Resolution # 188

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE  
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 86 ENTITLED  
"RENTAL DWELLING UNITS" OF THE RIVERHEAD TOWN CODE**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 86 entitled, "Rental Dwelling Units" of the Riverhead Town Code once in the March 26, 2015 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC  
HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 21st day of April, 2015 at 7:05 o'clock p.m. to amend Chapter 86, entitled "Rental Dwelling Units" of the Riverhead Town Code.

**Be it enacted** by the Town Board of the Town of Riverhead as follows:

CHAPTER 86

RENTAL DWELLING UNITS

§ 86-3. Definitions.

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

**DWELLING UNIT**

~~A structure or building, one-, two- or three-family dwelling, apartments, multiunit apartments, apartment houses, condominiums, cooperatives, garden apartments or townhouses, occupied or to be occupied by one or more persons as a home or residence.~~

A dwelling unit is a single unit within a building or structure providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping eating cooking and sanitation.

**§ 86-6. Fees.**

A. A nonrefundable ~~biannual~~ biennial permit application fee shall be paid, upon filing an application for a rental occupancy permit or for a renewal rental occupancy permit, in accordance with the following schedule of rental dwelling units per structure:

| <b>Type of Dwelling</b> | <b>Fee</b>  |
|-------------------------|---|
| One-unit                | <del>\$150</del> <u>250.00</u>  |
| Two-unit                | <del>\$200</del> <u>350.00</u>  |
| Three-unit              | <del>\$250</del> <u>450.00</u>  |
| Four-unit               | <del>\$325</del> <u>550.00</u>  |
| More than four units    | <del>\$500</del> <u>750.00</u> , plus \$50 for each unit in excess of <del>four</del> <u>five</u> |

B. The fee required by this section shall be waived for any applicant which demonstrates that the dwelling unit is occupied by the immediate family of the owner of the dwelling unit as defined in this chapter.

C. Any commercial hotel/motel business operating exclusively and catering to transient clientele, that is, customers who customarily reside at these establishments for short

durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel operation, shall pay a ~~biannual~~ biennial fee of ~~\$500~~ 750 per application, plus \$50 for each unit. For the purposes of this chapter, a "short duration" shall be defined as not more than 21 consecutive days. This section shall not apply to any commercial hotel/motel whose primary purpose is to provide permanent residences to its customers. For the purposes of this chapter, "permanent residence" shall be defined as more than 21 consecutive days.

D. Any rental dwelling unit that only operates during a one-hundred-fifty-day period in the months of May, June, July, August and September, only, shall pay a ~~biannual~~ biennial fee of ~~\$25~~ 250 per unit.

- Overstrike represents deletion(s)
- Underscore represents addition(s)

Dated: Riverhead, New York  
March 18, 2015

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

**DIANE M. WILHELM, TOWN CLERK**

TOWN OF RIVERHEAD

Resolution # 189

**TOWN BOARD AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE FOR THE TOWN BOARD TO CLASSIFY THE ACTION AS UNLISTED PURSUANT TO SEQRA, ASSUME LEAD AGENCY, CONSIDER AN AMENDMENT TO THE COMPREHENSIVE PLAN AND ZONING MAP AND TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN PARCELS FROM RESIDENCE A-40 (RA-40) TO DOWNTOWN CENTER 5: RESIDENTIAL (DC-5) ALONG EAST MAIN STREET, RIVERHEAD, NEW YORK**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town Board of the Town of Riverhead, in accordance with §272-a of Town Law, is authorized to prepare and adopt a comprehensive plan and amendments thereto; and

**WHEREAS**, §272-a (2) (a) of Town Law enables a comprehensive plan and subsequent amendments to be prepared in the form of written and/or graphic materials that identify goals, policies, guidelines and other means for the immediate and long range protection, enhancement, growth and development of the Town; and

**WHEREAS**, the Town Board would like to effect a change to the Zoning Use District Map of the Town of Riverhead to provide a change from Residence A-40 (RA-40) to Downtown Center: Residential 5 (DC-5) for real property shown on the Land Use map prepared by the Planning Department;

**WHEREAS**, the purpose and intent of the Downtown Center: Residential 5 (DC-5) is to allow, maintain, and foster a downtown residential neighborhood enlivened with live/work spaces and home occupations; and

**WHEREAS**, the permitted uses in DC-5 are as follows:

- (1) Single-family and two-family dwelling units.
- (2) Townhouses.
- (3) Places of worship.
- (4) Schools.
- (5) Professional offices on parcels of .17 acre or greater.

