

RESOLUTION LIST:

JULY 21, 2015

- Res. #537** Local Law to Adopt Amendment to Procurement Policy Pursuant to General Municipal Law
- Res. #538** Ratifies Authorization for Supervisor to Execute an Agreement with PSEG for Test Boring
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- Res. #541** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article XIII: Supplemental Use Regulations. §108-51. Nonconforming Buildings and Uses)
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- Res. #546** Authorizes Acceptance of \$50,000 New York State SAM Grant Award for Street Light Replacement on Pulaski Street
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- Res. #550** Authorizes the Supervisor to Execute a Stipulation with Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852
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- Res. #552** Approves the Chapter 90 Application of the Long Island Moose Classic Car Club (Car Show for LI Moose Charity – Sunday, September 13, 2015)
- Res. #553** Adopts a Local Law to Amend Chapter 18 of the Riverhead Town Code Entitled “Code of Ethics”
- Res. #554** Authorizes Town Clerk to Publish and Post the Attached Notice to Bidders for Highway Department, Exterior Office Improvements
- Res. #555** Authorizes the Acceptance of Cash Security for Stoneleigh Woods at Riverhead, LLC – Section 4” (Two Foundations)
- Res. #556** Authorizes Reproduction and Expenditure of Monies for “Greetings from Riverhead Volume I History Part I” and “Greetings from Riverhead Volume I History Part II” Written by Town Historian
- Res. #557** Terminates the Employment of a Maintenance Mechanic I in the Riverhead Town Seniors Programs (Gary Graziano)
- Res. #558** Ratifies the Attendance of Two Police Department Employees to the Annual New York Statewide TRACS User’s Meeting
- Res. #559** Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Addition of Article XXV: Farm Stand Review)
- Res. #560** Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code Article VI: Agriculture Protection Zoning Use District (APZ)
- Res. #561** Authorizes Funding Application to New York State to Support Wastewater Infrastructure Feasibility Study for South Jamesport
- Res. #562** Awards Bid for Snack Vendor(s)
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TOWN OF RIVERHEAD

Resolution # 537

LOCAL LAW TO ADOPT AMENDMENT TO PROCUREMENT POLICY PURSUANT TO GENERAL MUNICIPAL LAW

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead, by Resolution #451 adopted on June 16, 2015, adopted a local law to update and adopt Procurement Policy pursuant to General Municipal Law; and

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Procurement Policy pursuant to General Municipal Law; and

WHEREAS, a public hearing was held on the 7th day of July, 2015 at 2:05 pm at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT RESOLVED that the amendment to the Town of Riverhead's Procurement Policy set forth and annexed below is hereby adopted by Local Law:

**TOWN OF RIVERHEAD
Procurement Policy**

PURPOSE:

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, contracts, and services are obtained efficiently and in compliance with applicable laws and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition and prudent and economical use of public money. In addition, this Procurement Policy seeks to ensure that the same sound business judgment used for the purchase of personal property (i.e. supplies and equipment) is used for the evaluation of personal property and/or assets with respect to its usefulness to the Town now or in the foreseeable future and cost effective and efficient procedures for disposition of the personal property and/or assets deemed no longer of public use to the Town.

Guideline 1: Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law §103 inclusive of all future statutory amendments, deemed to be incorporated by reference, as if recited in its entirety herein. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "purchaser") shall estimate the cumulative

amount of the items of supply or equipment needed in a given fiscal year. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2: All purchases of supplies or equipment which will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid pursuant to General Municipal Law §103 inclusive of all future statutory amendments, deemed to be incorporated by reference, as if recited in its entirety herein.

Guideline 3:

(1) All estimated purchases of less than \$20,000 but greater than \$3,000 shall require a written request for a proposal ("RFP") and written/fax quotes from at least three comparative vendors; less than \$3,000 but greater than \$1,000 require an oral request for proposal for the goods, equipment or supplies and oral/fax quotes from at least two vendors and purchaser shall maintain a record of responses whether they are received by phone or in writing; less than \$1,000 are left to the discretion of the purchaser.

(2) All estimated public works contracts of less than \$35,000 but greater than \$10,000 require a written request for proposal and fax/proposals from at least three comparable contractors; less than \$10,000 but greater than \$1,000 require a written request for proposal and fax/proposals from at least two contractors and purchaser shall maintain a record of responses whether they are received by phone or in writing; less than \$1,000 are left to the discretion of the purchaser.

(3) All written RFP shall describe the desired goods, quantity and details regarding delivery, including mode of delivery and time parameters for delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

(4) All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract. All responses to the RFP shall be kept confidential until such time as the contract for work or goods is awarded and thereafter all documents responsive to the RFP shall be subject to disclosure pursuant to the applicable provisions of the Public Officers Law.

Guideline 4: All purchasers shall make a good-faith effort to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 5: The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 6: A request for proposal and/or quotation shall not be required under the following circumstances:

(1) Contract for professional services subject to resolution of the Town Board.

(2)(a) Purchase of goods, equipment or supplies or contract for services through qualifying contracts let by other New York State political subdivisions provided that (i) the contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein; (ii) the contract must have been made available for use by other governmental entities, i.e. inclusion in the contract let by the other entity of a clause extending the terms and conditions of the contract to other governmental entities; and (iii) the contract must have been let to the lowest responsible bidder or on the basis of best value in a manner consistent with General Municipal Law § 103 and related case law. (*Note, GML 103 (16) is scheduled to expire on August 1, 2017).

(2)(b) Purchase of goods, equipment or supplies or contract for services through qualifying contracts let by the County of Suffolk or through any county within the State of New York subject to County Law 408(a).

(3) Public emergency arising out of an accident or unforeseen occurrence or condition affecting public buildings, public property or life, health, safety or property of the inhabitants of the Town. Unless exigent circumstances exist such that time is of the essence, Purchaser shall seek to obtain approval of the Town Board prior to purchase or contract.

(4) Sole-source situations (purchaser must obtain written verification from vendor)

(5) Surplus and second-hand supplies, material or equipment from federal government, State of New York, or other political subdivisions, districts, or public benefit corporation.

(6) Purchase of goods, equipment and supplies under State contracts through the Office of General Services and subject to rules promulgated by the Office of General Services.

Guideline 7: The purchase of goods or services must be accompanied by a duly signed and completed purchase order or contract except a purchase order shall not be required prior to purchase/procurement under those circumstances identified in Guideline 6 and purchases or public works project less than \$1000.00. The above guideline is not intended to eliminate the requirement for a purchase order. Note, all Department Heads shall be responsible to verify the existence of a bid or contract award for the same or similar goods or services and shall be limited to purchase from such vendor/contractor.

Guideline 8: The Town Department responsible for personal property and/or asset(s) it wishes to have declared surplus shall complete a "Plant Asset/Office Equipment Disposal Form" including a description of the item, serial/tag #, location, condition, estimated surplus value, and reason for disposal. The Plant Asset/Office Equipment Disposal Form must be signed by the supervisor/manager of the department and filed with the Office of the Financial Administrator. Town Departments may transfer assets and equipment provided that a Plant Asset/Office Equipment Disposal Form records the transfer and same is filed with the Financial Administrator. Finally, the Office of the Financial Administrator, with the assistance of Department Heads, shall evaluate estimated surplus value of all assets and equipment disposed on a bi-annual basis and make recommendation to the Town Board regarding disposal or sale, subject to all applicable laws and procedures regarding disposition of surplus asset/equipment,

including but not limited to bid procedures set forth in General Municipal Law § 103, and receipt of an “As-Is” Statement and/or Liability Waiver. Note, all Town logos or other markings identifying the property as Town property shall be removed prior to sale. This policy shall not in any way limit or prohibit the Town Board from donating an item of personal property and/or asset as permitted under the law.

For Purposes of Guideline 8: Surplus shall be defined as any Town personal property and/or asset that is no longer needed now or in the foreseeable future or that is no longer of value or use to the Town and Estimated Surplus Value shall be defined as the estimated amount of money an interested party will be willing to pay the Town for the property. This can be determined through an estimate, an appraisal, Kelly blue book value or other sources available to the responsible Department or Office of the Financial Administrator.

Guideline 9: This policy shall be reviewed annually by the Town Board.

- Underline represents addition(s)

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
Community Development Agency**

Resolution # 538

**RATIFIES AUTHORIZATION FOR SUPERVISOR TO EXECUTE AN AGREEMENT
WITH PSEG FOR TEST BORING**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Long Island Lighting Company d/b/a LIPA (“LIPA” or “Company”), a corporation organized and existing under the laws of the State of New York is a wholly owned subsidiary of the Long Island Power Authority, a corporate municipal instrumentality and political subdivision of the State of New York. LIPA, by and through its agent, PSEG Long Island LLC, provides electric service to approximately 1.1 million LIPA customers in its service area, which includes Nassau County, Suffolk County, and the portion of Queens County known as the Rockaways, in the State of New York; and

WHEREAS, PSEG-LI contacted the Town of Riverhead and expressed a desire to make improvements to LIPA’s transmission and distribution system (“T&D System”) and identified a portion of property located within EPCAL (Enterprise Park at Calverton) as a possible site for T&D System improvements; and

WHEREAS, PSEG-LI seeks a temporary right to enter upon a portion of property often identified as the Energy Park within EPCAL for the limited purposes of performing geotechnical soil borings, at its sole cost and expense, to assess soil compaction in order to determine soil stability for building and structure foundations and property survey of the property.

NOW THEREFORE BE IT RESOLVED, that the Town Board, as governing body of the Community Development Agency, hereby authorizes the Supervisor to execute the attached agreement with PSEG in substantially the same form annexed hereto; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this Resolution to PSEG located at 175 East Old Country Road, Hicksville New York 11801, Attn: Real Estate 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 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 # 539

AWARDS BID FOR DIESEL FUEL

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for **DIESEL FUEL** for the Town of Riverhead and;

WHEREAS, 3 bids were received and opened at 2:05 pm on JULY 9TH, 2015 at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW THEREFORE BE IT RESOLVED, that the bid for **DIESEL FUEL** for the Town of Riverhead be and hereby is, awarded to **ROMEO ENTERPRISES INC.** for **+0.094 cents per gallon (NINE AND 0/4 CENTS) OVER Northville tank car reseller price.** .

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 # 540

AWARDS BID FOR HEATING FUEL

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for **HEATING FUEL** for the Town of Riverhead and;

WHEREAS, 3 bids were received and opened at 2:00 pm on JULY 9TH, 2015 at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW THEREFORE BE IT RESOLVED, that the bid for **HEATING FUEL** for the Town of Riverhead be and hereby is, awarded to **ROMEO ENTERPRISES INC.** for **+0.09 cents per gallon (NINE AND 0/0 CENTS) OVER Northville tank car reseller price.** .

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 # 541

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF
THE RIVERHEAD TOWN CODE
(\$108-51 Nonconforming buildings and uses)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the July 30, 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 18th day of August, 2015 at 7:05 o'clock p.m. to amend Chapter 108, entitled "Zoning" of the Riverhead Town Code.

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

CHAPTER 108

Zoning

Article XIII: Supplemental Use Regulations

§ 108-51 Nonconforming buildings and uses.

A. Any building, structure or use existing on the effective date of this chapter, or any amendment thereto, may be continued on the same lot held in single and separate ownership, although such building, structure or use does not thereafter conform to the regulations of the district in which it is located, and may thereafter be expanded or extended on the same lot by special permit of the Town Board. If the extent of the change is 10% or less, the public hearing requirement may be waived by the Town Board. An application seeking to extend a single-family residence shall be exempt from the requirement of a special permit, ~~provided that any extension thereof maintains existing residential use, existing lot areas, lot setbacks and lot coverage that were required at the time the residence was issued a certificate of occupancy or letter of preexisting use.~~

E. Alteration or enlargement of nonconforming structures, generally. A lawfully preexisting nonconforming building or structure or a building or structure which lawfully exists on a nonconforming lot may be enlarged, altered, reconstructed or repaired, provided that the degree of nonconformity is not thereby increased. For the purposes of this subsection, an increase in the degree of nonconformity shall include any increase in the amount of a nonconforming building's or structure's gross floor area which is located within a required setback area, or an increase in any portion of a building or structure located above the maximum height permitted. An application seeking to expand or extend a single-family residence shall be exempt from this subsection, provided that any extension thereof maintains existing residential use, existing lot areas, lot setbacks and lot coverage that were required at the time the residence was issued a certificate of occupancy or letter of preexisting use.

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

Dated: Riverhead, New York
July 21, 2015

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 542

RATIFIES EXECUTION OF A CONSTRUCTION STAGING AGREEMENT WITH UNITED FENCE & GUARD RAIL CORP.

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, United Fence & Guard Rail Corp., has been awarded the contract to reconstruct and pave Roanoke Avenue, (CR 73); and

WHEREAS, United Fence & Guard Rail Corp., wishes to use public parking lot owned by the Riverhead Public Parking District # 1 at 406-414 Roanoke Avenue, Riverhead as a construction staging area during the reconstruction of Roanoke Avenue.

NOW THEREFORE IT IS HEREBY RESOLVED, that the Town Board be and hereby, authorizes the use of the public parking lot located at 406-414 Roanoke Avenue, Riverhead and owned by the Riverhead Public Parking District # 1 as construction staging area and authorizes the execution of the attached Construction Staging Area License Agreement by the Supervisor in substantially the same form attached; and be it further;

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to United Fence & Guard Rail Corp., Town Engineer; and the Office of the Town Attorney; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a 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

CONSTRUCTION STAGING AREA LICENSE AGREEMENT

THIS CONSTRUCTION STAGING AREA LICENSE AGREEMENT ["License"] is entered into by and between the TOWN OF RIVERHEAD, as governing body of Riverhead Public Parking District No. 1, 200 Howell Avenue, Riverhead, NY ["Licensor"] and United Fence & Guard Rail Corp., having an address of 25 Mill Road, Ronkonkoma, New York 11779 ["Licensee"]

RECITALS

WHEREAS, Licensor is the owner of property currently used for a public parking lot and known as Public Parking Lot No.1 located on the northeasterly corner of the intersection formed by Roanoke Avenue and Third Street, Riverhead, NY 11901 and which premises is also known as 406-414 Roanoke Avenue, Riverhead, NY 11901 and further known and designated as SCTM # 0600-128-05-10 (the "licensed premises" or "staging area"); and

WHEREAS, the aforementioned property is in immediate proximity to Roanoke Avenue (CR 73); and

WHEREAS, United Fence & Guard Rail Corp. is the successful contractor to the County of Suffolk for reconstruction, drainage and paving of Roanoke Avenue, Riverhead (CR 73); and

WHEREAS, United Fence & Guard Rail Corp. is desirous of using the licensed premises for a period of one year to stage equipment, supplies and such other materials necessary to complete the reconstruction, drainage and paving of Roanoke Avenue, Riverhead (CR 73); and

WHEREAS, as consideration for use of the staging area, United Fence & Guard Rail Corp. agrees that it will repair all the potholes within the public parking lot located to the North of Main Street and being between Roanoke Avenue and East Avenue at the sole cost and expense of the Licensee; and

WHEREAS, the Licensor has agreed to allow Licensee temporary use of a portion of said public property for a construction staging area pursuant to the terms and conditions set forth in this License Agreement.

NOW, THEREFORE, the Licensor and Licensee agree as follows:

1. LICENSE. Licensor hereby grants to Licensee a temporary and exclusive license to use the licensed premises as depicted on Survey of Property last dated June 17, 2014 made by Peconic Surveyors, P.C. ("Exhibit A"), which is attached to and made a part of this Agreement, for the purpose of a construction staging area to allow for the reconstruction, drainage and paving on the Roanoke Avenue (CR 73). The rights of the

CONSTRUCTION STAGING AREA LICENSE AGREEMENT

THIS CONSTRUCTION STAGING AREA LICENSE AGREEMENT ["License"] is entered into by and between the TOWN OF RIVERHEAD, as governing body of Riverhead Public Parking District No. 1, 200 Howell Avenue, Riverhead, NY ["Licensor"] and United Fence & Guard Rail Corp., having an address of 25 Mill Road, Ronkonkoma, New York 11779 ["Licensee"]

RECITALS

WHEREAS, Licensor is the owner of property currently used for a public parking lot and known as Public Parking Lot No.1 located on the northeasterly corner of the intersection formed by Roanoke Avenue and Third Street, Riverhead, NY 11901 and which premises is also known as 406-414 Roanoke Avenue, Riverhead, NY 11901 and further known and designated as SCTM # 0600-128-05-10 (the "licensed premises" or "staging area"); and

WHEREAS, the aforementioned property is in immediate proximity to Roanoke Avenue (CR 73); and

WHEREAS, United Fence & Guard Rail Corp. is the successful contractor to the County of Suffolk for reconstruction, drainage and paving of Roanoke Avenue, Riverhead (CR 73); and

WHEREAS, United Fence & Guard Rail Corp. is desirous of using the licensed premises for a period of one year to stage equipment, supplies and such other materials necessary to complete the reconstruction, drainage and paving of Roanoke Avenue, Riverhead (CR 73); and

WHEREAS, as consideration for use of the staging area, United Fence & Guard Rail Corp. agrees that it will repair all the potholes within the public parking lot located to the North of Main Street and being between Roanoke Avenue and East Avenue at the sole cost and expense of the Licensee; and

WHEREAS, the Licensor has agreed to allow Licensee temporary use of a portion of said public property for a construction staging area pursuant to the terms and conditions set forth in this License Agreement.