**WHEREAS**, the special permit uses are as follows:

- (1) Day-care facilities and nursery schools.
- (2) Bed-and-breakfast establishments.

**WHEREAS**, accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

- (1) Artists' studios, provided that they occupy 40% or less of a principal residence or are located in a detached accessory building on a residential parcel, and do not exceed 1,000 square feet of floor area.
- (2) Home occupations.
- (3) Home professional offices; and

**WHEREAS**, the action proposes an update to the Town of Riverhead 2003 Comprehensive Plan with a focus on East Main Street in downtown Riverhead in order to help guide future development along Route 25 in Riverhead so that it allows for orderly growth and development while balancing conservation and preserving and enhancing the community character of the study area, and

**WHEREAS**, the proposed amendments are an Unlisted action pursuant to SEQRA, and

**WHEREAS**, the Town Board assumes Lead Agency pursuant to SEQRA.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board be and hereby, declares the update to the Town of Riverhead 2003 Comprehensive Plan to be an Unlisted action for the purposes of SEQR compliance; and be it further

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to hear all interested persons to consider an update to the Town of Riverhead 2003 Comprehensive Plan as it pertains to part of East Main Street, Riverhead for real property shown on the Land Use map once in the March 26, 2015 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

**THE VOTE**

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

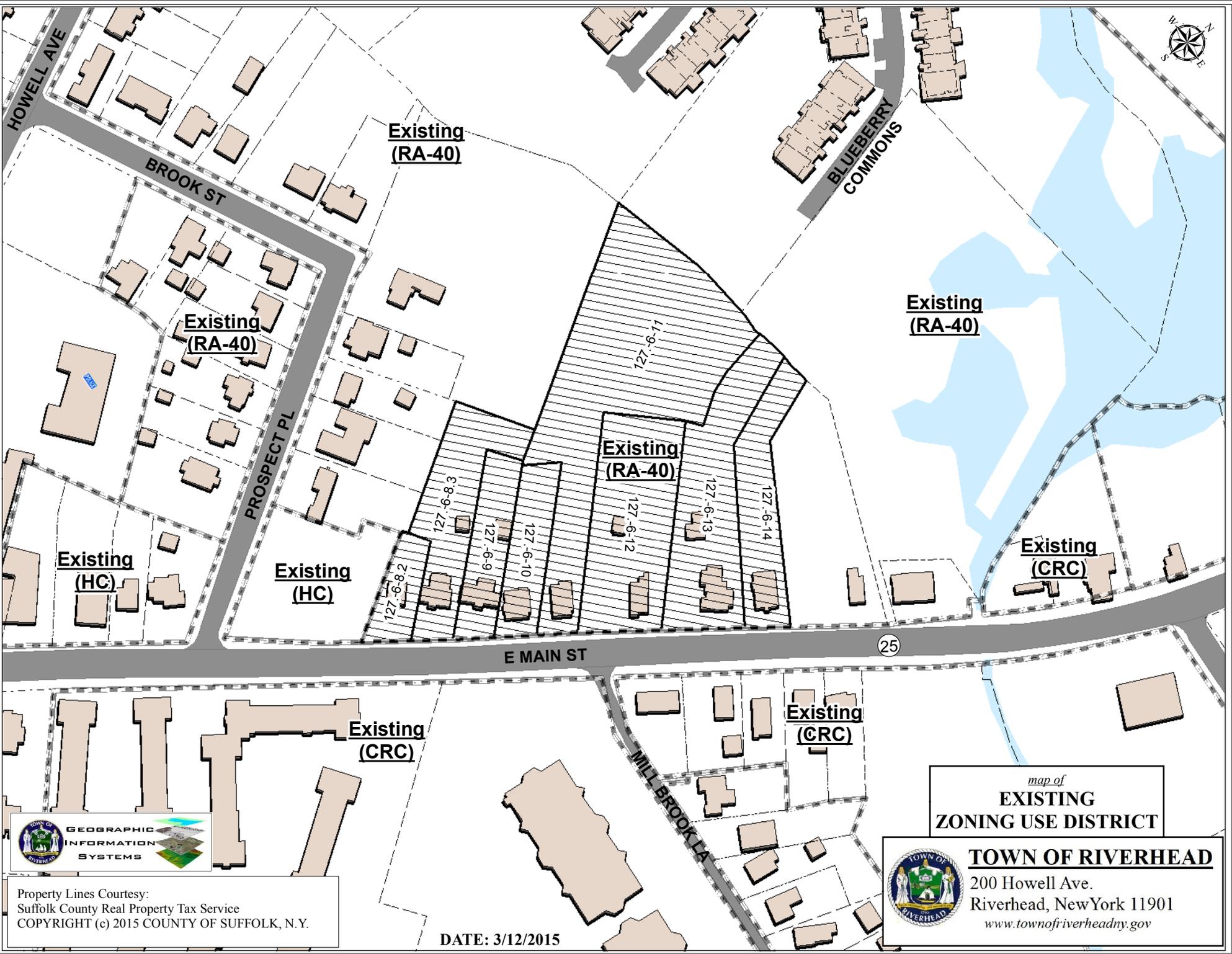
The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC  
HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 21<sup>st</sup> day of April, 2015 at 7:15 o'clock p.m. to hear all interested persons to consider an amendment to the Town of Riverhead 2003 Comprehensive Plan as it pertains to part of East Main Street, Riverhead for real property shown on the attached Land Use map.