NOW, THEREFORE, the Licensor and Licensee agree as follows:

1. LICENSE. Licensor hereby grants to Licensee a temporary and exclusive license to use the licensed premises as depicted on Survey of Property last dated June 17, 2014 made by Peconic Surveyors, P.C. ("Exhibit A"), which is attached to and made a part of this Agreement, for the purpose of a construction staging area to allow for the reconstruction, drainage and paving on the Roanoke Avenue (CR 73). The rights of the

Licensee under this License shall include an exclusive right of Licensee over and across the staging area for storage and operation of construction equipment, supplies, sand and materials.

2. **TERM.** The term of this License shall begin on the date hereof and shall continue to July 15, 2016 unless terminated sooner as provided hereunder.

3. **FEE.** No payment of a monetary fee shall be required for this License. As consideration, the Licensee agrees that it will repair all of the existing potholes as designated by the Licensor in the public parking lot located north of Main Street and being between Roanoke Avenue and East Avenue at the sole cost and expense of the Licensee. A diagram of the public parking lot is attached and made part hereof as Exhibit B. Licensee agrees that upon designation, either by mark-out and/by written notice that Licensee will cleaned the potholes of all debris, fill with suitable material mutually agreed upon by Licensor and Licensee, compact the fill, pave the pothole and seal all edges as set forth in proposal dated July 14, 2015, a copy of which is attached hereto as Exhibit C. Licensee shall complete all pot hole work within 30 days of the date of this agreement.

4. **USE.** The rights of the Licensee hereunder shall be to temporarily use the licensed premises as a staging area for necessary construction related purposes, such as a construction trailer, construction equipment, a materials trailer, building materials and other related uses, including fencing and access, as approved by the Licensor. Licensee shall not permit any waste or damage to be done to the staging area and shall maintain the staging area and keep the said area in good condition and repair and free of any litter, construction debris or any other waste and not allow any such litter or debris to blow away from the site.

5. **INDEMNIFICATION.** Licensee shall indemnify, defend protect and hold harmless the Licensor, and its officers, agents, and employees from and against any and all liens and encumbrances of any nature whatsoever which may arise in the exercise of Licensee's rights hereunder, and from all claims, causes of action, liabilities, costs and expenses (including all reasonable attorney's and in-house counsel fees), losses or damages arising from Licensee's use of the staging area, any breach of this License, or any act or failure to act of Licensee or Licensee's agents, employees, construction workers, or invitees, except those arising out of the sole negligence or willful misconduct of the Licensor, its officers, agents and employees.

6. **RISK OF DAMAGE OR LOSS.** Licensee, as a material part of the consideration to Licensor, hereby assumes all risk of damage to its property or injury to all persons and personal property in or upon the staging area. Licensee hereby releases and relieves Licensor, and waives its entire right of recovery against Licensor, for any loss or damage arising out of or incident to the Licensee's use of the staging area.

7. **HAZARDOUS MATERIALS.** Licensee shall not use, generate, manufacture, store or transport or dispose of, on or over the staging area, any flammable liquids, radioactive

materials, hazardous materials, hazardous wastes, hazardous or toxic substances, or any other "hazardous materials" as that term may be defined under federal or state laws, except for the hazardous materials which may be in the vehicles that Licensee will park or store on the staging area. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the staging area as a result of Licensee's use and occupancy thereof, Licensee shall provide notice as required by law and Licensee, at its sole cost and expense, shall undertake all appropriate remediation on all the property affected, whether owned by Licensor or any third party, to the satisfaction of the Licensor and any governmental body have jurisdiction thereof. Licensee must also notify Licensor as required by law of any release of hazardous materials that have come or will come to be located on or beneath the staging area.

8. ALTERATIONS. Licensee shall not alter the staging area or any improvements on the staging area except as specifically authorized by this agreement or by the Licensor.

9. RESTORATION. Licensee shall maintain the staging area in its current condition and will restore the staging area to its pre-construction condition to include repair to any damaged pavement, curbs, markings, or other public infrastructure components. All repairs must be completed ten [10] days after completion of the term outlined in paragraph 2 above.

10. LIENS, TAXES AND ASSESSMENTS. Licensee shall keep the staging area free from all liens, taxes and assessments resulting from or caused by the Licensee's use of the staging area, and shall operate the staging area in full compliance with all federal, state and municipal laws, ordinances and regulations governing the use and occupancy of the staging area.

11. FENCING AND SIGNAGE. Licensee may, with the advance approval of the Licensor, erect fencing and post signage at the entry to the staging area indicating that the use of the staging area is restricted to the Licensee during the term of this Agreement.

12. SURRENDER. Upon the termination of this license, all rights, title, use and interest of the Licensee in and to this License shall be surrendered peaceably to the Licensor and the Licensee shall remove all fencing and signage, all property from the staging area and restore the staging area and, if needed, any adjoining property, to its former condition or better.

13. INSURANCE. Licensee shall maintain in full force and effect during the term of this License, at Licensee's sole cost and expense, a policy of comprehensive general liability insurance in terms and amounts satisfactory to the Licensor and approved in writing by the Licensor's Risk Manager and naming the Licensor as an additional insured.

14. DEFAULT. In the event of a breach by Licensee of any of the terms of this License, all rights of Licensee hereunder shall cease and terminate, and in addition to all other rights Licensor may have at law or in equity, Licensor may re-enter the staging area and take possession thereof without notice and may remove any and all persons and property

therefrom, and may also cancel and terminate this License; upon any such cancellation, all rights of Licensee in and to the staging area shall cease and terminate.

15. RULES AND REGULATIONS. The Licensor shall have the right to establish and enforce reasonable rules and regulations concerning the management, use and operation of the staging area, and compliance with said rules and regulations by the Licensee and his officers, agents and employees is expressly made a term of this License Agreement.

16. ASSIGNMENT AND SUBLETTING. This License is personal to the Licensee and Licensee agrees not to sublease, assign, sell, transfer, encumber, pledge or otherwise hypothecate any part of the License or Licensee's interest in the staging area to any other person or entity without the prior written consent of the Licensor, which consent may be withheld in the Licensor's sole and absolute discretion. Any purported assignment or sublease by Licensee of this License shall be void *ab initio* and a basis for immediate termination of this License. In the event that the Licensor shall provide such prior written consent to an assignment or sublease by Licensee, any such assignment or sublease shall not relieve Licensee of its obligations under this License.

17. ATTORNEY'S FEES. If any party named herein brings an action to enforce the terms hereof or to declare its rights hereunder, the prevailing party in any such action, on trial and appeal, shall be entitled to recover its costs and reasonable attorney's fees, including those of in-house counsel.

18. NOTICES. All notices, consents, requests, demands, approvals, waivers, and other communications desired or required to be given hereunder shall be in writing and signed by the party so giving notice, and shall, with respect to the Licensor, be delivered, received and time stamped in the office of the Town Supervisor, 200 Howell Avenue, Riverhead, NY, 11901 with a copy to the Town Attorney, 200 Howell Avenue, Riverhead, NY, 11901 and with respect to the Licensee, the notices shall be given to: United Fence & Guard Rail Corp., Attn: William Murtagh, 25 Mill Road, Ronkonkoma, New York 11779. Either party may, from time to time, change the designated party and address for its notices in the manner outlined above.

19. GOVERNING LAW. This License Agreement shall be interpreted, enforced and governed by the laws of the State of New York.

20. AMENDMENTS. No provision of this License Agreement may be amended or modified except by an agreement in writing executed by both parties hereto.

21. SEVERABILITY. In the event that one or more of the provisions contained in this License shall for any reason be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and the remainder of the provisions of this License shall continue in full force and effect without impairment.

22. SOLE AGREEMENT. This License constitutes the sole agreement between the Licensor and the Licensee with respect to the staging area.

IN WITNESS WHEREOF, each of the parties has caused its authorized representative to execute triplicate original counterparts of this License this _____ day of July, 2015.

Licensor: _____
Riverhead Public Parking District No. 1
By: Sean M. Walter, Supervisor

Licensee: _____
United Fence & Guard Rail Corp.
By: William Murtagh

EXHIBIT A
TO CONSTRUCTION STAGING AREA LICENSE AGREEMENT
BETWEEN
TOWN OF RIVERHEAD, as governing body of
Riverhead Public Parking District No. 1
AND
UNITED FENCE AND GUARD RAIL CORP.

Survey last dated June 17, 2014

**SURVEY OF PROPERTY
AT RIVERHEAD
TOWN OF RIVERHEAD
SUFFOLK COUNTY, N.Y.**

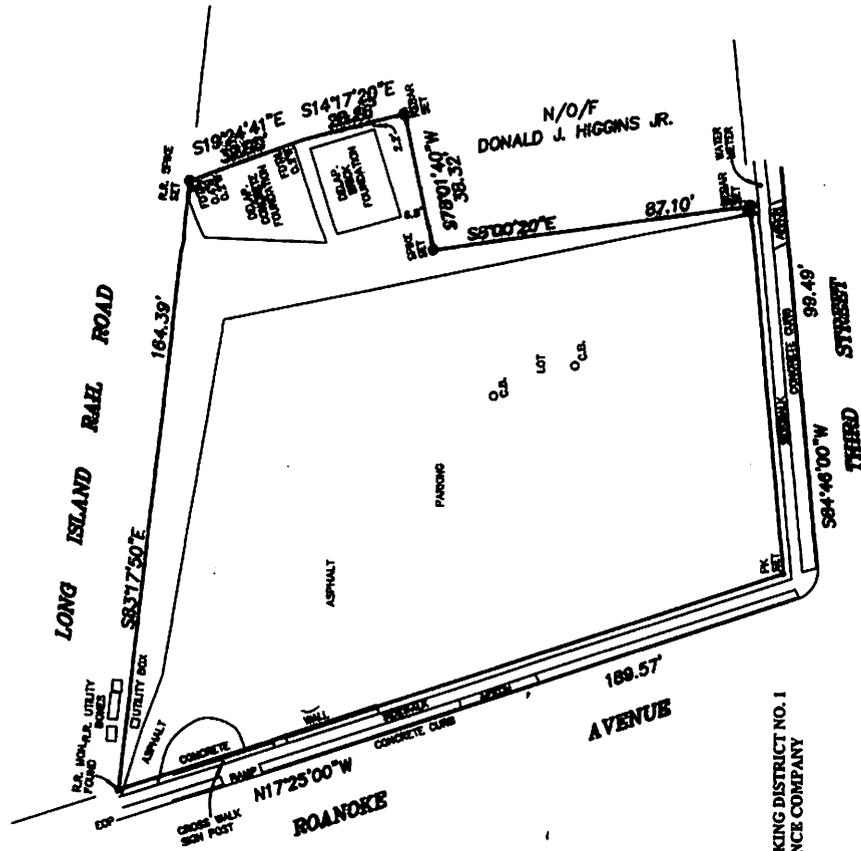
600-128-05-10

SCALE: 1"=30'

MARCH 13, 2014

MARCH 19, 2014 (PROPERTY CORNERS SET)

JUNE 17, 2014 (REVISIONS)



John M. Maguire - N.Y.S. LIC. NO. 49618
RECONIC SURVEYORS, P.C.
 (631) 765-5020 FAX (631) 765-1797
 P.O. BOX 909
 1230 TRAVELER STREET
 SOUTHOLD, N.Y. 11971

ANY ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209(6) OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PER SECTION 7209-SUBDIVISION 2. ALL CERTIFICATIONS HEREON ARE VALID FOR THIS MAP AND COPIES THEREOF ONLY IF SAID MAP OR COPIES BEAR THE IMPRESSED SEAL OF THE SURVEYOR WHOSE SIGNATURE APPEARS HEREON.

AREA=21,708 SQ. FT.

CERTIFIED TO:
 RIVERHEAD PUBLIC PARKING DISTRICT NO. 1
 STEWART TITLE INSURANCE COMPANY



EXHIBIT B
TO CONSTRUCTION STAGING AREA LICENSE AGREEMENT
BETWEEN
TOWN OF RIVERHEAD, as governing body of
Riverhead Public Parking District No. 1
AND
UNITED FENCE AND GUARD RAIL CORP.

Map of Municipal Parking Lot



Google earth



EXHIBIT C
TO CONSTRUCTION STAGING AREA LICENSE AGREEMENT
BETWEEN
TOWN OF RIVERHEAD, as governing body of
Riverhead Public Parking District No. 1
AND
UNITED FENCE AND GUARD RAIL CORP.

Letter Proposal dated July 14, 2015

UNITED FENCE & GUARD RAIL CORP.

25 MILL ROAD
RONKONKOMA, NEW YORK 11779

631-467-6677
FAX: 631-467-6837

OVER 35 YEARS OF PERSONALIZED SERVICE

07.14.15

Mr. John Dunleavy
Councilman, Town of Riverhead
200 Howell Avenue,
Riverhead, NY 11901

Ref: Suffolk County Reconstruction of Roanoke Avenue – CR73
Riverhead, New York.

Councilman,

As per our agreement as discussed on July, 13, 2015, United Fence and Guard rail has requested the used of the town owned vacant lot located on Roanoke Ave. and 3rd St., Riverhead, NY. The requested use of the vacant lot will be for a period of approximately one year. Its use will be for the storage of construction equipment and materials to be used and incorporated into the construction of Roanoke Ave. When the construction work is completed, the lot will be cleared of the security fencing and vacated as found in its original condition.

In return for the use of the vacant lot, United Fence & Guard Rail has agreed to repair approximately forty "pot holes" in the municipal parking lot located south of Main Street. The location of the pot holes will be designated by town officials. The areas will be cleaned of debris and filled with suitable material, compacted, paved with edges sealed.

Regards,
William Murtagh
Contract Operations,
United Fence & Guard Rail.

TOWN OF RIVERHEAD

Resolution # 543

**RATIFIES THE PROMOTION OF A POLICE OFFICER TO THE POSITION OF
DETECTIVE GRADE III**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Police Officer Charles Mauceri has been assigned to the Detective Division of the Riverhead Police Department since January 1, 2014; and

WHEREAS, a recommendation has been forwarded by Chief David J. Hegermiller to promote Charles Mauceri to the position of Detective Grade III.

NOW THEREFORE BE IT RESOLVED, effective July 1, 2015, the Town Board hereby ratifies the promotion of Charles Mauceri to Detective Grade III at an annual salary as is provided in the current labor contract that exists between the Riverhead Police Benevolent Association and the Town of Riverhead; and,

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 544

**ACCEPTS THE RETIREMENT OF A POLICE DETECTIVE IN THE RIVERHEAD
TOWN POLICE DEPARTMENT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, in accordance with Article XV, Section E., of the 2012-2015 Riverhead Town PBA contract, Police Detective David A. Freeborn has given notice to the Chief of Police of his intent to retire effective July 23, 2015.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby accepts the retirement of Detective David A. Freeborn.

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to David A. Freeborn, the Chief of Police, 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 # 545

AUTHORIZES ACCEPTANCE OF A NEW YORK STATE AND MUNICIPAL FACILITIES PROGRAM GRANT AWARD IN THE AMOUNT OF \$250,000 FOR THE EAST END ARTS COUNCIL CAPITAL RENOVATIONS TO FACILITIES

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, NYS Senator Kenneth P. LaValle is always desirous to improve the quality of life for Riverhead Town residents; and

WHEREAS, NYS Senator LaValle, obtained a New York State and Municipal Facilities Program Grant in the amount of \$250,000 for the necessary renovations to the East End Arts Council Capital Renovations to Facilities; and

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead Board authorizes acceptance of the grant, authorizes the Supervisor and other necessary CDA and Town employees to sign and submit required paperwork for acceptance of up to \$250,000 in NYS funding to support East End Arts Council Capital Renovations to Facilities; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Clerk forward copies of this resolution to the Community Development Agency, the Town Engineer, the Town Attorney, the Financial Administrator, and NYS Senator Kenneth P. LaValle, 28 North Country Road, Suite 203, Mt. Sinai, NY 11766; and

NOW THEREFORE BE IT 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 # 546

**AUTHORIZES ACCEPTANCE OF \$50,000 NEW YORK STATE SAM GRANT
AWARD FOR STREET LIGHT REPLACEMENT ON PULASKI STREET**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, NYS Senator Kenneth P. LaValle is always desirous to improve the quality of life for Riverhead Town residents; and

WHEREAS, NYS Senator LaValle, obtained a State and Municipal Facilities Program Grant in the amount of \$50,000 for the Street Light Replacement on Pulaski Street; and

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead Board authorizes acceptance of the grant, authorizes the Supervisor and other necessary CDA and Town employees to sign and submit required paperwork for acceptance of up to \$50,000 in NYS funding to support street light replacement on Pulaski Street in Polish Town; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Clerk forward copies of this resolution to the Community Development Agency, the Town Engineer, the Town Attorney, the Financial Administrator, and NYS Senator Kenneth P. LaValle, 28 North Country Road, Suite 203, Mt. Sinai, NY 11766; and