Dated: Riverhead, New York  
March 18, 2015

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



**Existing (RA-40)**

**Existing (RA-40)**

**Existing (RA-40)**

**Existing (RA-40)**

**Existing (CRC)**

**Existing (HC)**

**Existing (HC)**

**Existing (CRC)**

**Existing (CRC)**

*map of*  
**EXISTING ZONING USE DISTRICT**

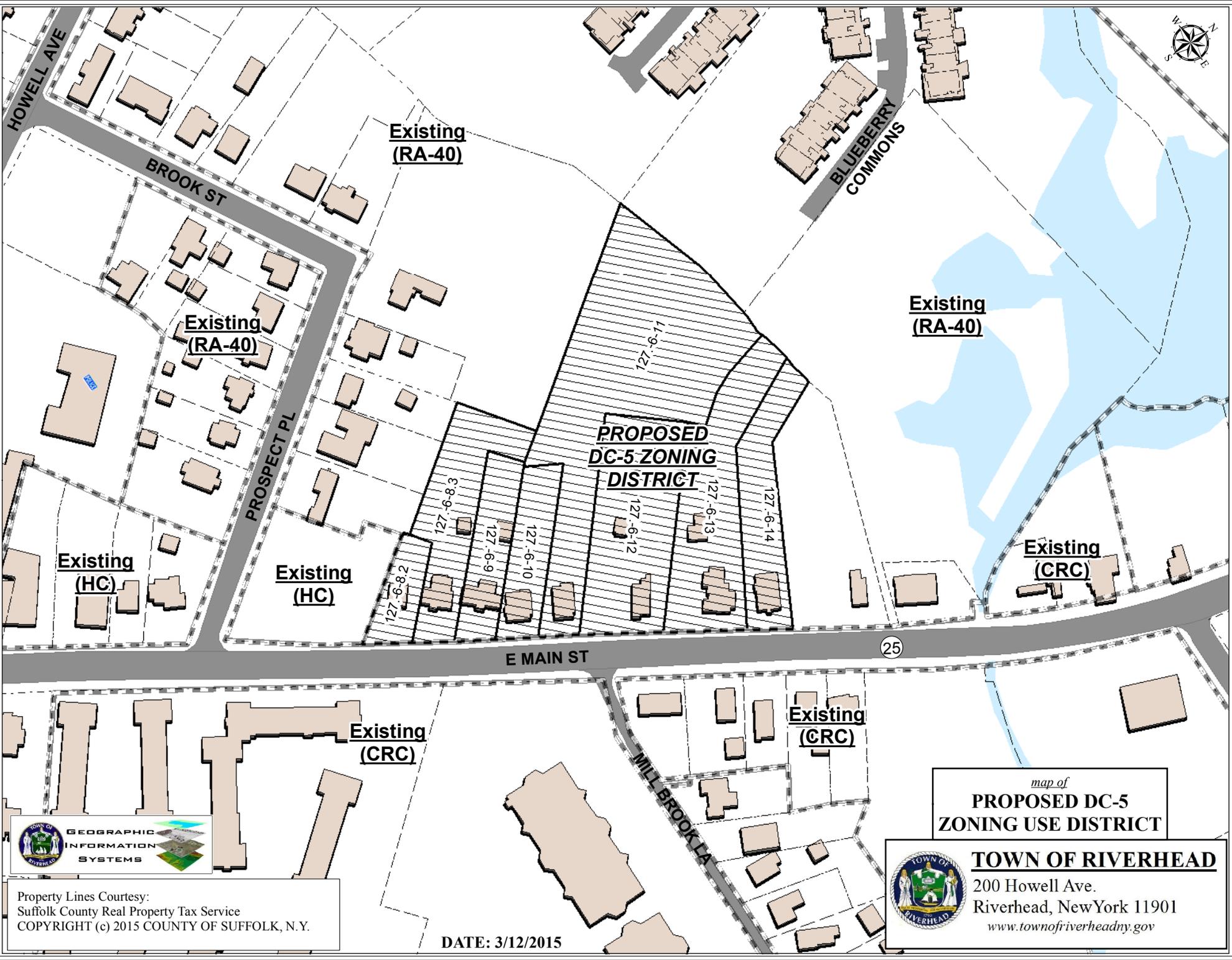


**TOWN OF RIVERHEAD**  
200 Howell Ave.  
Riverhead, New York 11901  
[www.townofriverheadny.gov](http://www.townofriverheadny.gov)



Property Lines Courtesy:  
Suffolk County Real Property Tax Service  
COPYRIGHT (c) 2015 COUNTY OF SUFFOLK, N.Y.

**DATE: 3/12/2015**



Existing (RA-40)

Existing (RA-40)

Existing (RA-40)

Existing (CRC)

Existing (HC)

Existing (HC)

**PROPOSED DC-5 ZONING DISTRICT**

E MAIN ST

25

MILL BROOK LA

Existing (CRC)

Existing (CRC)

map of  
**PROPOSED DC-5 ZONING USE DISTRICT**



**TOWN OF RIVERHEAD**

200 Howell Ave.  
Riverhead, New York 11901  
[www.townofriverheadny.gov](http://www.townofriverheadny.gov)



Property Lines Courtesy:  
Suffolk County Real Property Tax Service  
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DATE: 3/12/2015

TOWN OF RIVERHEAD

Resolution # 190

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE OF A PUBLIC HEARING TO CONSIDER A LOCAL LAW FOR THE ADDITION OF CHAPTER 113 IN THE RIVERHEAD TOWN CODE ENTITLED "HUNTING"**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**RESOLVED**, that the Town Clerk is hereby authorized to publish the attached public notice to consider a proposed local law for the addition of Chapter 113 in the Riverhead Town Code entitled "Hunting" once in the March 26, 2015, issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the signboard at Town Hall; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 21st day of April, 2015, at 7:10 p.m., to consider a proposed local law for the addition of Chapter 113 in the Riverhead Town Code entitled "Hunting".