NOW THEREFORE BE IT 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 # 547

**APPROVES REFUND AND REDUCTION OF PERFORMANCE SECURITY FOR
BAITING HOLLOW CLUB II**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, by Resolution No. 743, adopted on September 18, 2012, the Planning Board of the Town of Riverhead approved the reduction of the performance security regarding the improvements to the realty subdivision developed by Wulforst Farms, LLC know at times as the "Baiting Hollow Club" and/or the "Baiting Hollow Club II" (the "Baiting Hollow subdivision" from the amount of \$1,215,000 to \$405,000; and

WHEREAS, that reduction in the performance security was premised upon the Revised Performance Bond (Security) Estimate for 2012 dated August 15, 2012 made by Vincent A. Gaudiello, P.E., a copy of which is attached hereto, and which estimate determined that the costs for the realty subdivision improvements was \$312,400 before application of the fifteen (15%) bond inflation and contingency; and **WHEREAS**, thereafter, Darby Group Companies, Inc. ("Darby") posted a Letter of Credit dated September 17, 2012 in the sum of \$405,000; and

WHEREAS, Darby and the Town of Riverhead, in lieu of litigation, entered into settlement discussions regarding improvements to Warner Drive as set forth as item 14 in "Revised Performance Bond (Security) Estimate for 2012 dated August 15, 2012 ("Warner Drive roadwork"); and

WHEREAS, by Resolution No. 825, adopted on December 2, 2014, the Town Board authorized the execution of an agreement between Darby Group Companies, Inc. ("Darby") and the Town of Riverhead regarding the Warner Drive roadwork as required in connection with the approval of a subdivision entitled, "Baiting Hollow Club"; and

WHEREAS, in accordance with the agreement with the Town of Riverhead, Darby deposited a check in the sum of \$117,750.00 for the road work; and

WHEREAS, the road work on Warner Drive was completed for the lesser sum of \$107,862.00; and

WHEREAS, Darby is entitled to a refund in the sum of \$9,888.00; and

WHEREAS, under terms and conditions of the agreement between Darby Group Companies, Inc. ("Darby") and the Town of Riverhead made pursuant to Resolution No. 825, adopted on December 2, 2014, Darby was also entitled to a reduction in performance security in the amount of \$120,000 as set forth in item 14 in "Revised Performance Bond (Security) Estimate for 2012 dated August 15, 2012.

NOW THEREFORE BE IT RESOLVED that the Town Board hereby approves the refund of \$9,888.00 to Darby Group Companies, Inc.; and be it further

RESOLVED, that the performance security may be further reduced from \$405,000.00 to the sum of \$231,610.00 as provided in the agreement between Darby Group Companies, Inc. ("Darby") and the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Daniel I. Goldberg, Esq., Salon Marrow Dyckman & Newman, 292 Madison Avenue, New York, NY 10017, the Highway Department and the Office of the Town Attorney; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD PLANNING BOARD

Revised Performance Bond (Security) Estimate for 2012

This schedule is an itemized account of the estimated cost for the remaining road and drainage improvements that are required to be constructed by the subdivider pursuant to the regulations of the Subdivision Plat as approved by the Planning Board and the Town Road and Drainage Standards and Specifications.

This revised estimate is prepared for adoption by the Riverhead Planning Board. Copies will be made available to the subdivider upon adoption. The completed endorsement and resolution shall become the basis for the subdivider's action in obtaining a performance security. The security shall be presented to the Town Attorney at least one week in advance of any Town Board Meeting.

Map of The Baiting Hollow Club II
Name of Subdivision - Section No.

1700-144
Planning Board File No.

REVISED
08/15/12
Date

ESTIMATED COST OF ROAD / DRAINAGE IMPROVEMENTS

| ITEMIZED ESTIMATE OF QUANTITIES | UNIT PRICE | ESTIMATE COST |
|---|----------------------------|---------------------|
| 1. Clearing & Grubbing: | 0 Acres \$5,500.00 / Acre | <u>\$0.00</u> |
| 2. Road Excavation, Final Grading & Subgrade Construction: | 0 C.Y. \$10.00 / C.Y. | <u>\$0.00</u> |
| 3. Roadway Pavement: (Top Course Only) | 10,100 S.Y. \$14.00 / S.Y. | <u>\$141,400.00</u> |
| 4. Curbing: (All Types) | 500 L.F. \$20.00 / L.F. | <u>\$10,000.00</u> |
| 5. Drainage Pipe: (All Types) - Unit Price Includes Materials, Excavation & Installation | | |
| 15-inch Diameter | 0 L.F. \$15.00 / L.F. | <u>\$0.00</u> |
| 18-inch Diameter | 0 L.F. \$20.00 / L.F. | <u>\$0.00</u> |
| 24-inch Diameter | 0 L.F. \$25.00 / L.F. | <u>\$0.00</u> |
| 30-inch Diameter | 0 L.F. \$30.00 / L.F. | <u>\$0.00</u> |
| 36-inch Diameter | 0 L.F. \$35.00 / L.F. | <u>\$0.00</u> |
| 42-inch Diameter | 0 L.F. \$40.00 / L.F. | <u>\$0.00</u> |
| 6. Drainage Structures: Unit Prices Include Materials, Excavation, Frames, Castings & Installation | | |
| a) Manholes (all types) | 0 V.F. \$250.00 / V.F. | <u>\$0.00</u> |
| b) Catch Basins (Single Inlet) | 0 V.F. \$250.00 / V.F. | <u>\$0.00</u> |
| c) Catch Basins (Double Inlet) | 0 V.F. \$450.00 / V.F. | <u>\$0.00</u> |
| d) Leaching Basins (10-feet Dia) | 0 V.F. \$350.00 / V.F. | <u>\$0.00</u> |
| e) Leaching Basins (8-feet Dia) | 0 V.F. \$275.00 / V.F. | <u>\$0.00</u> |
| f) Concrete Head Walls (18-inch) | 0 Each \$3,000.00 / Each | <u>\$0.00</u> |
| g) Special Structures | 0 \$0.00 | <u>\$0.00</u> |

| | ITEMIZED ESTIMATE OF QUANTITIES | UNIT PRICE | ESTIMATE COST |
|-----|--|-----------------------------------|---------------------|
| 7. | Pond Area: Includes Excavation, Filling, Berm Construction & Final Grading | 0 C.Y. \$4.50 / C.Y. | <u>\$0.00</u> |
| 8. | Drainage Ponds: Unit Price for Bentonite Layer (12-inches) | 0 S.F. \$0.45 / S.F. | <u>\$0.00</u> |
| 9. | Landscaping/Plantings: a) Recharge Basin | 0 Each \$75.00 / Each | <u>\$0.00</u> |
| 10. | Street Trees: (Spaced 60' apart) | 0 Each \$400.00 / Each | <u>\$0.00</u> |
| 11. | Topsoil & Seeding: Unit Price includes 6-inches of Topsoil & Seeding | | |
| | a) Roadway Shoulder Area | 0 S.Y. \$3.50 / S.Y. | <u>\$0.00</u> |
| | b) Pond Area | 0 S.Y. \$3.50 / S.Y. | <u>\$0.00</u> |
| 12. | Traffic Signs: Unit Price | 10 Each \$100.00 / Each | <u>\$1,000.00</u> |
| 13. | Concrete Monuments Per Final Plat: (Property Corners & Roadways) | 25 Each \$200.00 / Each | <u>\$5,000.00</u> |
| 14. | Special Item: Service Driveway | 0.75 L.S. \$30,000.00 / NEC | <u>\$22,500.00</u> |
| | Belgian Block Over-Run | 500 S.F. \$15.00 / S.F. | <u>\$7,500.00</u> |
| | Reconstruction Warner Drive | 1.00 L.S. \$120,000.00 / NEC | <u>\$120,000.00</u> |
| 15. | Street Lights: (In Accordance With Town Code Requirements) | 2 Each \$2,000.00 / Each | <u>\$4,000.00</u> |
| 16. | As-Built Survey and Test Cores | 1 L.S. \$10,000.00 / NEC | <u>\$10,000.00</u> |
| | Sub-Total | | \$321,400.00 |
| | Fifteen Percent (15%) Bond Inflation & Contingency | | <u>\$48,210.00</u> |
| | Total Estimated Cost of Public Improvements | | \$369,610.00 |
| | USE (Maximum Reduction permitted by the Town Code): | | \$405,000.00 |

Respectfully Submitted



Vincent A. Gaudiello, P.E.
 The Raynor Group, P.E. & L.S. PLLC

Notes:

The initial Performance Security Estimate for this project dated April 21, 2008 was \$1,215,000.00
 The maximum reduction permitted by the Town Code is 33 and 1/3 percent of the initial amount.

TOWN OF RIVERHEAD

Resolution # 548

SEQRA RESOLUTION REGARDING NEW YORK STATE SAM GRANT AWARD FOR STREET LIGHT REPLACEMENT ON PULASKI STREET

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead wishes to make site improvements to Town of Riverhead property along Pulaski Street to upgrade and replace aging street lights with more energy efficient LED lights on area of less than .5 acres; and

WHEREAS, NYS Senator Kenneth P. LaValle was integral to the approval of a State and Municipal Facilities Program Grant in the amount of \$50,000 for the Street Light Replacement on Pulaski Street; and

WHEREAS, the Riverhead Planning Department has reviewed the project documentation provided by the Community Development Department and has recommended the directly undertaken action to be considered a Type II Action pursuant to 6NYCRR Part 617.5(c)(1) as maintenance and repair; and

WHEREAS, pursuant to 617.3(b), 617.5(a)(1)(i) agency SEQRA responsibilities end with this designation with no significance determination being necessary.

NOW THEREFORE, BE IT RESOLVED, that Riverhead Town Board declares itself to be the lead agency to upgrade and replace aging street lights with more energy efficient LED lights to Town of Riverhead property along Pulaski Street in an area of less than .5 acres, which it declares to be an Type II Action for the purposes of compliance with SEQRA; and

NOW THEREFORE BE IT RESOLVED, that the Town Clerk forward copies of this resolution to the Community Development Agency, the Town Planning Department, the Town Attorney, and NYS Senator Kenneth P. LaValle, 28 North Country Road, Suite 203, Mt. Sinai, NY 11766; and.

NOW THEREFORE BE IT 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 # 549

AUTHORIZES THE SUPERVISOR TO EXECUTE A STIPULATION OF SETTLEMENT AGREEMENT CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

NOW THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute a Memorandum of Agreement with the CSEA PERB Case No. U-33719; 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 # 550

AUTHORIZES THE SUPERVISOR TO EXECUTE A STIPULATION WITH LOCAL 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the 2011-2014 contract between the Town of Riverhead and the CSEA provides for all full-time and regular part-time vacancies (but not seasonal, temporary or other vacancies), including position(s) to be filled, will be adequately published; and

WHEREAS, both parties have reached a resolution of the matter and wish to enter into a formal stipulation reflecting their agreement.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves a stipulation and authorizes the Town Supervisor to execute same with his signature; 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 # 551

AUTHORIZES THE SUPERVISOR TO EXECUTE A STIPULATION WITH LOCAL 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the 2011-2014 contract between the Town of Riverhead and the CSEA provides for the Town to notify the CSEA Unit President when it adds a new title to the CBA's salary schedule; and

WHEREAS, both parties have reached a resolution of the matter and wish to enter into a formal stipulation reflecting their agreement.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves a stipulation and authorizes the Town Supervisor to execute same with his signature; 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 # 552

**APPROVES THE CHAPTER 90 APPLICATION OF
THE LONG ISLAND MOOSE CLASSIC CAR CLUB
(Car Show for LI Moose Charity – Sunday, September 13, 2015)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on July 13th, 2015, Charles Cali, on behalf of the Long Island Moose Classic Car Club, submitted a Chapter 90 Application for the purpose of conducting a fundraiser car show to benefit a Long Island Moose Classic Car Club charity, said event to include craft sales, food concessions and music, to be held on Sunday, September 13, 2015, having a rain date of Sunday, September 20, 2015, to be held at the Tanger Outlets in the Office Max parking lot, located at 1947 Old Country Road, Riverhead, New York, between the hours of 8:00 a.m. and 5:00 p.m.; and

WHEREAS, the Long Island Moose Classic Car Club has completed and filed 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 Long Island Moose Classic Car Club has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, the Long Island Moose Classic Car Club has requested the applicable temporary event sign fee be waived due to its not-for-profit status; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

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

NOW THEREFORE BE IT RESOLVED, that 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 the Long Island Moose Classic Car Club for the purpose of conducting a fundraiser car show to benefit a Long Island Moose Classic Car Club charity, said event to include craft sales, food concessions and

music, to be held on Sunday, September 13, 2015, having a rain date of Sunday, September 20, 2015, to be held at the Tanger Outlets in the Office Max parking lot, located at 1947 Old Country Road, Riverhead, New York, between the hours of 8:00 a.m. and 5:00 p.m., is hereby approved; 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 August 13, 2015**; and be it further

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee due to the applicant's not-for-profit status; and be it further

RESOLVED, that the Town Board hereby waives the applicable temporary special event sign fee due to the applicant's not-for-profit status; and be it further

RESOLVED, that any necessary tent permits 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), 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 the Long Island Moose Classic Car Club, c/o Charles Cali, 45 Laurin Road, Calverton, New York, 11933; 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 # 553

ADOPTS A LOCAL LAW TO AMEND CHAPTER 18 OF THE RIVERHEAD TOWN CODE ENTITLED "CODE OF ETHICS"

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 18, entitled "Code of Ethics" of the Riverhead Town Code of the Code of the Town of Riverhead ("Town Code"); and

WHEREAS, a public hearing was held on the 7th day of July, 2015 at 2:10 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law amending Chapter 18 entitled, "Code of Ethics" 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 Chapter 18 entitled "Code of Ethics" of the Code of the Town of Riverhead ("Town Code") at its regular meeting held on July 21, 2015.

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

CHAPTER 18

CODE OF ETHICS

§ 18-4. Standards of conduct.

K. Avoidance of conflicts.

- (1) A Town officer or employee shall not knowingly acquire, solicit, negotiate for, or accept any benefit, interest, employment, or other thing of value that would put him or her in violation of this Code of Ethics.
- (2) No person who, by appointment or election, shall serve as an executive board member of a town, county, state or national committee of a political party committee or any subdivision thereof shall hold appointive office on the Planning Board, Zoning Board of Appeals, Architectural Review Board, Board of Assessment Review or Conservation Advisory Council, Ethics Board, or be a Member of or be the Executive Director of the Town of Riverhead Industrial Development Agency, or be a Town of Riverhead Department Head.
- (3) No person who, by appointment or election, shall serve as an executive board member of a town, county, state or national committee of a political party committee or any subdivision thereof if he or she is an elected official of the Town of Riverhead.
 - (a) Any person who is a member of the executive board of one of the aforementioned political party committees detailed in Subsections K(2) and K(3) shall deliver to the Town Clerk, within five days of his or her appointment to one of the Town Boards listed above, evidence of his or her resignation from the executive board of said political party committee.
 - (b) Any person who is currently a member of any aforementioned appointive Board, executive director, department head or Town of Riverhead elected official and currently is a member of an aforementioned executive board of political a party committee shall deliver to the Town Clerk such documentation establishing compliance with this Subsections K(2) and K(3) within 20 days of the date of enactment of this chapter.

Underline represents addition(s)

Strikethrough represents deletion(s)

Dated: Riverhead, New York

July 21, 2015

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

TOWN OF RIVERHEAD

Resolution # 554

AUTHORIZES TOWN CLERK TO PUBLISH AND POST THE ATTACHED NOTICE TO BIDDERS FOR HIGHWAY DEPARTMENT, EXTERIOR OFFICE IMPROVEMENTS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for the HIGHWAY DEPARTMENT, EXTERIOR OFFICE IMPROVEMENTS in the July 30, 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 Highway Department, Exterior Office Improvements 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 August 27, 2015 and will be publicly opened and read aloud at 11:00 am on August 28, 2015 in the Office of the Town Clerk.

Specifications may be examined and/or obtained on or about July 30, 2015 by visiting the Town of Riverhead website: www.townofriverheadny.gov and click on Bid Requests.

Each proposal must be submitted on the form provided and in a sealed envelope clearly marked, "Highway Department, Exterior Office Improvements".

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.

A MANDATORY PRE-BID MEETING WILL BE HELD IN THE HIGHWAY DEPARTMENT YARD LOCATED AT 1177 OSBORN AVENUE ON AUGUST 6, 2015 AT 10 PM.