Chapter 113. Hunting

113-1. New York State Department of Environmental Conservation Deer Hunter Permit Waiver

- A. WHEREAS, the New York State Department of Environmental Conservation (hereinafter referred to as "NYSDEC") amended New York State regulation 6 NYCRR 1.24(e), effective December 31, 2014, which thereby amended New York State Environmental Conservation Law section 11-0903(7)(c), to authorize each town in Suffolk County to waive, by local law, the New York State requirement that each deer hunter obtain a permit provided by the NYSDEC and issued by the Town to hunt during the special firearms hunting season in Suffolk County; and
- B. WHEREAS, the aforementioned amendment to New York State regulation 6 NYCRR 1.24(e) and concomitantly NYSDEC section 11-0903(7)(c) regarding the deer hunting permit waiver, was enacted by the NYSDEC for the purpose of reducing the administrative burden encountered by towns in Suffolk County in processing hunting permit applications and permit issuance; and
- C. WHEREAS, deer hunters in the Town of Riverhead shall still be required to obtain a landowner's endorsement from the subject property owners and satisfy any other locally-mandated hunting requirements; and
- D. WHEREAS, deer hunters in the Town of Riverhead shall still be required to comply with all other New York State and NYSDEC laws, regulations and rules regarding deer hunting;  
and
- E. NOW THEREFORE, the Town of Riverhead does hereby waive the New York State requirement that deer hunters in the Town of Riverhead obtain a NYSDEC deer hunting permit to hunt deer during the Suffolk County special firearms hunting season, as authorized pursuant to New York State regulation 6 NYCRR 1.24(e).

Underlined material represents new text.

Dated: Riverhead, New York  
March 18, 2015

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

TOWN OF RIVERHEAD

Resolution # 191

**SETS DATE AND TIME OF 6<sup>TH</sup> ANNUAL  
“GREAT RIVERHEAD CARDBOARD BOAT RACE”**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Riverhead Town Board and the Riverhead Business Improvement District believe in promoting community events in Downtown Riverhead; and

**WHEREAS**, the Riverhead Town Board and the Riverhead Business Improvement District have undertaken the task of organizing a riverfront event known as the sixth annual “Great Riverhead Cardboard Boat Race”; and

**WHEREAS**, the Peconic Riverfront is an excellent location for a cardboard boat race; and

**WHEREAS**, the interested parties can contact the Riverhead Business Improvement District or Councilman George Gabrielsen; and

**WHEREAS**, the sixth annual “Great Riverhead Cardboard Boat Race” will be free of charge and open to all.

**NOW, THEREFORE, BE IT RESOLVED**, that the sixth annual “Great Riverhead Cardboard Boat Race” will be held on the Peconic Riverfront in downtown Riverhead at 12:00 p.m. on June 28, 2015; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Riverhead Business Improvement District, the Engineering Department, the Town Board, the Chief of Police, the Town Clerk, the Highway Superintendent, and the Chief of the Riverhead Fire Department; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 192

**ORDER CALLING PUBLIC HEARING REGARDING IMPROVEMENTS TO FACILITIES OF RIVERHEAD WATER DISTRICT-WELLHEAD TREATMENT FOR PERCHLORATE REMOVAL – PLANT NO. 16**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town Board of the Town of Riverhead, Suffolk County, New York, as governing body of the Riverhead Water District, has determined that there is a need to improve the facilities of the district through wellhead treatment for perchlorate removal at Plant No. 16, and

**WHEREAS**, the Riverhead Town Board as governing body of the Riverhead Water District has previously held proceedings to authorize the construction of water treatment facility at Plant 16 at a cost not to exceed \$522,500.00, and

**WHEREAS**, after public bidding it has been determined by letter dated March 12, 2015 of H2M Group, consulting engineer to the Riverhead Water District, and the District that it is necessary to increase the authorization from \$522,500.00 to \$740,116.00 including construction and engineering with said funds to be paid from available Plant 16 construction funds and existing District funds, and

**WHEREAS**, it is necessary that a public hearing be held on the question of the increase and improvements as described above, 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, as follows:

1. A public hearing will be held at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 7<sup>th</sup> day of April, 2015 at 2:05 p.m. on the question of the increase and improvement of the facilities of the Riverhead Water District in the Town of Riverhead, Suffolk County, New York, in the manner described in the preambles hereof, and to hear all persons in the subject thereof, concerning the same, and to take such action as is required or authorized by law.
2. The Town Clerk is hereby authorized and directed to cause a copy of this resolution to be published in the March 19, 2015 edition of The News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy thereof to be posted on the sign board of the town, such publication and posting to be made not less than ten nor more than twenty days before the date designated for the public hearing.

3. The project described in the preambles hereto is hereby determined to be an "unlisted action" under the State Environmental Quality Review Act, the implementation of which, as proposed, will not result in any significant environmental effects.
4. This order shall take effect immediately.

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

Dated: Riverhead, NY  
March 18, 2015

BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF RIVERHEAD,  
SUFFOLK COUNTY, NY

DIANE WILHELM, TOWN CLERK

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 193

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE TO BIDDERS FOR  
CORROSION CONTROL CHEMICAL (PO4)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for Corrosion Control Chemical (PO4) in the **March 26, 2015**, issue of ***The News-Review***; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **CORROSION CONTROL CHEMICAL (PO4)** for use by the TOWN OF RIVERHEAD will be received by the **Town Clerk** of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:30 a.m. on April 10, 2015**.

Bid Specifications and/or Plans may be obtained by visiting the Town of Riverhead website at [www.townofriverheadny.gov](http://www.townofriverheadny.gov) on or after **March 26, 2015**. Click on "Bid Requests" and follow the instructions to register.

All bids are to be submitted in a sealed envelope bearing the designation **BIDS FOR CORROSION CONTROL CHEMICAL (PO4) – BID # RWD-2015-19**. All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "**EXCEPTIONS TO THE SPECIFICATIONS**" and be attached to the bid form.