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

Dated: July 21, 2015

TOWN OF RIVERHEAD

Resolution # 555

**AUTHORIZES THE ACCEPTANCE OF CASH SECURITY FOR
“STONELEIGH WOODS AT RIVERHEAD, LLC - SECTION 4”
(Two Foundations)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Stoneleigh Woods at Riverhead LLC, posted cash security (Chase Bank Check #12389, dated May 5, 2015) in the amount of Twelve Thousand Seven Hundred Twenty Dollars (\$12,720.00) for two “foundation only” permits in accordance with Planning Board Resolution #2014-0108, dated December 18, 2014, for real property located off of Middle Road, Riverhead, New York, 11901, known and designated as Suffolk County Tax Map Number 0600- 82-9-1.7, pursuant to Section 108-133(l) of the Riverhead Town Code.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the cash security in the sum of Twelve Thousand Seven Hundred Twenty Dollars (\$12,720.00); and be it further

RESOLVED, the Town Clerk is hereby authorized to forward a copy of this resolution to Stoneleigh Woods at Riverhead, LLC, P.O. Box 1442, 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 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 # 556

**AUTHORIZES REPRODUCTION AND EXPENDITURE OF MONIES FOR
“GREETINGS FROM RIVERHEAD VOLUME I HISTORY PART I” AND “GREETINGS
FROM RIVERHEAD VOLUME I HISTORY PART II” WRITTEN BY TOWN HISTORIAN**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, pursuant to New York State Arts & Cultural Affairs Law §57.07 (1) the Town is “...authorized and empowered to appropriate, raise by tax and expend moneys for historical purposes within their several jurisdictions, including...the preparation and publication of local histories and records and the printing and issuing of other historical materials in aid of the work of the local historian” and pursuant to §148(1) of the Education Law the Town Board “. . . hereby authorized and empowered to appropriate, raise by tax and expend moneys for historical purposes . . . including . . . the preparation and publication of local histories and records and the printing and issuing of other historical materials in aid of the work of the local historian”; and

WHEREAS, pursuant to the provisions of New York State Arts and Cultural Affairs Law and New York State Education Law cited above, the Town Historian, Georgette L. Case, researched, prepared and published books titled ““Greetings From Riverhead Volume I History Part I” and “Greetings From Riverhead Volume I History Part II”; and

WHEREAS, pursuant to the provisions set forth above and New York State Arts and Cultural Affairs Law §57.07 (3) which states in pertinent part “[s]uch local authorities are hereby authorized to establish and collect reasonable charges to defray the cost of searching for and reproducing copies of written or printed historical materials collected, the Town Historian seeks approval from the Town Board to reproduce the books “Greetings From Riverhead Volume I History Part I” and “Greetings From Riverhead Volume I History Part II” and make available for sale to local residents and all members of the public interested in the history of the Town of Riverhead; and

WHEREAS, the Town Historian, after consultation with the Town’s Financial Administrator, has requested that the Town permit use of Town staff and Town equipment to assist in the printing services such that 25 softcover books may be made available for sale at the Office of the Town Historian and Office of the Town Clerk for the price of \$12.00 respectively; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves and authorizes the use of Town staff and equipment to reproduce the book “Greetings From Riverhead Volume I History Part I” and “Greetings From Riverhead Volume I History Part II” and make available for sale to local residents and all members of the public interested in the history of the Town of Riverhead 25 softcover books, to be offered for sale for \$12.00 respectively, at the Office of the Town Historian and Office of the Town Clerk; 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 # 557

TERMINATES THE EMPLOYMENT OF A MAINTENANCE MECHANIC I IN THE RIVERHEAD TOWN SENIORS PROGRAMS

Councilman Dunleavy Offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Gary Graziano (“Graziano”) has been cumulatively absent from work for over 260 work days due to a work-related injury sustained on July 14, 2014; and

WHEREAS, on May 28, 2015, the Town of Riverhead (the “Town”), sent correspondence to Graziano notifying him that the Town intended to terminate his employment on July 15, 2015 pursuant to Section 71 of the Civil Service Law (“CSL § 71”); and

WHEREAS, said notice dated May 28, 2015 provided Graziano an opportunity to attend a hearing scheduled on July 10, 2015 if he wished to contest his termination with the Town pursuant to CSL § 71; and

WHEREAS, Graziano did not attend the hearing and did not otherwise contact the Town to contest his termination pursuant to CSL § 71.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 71 of New York State Civil Service Law, this Town Board hereby terminates Gary Graziano, a Maintenance Mechanic I in the Riverhead Town Seniors Programs, effective July 15, 2015; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Gary Graziano, the Senior Citizens Program Director, the Financial Administrator, the Town Attorney and the Personnel Director; 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 # 558

RATIFIES THE ATTENDANCE OF TWO POLICE DEPARTMENT EMPLOYEES TO THE ANNUAL NEW YORK STATEWIDE TRACS USER'S MEETING

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 two (2) Police Department employees to the Annual New York Statewide TraCS User's Meeting; and,

WHEREAS, this meeting was held at the Embassy Suites in Syracuse, New York, from June 25 – 26, 2015.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby ratifies the attendance of two (2) Police Department employees at the aforementioned meeting; and,

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the reimbursement of expenses incurred, not to exceed \$225.00, upon submission of proper receipts; 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 # 559

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED
“ZONING” OF THE RIVERHEAD TOWN CODE
(Addition of Article XXV: Farm Stand Review)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 30, 2015 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled “Zoning” of the Riverhead Town Code to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared 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 18th day of August, 2015 at 7:10 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

**Chapter 108. Zoning
Article XXV. Farm Stand Review**

§108-124. Purpose and Intent.

As reflected in the Town's 2004 Comprehensive Master Plan and various provisions of the Town Code, the Town of Riverhead seeks to not only preserve the prime agricultural soils but to encourage, promote and support farming and the local farm economy. This article is designated to provide a mechanism to reduce costs and expedite farm stand review for a limited number of direct farm marketing techniques to enable local farmers and growers to market their agricultural products directly to consumers and, in turn, bolster the local economy.

§ 108-125. Definitions.

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

ENHANCED AGRICULTURAL PRODUCTS

Agricultural products which are processed beyond cutting, drying, freezing, or packaging. The agricultural products have added ingredients not produced on the farm and may be cooked, cultured, canned, bottled with more than 51% of the ingredients shall contain agricultural products produced on the farm or locally grown.

PROCESSING

The washing, grading, and packaging of on-farm and locally grown agricultural products.

LOCALLY GROWN

Grown on a farm located within the state of New York and/or within a radius of 250 miles of the farm.

FOOD SERVICE ESTABLISHMENT

Any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided, whether consumption occurs on or off the premises, or whether or not there is a charge for the food.

RETAIL FOOD STORE

Any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term does not include establishments which handle only pre-packaged, non-potentially hazardous foods, roadside markets that offer only fresh fruits and

fresh vegetables for sale, food service establishments, or food and beverage vending machines.

FOOD WAREHOUSE

Any food establishment in which food is held for commercial distribution.

FARM DIRECT MARKETING

The sale of agri-food products directly to the consumer. It is market focused relationship marketing. Producers know their target market and sell products that meet the specific needs of their consumers. A fundamental component of farm direct marketing is the trust relationship that develops between producers/processors and consumers. Successful farm direct marketers assume the accountability and rewards of consistently supplying quality agricultural products directly to the consumer through a variety of marketing channels.

FARM STAND

Any temporary or permanent structure owned or operated by the farmer or grower, for the sale and display of on-farm produced agriculture products, including but not limited to, fruits, vegetables, flowers, nursery products, eggs, and dairy products. In addition to on-farm produced agriculture products, a farm stand may include the sale of locally produced agricultural products and enhanced agricultural products provided that the locally produced agricultural products and enhanced agricultural products shall not exceed 40% of the products offered for sale. A farm stand includes roadside stands and U-Pick operations where the customer comes to purchase agricultural products but shall not include buildings or structures used for processing operations, except for instance processing i.e. bagging or cutting and minimally processed without any additional ingredients, retail food service establishment, retail food store or food warehouse. A farm stand may include sale of decorative containers, pots, tins and such other non-agricultural products directly related to presentation and packing for sale of the agricultural products and such items shall not be deemed to constitute the 40% of locally grown or enhanced agricultural products.

PRINCIPAL USE

The principal permitted use as listed in the zoning district and/or as legally approved on the subject property. If property is improved with a single family dwelling or any such other residential structure, except agricultural worker housing provided said agricultural housing complies with all provisions of the town code and has a valid certificate of occupancy and/or certificate of pre-existing use, the residential use of the subject property shall be deemed to be the principal use of the subject property. Notwithstanding the definition of principal use, a property improved with a residential dwelling may qualify for agricultural production as a second or dual principal use provided that (1) the lot exceeds the minimum lot size for the zoning district; (2) agricultural production is a principal permitted use in the zoning district where the property is situated; (3) the agricultural production on the subject property is limited to and consists of growing, cultivating, harvesting fruits, vegetables, flowers, nursery and horticultural products, eggs, and dairy; (4) the portion of lot in agricultural production exceeds the portion used and related to residential use (i.e., residential use includes driveways; front, side and rear yard areas, garages, decks); and (5) that the agricultural production qualifies for an agricultural tax

assessment pursuant to New York State Department of Taxation and Finance, New York State Department of Environmental Conservation, United States Department of Agriculture or such other local, state or federal entity qualifying and certifying that the land is in bona fide agriculture production.

ROADSIDE STAND

A temporary structure for sale of on farm produced agriculture products, including but not limited to, fruits, vegetables, flowers, nursery products, eggs, and dairy products. In addition to on-farm produced agriculture products, a roadside stand may include the sale of locally produced agricultural products and enhanced agricultural products provided that the locally produced agricultural products and enhanced agricultural products shall not exceed 40% of the products offered for sale.

U-PICK

Operations where the customer comes to the farm to pick the fruits, vegetables or horticulture for ultimate purchase by the customer.

§108-126. Farm Stand Review.

The Planning Board may allow for farm stand review and approval for the construction of roadside stands, u-pick operations, and farm stands rather than requirement of site plan and adherence to site plan review process set forth in Article XXVI, subject to an applicant's ability to meet the criteria set forth in § 108-127 and subject to the provisions and procedures set forth below.

§108-127. Criteria to be eligible for Farm Stand review.

A. Applicant must submit proof that the existing use of the subject parcel is agricultural production as defined by §108-3 and that the subject parcel is in the agricultural program and/or qualifies for an agricultural tax assessment pursuant to New York State Department of Taxation and Finance, New York State Department of Environmental Conservation, United States Department of Agriculture or such other local, state or federal entity qualifying and certifying that the land is in bona fide agriculture production as of the date of application for farm stand review.

B. Applicant must submit proof that the existing use agricultural production is the principal and primary use of the subject parcel as defined in this Article.

C. Applicant must submit proof that the use, agricultural production, and the proposed improvements meet and conform to all the requirements of the zoning code, including but not limited to dimensional table, parking schedule, and lighting. Note, compliance with the parking schedule shall not require that parking areas be improved or paved, simply the area designated for parking area shall meet the size and dimensional requirements for the use.

§108-127.1. Submission requirements.

A. A completed application shall consist of the following items unless written request for waiver(s) is granted by the Board:

(1) A completed application form, accompanied by:

- a. Names and addresses of all abutting property owners taken from the town records not more than five (5) days before the day of filing;
- b. Names and addresses of all persons whose name and seal appears on the sketch plan and plot plan;
- c. Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions;
- d. A letter of authorization from the owner, if the applicant is not the owner.
- e. A sketch plan as set forth in §108-127.2
- f. A plot plan as set forth in §108-127.3
- g. NRCS and/or Suffolk County Soil Conservation for report and recommendation of the plot plan as set forth in §108-127.6.
- h. Expedited farm stand fee (if required).

§108-127.2. Sketch Plan .

A. The applicant for farm stand review shall submit a sketch plan setting forth the following:

- (1) A location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.
- (2) Show the proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, or manure storage/manure composting sites.
- (3) Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
- (4) Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
- (5) If any new structures are going to be located adjacent to a stream or wetland, provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.

§108-127.3. Plot plan.

A. In addition to a sketch plan, an application for farm stand shall require the submission of a plot plan which shall include the following items:

- (1) Boundary survey including bearings, horizontal distances and the location of permanent markers. Lots numbered according to the Town tax map numbering system.
- (2) Location and amount of frontage on public rights-of-way.
- (3) Location of existing and proposed building with all setback lines.
- (4) Location of existing and proposed buildings and other structures.
- (5) Location and description of any existing or proposed easements.
- (6) Location of existing and proposed water mains, culverts, drains, wells, sewers and proposed connections or alternative means of providing water supply and disposal of sewage.
- (7) Location and width of existing and proposed driveways.
- (8) Location of existing features of the site including land and water areas, rock ledges, stone walls; existing and proposed foliage lines; open space to be preserved; and any other man-made or natural features on or immediately adjacent to the site.
- (9) Base flood elevations and flood hazard areas, based on available FEMA maps, if applicable.

§108-127.4. Other information.

A. Any deed restriction; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property, submitted in a form satisfactory to the Board's counsel.

B. Any other state and/or federal permits.

C. Any additional reports or studies deemed necessary by the Planning Board to make an informed decision. The Planning Board reserves the right to request such information after an application has been accepted as complete, as well as before acceptance, however, the Planning Board shall adhere to the notice and time parameters set forth in §108-127.7.

§108-127.5. Septic systems and water supply.

A. In areas not currently served by public sewer systems and to the extent applicable, it shall be the responsibility of the applicant to prove that the area of the lot is adequate to

permit the installation and operation of an individual septic system and obtain approval from the Suffolk County Health Department.

B. All new wells shall comply with the regulations of the Suffolk County Health Department.

§108-127.6. Storm water management and erosion control.

A. The applicant must submit all plans for improvement of the subject parcel identified in the plot plan to NRCS and/or Suffolk County Soil Conservation for report, recommendation and/or approval of the plot plan as same relates to storm water and erosion control and submit the report together with the application and all such other submission requirements.

B. The applicant shall comply with all provisions of the Town Code Chapter 110 and to the extent that the proposed improvements do not qualify for an exemption under Chapter 110, to the extent applicable the applicant may seek exemption under the provisions of the Memorandum of Understanding between NYS DEC, NYS Ag & Markets and NYS Soil and Water Conservation Committee.

§108-127.7. Time Parameters for Farm Stand Review.

A. Upon receipt of an application for farm stand review, the Planning Department shall refer the application together with all submissions to the Agriculture Advisory Committee, or, in the case of property wherein development is restricted due to a conservation easement or deed of development rights, Farmland Committee, for review, comment or recommendation. The Agricultural Advisory Committee or Farmland Committee, as the case may be, shall issue comments or recommendations for Planning Board consideration within 30 days of receipt and file same with the Planning Department, and in turn, the Planning Department shall refer the application to the Planning Board.

B. The Planning Board shall adhere to the following time parameters:

- (1) The Planning Board shall commence review of all aspects of application for expedited farm stand, including plot plan (sketch), proposed structure, parking, etc., within 30 days of referral to the Planning Board. A copy of the application together with all submissions shall be referred to the Planning Department and/or Town's Engineering Consultant, and any such other department or committee deemed appropriate by the Planning Board within 15 days of receipt of an application.
- (2) The departments and committees listed above shall make recommendation to the Planning Board within 30 days from referral and in turn the Planning Board shall make final determination within sixty days receipt of an application.
- (3) In the event that the Planning Board determines that the application is incomplete or information must be supplemented, modified, or addressed necessary to complete review, the Planning Board shall advise applicant within 30 days of

receipt of the application. The Planning Board shall provide applicant 30 days to supplement, modify or address comments or request for information and extend the review period for an additional 30 days to make a determination. Note, nothing herein shall prohibit an applicant from seeking permission to extend the time to change, modify, or address aspects of farm stand, project or development, however, such time shall extend the Planning Board review period for an additional 30 days for receipt of an application deemed complete.

- Underline represents addition(s)

Dated: Riverhead, New York
July 21, 2015

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

TOWN OF RIVERHEAD

Resolution # 560

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED
“ZONING” OF THE RIVERHEAD TOWN CODE
Article VI: Agriculture Protection Zoning Use District (APZ)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 30, 2015 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled “Zoning” of the Riverhead Town Code to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared 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 18th day of August, 2015 at 7:15 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

**Chapter 108: Zoning
Article VI: Agriculture Protection Zoning Use District (APZ)**

§ 108-22. Uses.

C. Accessory uses. 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) Home occupations or professions conducted within the dwelling by the residents thereof.
- (2) The sale at retail of homegrown or homemade products, ~~upon a parcel of a minimum of seven acres,~~ provided that all retail uses shall be subject to approval pursuant to Article XXV Article XXVI of the Riverhead Town Code and all provisions set forth in Article XXV, including but not limited to the definitions and principal use criteria set forth in § 108-125 and § 108-127. the provisions of Chapter 108. ~~The farmer may sell supporting farm products and farm products not grown by the farmer, provided that the area devoted to the sale of said products at no time exceeds 40% of the total merchandising area.~~
- (3) Agricultural worker housing pursuant to the requirements of § 108-64.4.
- (4) Farm operations.

- Strikethrough represents deletion(s)
- Underline represents addition(s)

Dated: Riverhead, New York
July 21, 2015

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 561

**AUTHORIZES FUNDING APPLICATION TO NEW YORK STATE TO SUPPORT
WASTEWATER INFRASTRUCTURE FEASIBILITY STUDY FOR
SOUTH JAMESPORT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

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

WHEREAS, the Long Island Economic Development Regional Council has been charged with recommending funding for project proposals for the Long Island Region that will focus on the near-term creation and retention of jobs, in particular those that leverage public and private investment dollars and provide a return on public investment; and

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

WHEREAS, the Town of Riverhead along with additional public and