**NOTE: Bid responses must be delivered to the Office of the Town Clerk at 200 Howell Avenue, Riverhead, New York, 11901, on or before April 10, 2015, at 11:30 a.m. The Town may decline to accept, deem untimely and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.**

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

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 194

PAYS BILLS

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

| <b>ABSTRACT #15-05 March 5, 2015<br/>(TBM 03/17/15)</b> |               |                     |                     |
|---|---------------|---------------------|---------------------|
|   |               |                     | <b>Grand</b>        |
| <b>Fund Name</b>  | <b>Fund #</b> | <b>Ckrun</b>        | <b>Totals</b>       |
| GENERAL FUND  | 1             | 3,920,813.19        | 3,920,813.19        |
| POLICE ATHLETIC LEAGUE                                  | 4             | 2,550.00            | 2,550.00            |
| RECREATION PROGRAM FUND                                 | 6             | 18,778.74           | 18,778.74           |
| HIGHWAY FUND  | 111           | 193,136.10          | 193,136.10          |
| WATER DISTRICT  | 112           | 82,591.00           | 82,591.00           |
| RIVERHEAD SEWER DISTRICT                                | 114           | 62,599.74           | 62,599.74           |
| REFUSE & GARBAGE COLLECTION DI                          | 115           | 242,327.53          | 242,327.53          |
| STREET LIGHTING DISTRICT                                | 116           | 17,877.18           | 17,877.18           |
| PUBLIC PARKING DISTRICT                                 | 117           | 325.49              | 325.49              |
| BUSINESS IMPROVEMENT DISTRICT                           | 118           | 47,741.00           | 47,741.00           |
| AMBULANCE DISTRICT                                      | 120           | 4,114.05            | 4,114.05            |
| EAST CREEK DOCKING FACILITY FUND                        | 122           | 1,896.77            | 1,896.77            |
| CALVERTON SEWER DISTRICT                                | 124           | 3,300.54            | 3,300.54            |
| RIVERHEAD SCAVENGER WASTE DIST                          | 128           | 33,708.55           | 33,708.55           |
| WORKERS' COMPENSATION FUND                              | 173           | 16,016.72           | 16,016.72           |
| WATER DISTRICT CAPITAL PROJECT                          | 412           | 3,536.25            | 3,536.25            |
| SEWER CAPITAL PROJECT                                   | 414           | 2,459,698.62        | 2,459,698.62        |
| CALVERTON SEWER CAPITAL PROJECT                         | 424           | 29,618.48           | 29,618.48           |
| TRUST & AGENCY  | 735           | 783,810.85          | 783,810.85          |
| CALVERTON PARK - C.D.A.                                 | 914           | 565.00              | 565.00              |
|   |               | <b>7,925,005.80</b> | <b>7,925,005.80</b> |

THE VOTE

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 195

**AUTHORIZES THE TOWN ATTORNEY'S OFFICE TO EXECUTE A STIPULATION  
AND ORDER OF SETTLEMENT IN A LAWSUIT  
(Legal Aid Society v. Town of Southampton, et al.)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Legal Aid Society of Suffolk County, on behalf of itself as well as named and unnamed indigent defendants, commenced an Article 78 Proceeding against several municipal corporations and agencies including the Town of Riverhead and the Riverhead Police Department; and

**WHEREAS**, the parties to the lawsuit have determined that it would be in the best interests of the parties to resolve the matter; and

**WHEREAS**, the execution of the proposed Stipulation and Order of Settlement would require the Town of Riverhead to provide a secure attorney/client conference room within the physical building housing the Town of Riverhead Justice Court; and

**WHEREAS**, the Town Board has determined that the construction of a secure attorney/client conference room is in the public interest in that it promotes the safety of those working and appearing at the Justice Court and also safeguards certain rights guaranteed by the United States Constitution; and

**WHEREAS**, the Town Engineer has determined that the construction of the secure attorney conference room can be completed by Town personnel negating the need to hire outside contractors; and

**WHEREAS**, the proposed Stipulation and Order of Settlement specifically states that the Town of Riverhead expressly denies any wrongdoing; and

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes s the Town Attorney's Office to execute the Stipulation and Order of Settlement, and be it further

**RESOLVED**, that the Town Clerk is hereby directed to send a copy of this resolution to the Town Attorney.

On a motion by Councilman Dunleavy, seconded by Supervisor Walter, resolution #195 was TAKEN OFF THE FLOOR, motion carried by unanimous vote. Immediately thereafter there was a motion to put to vote.

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted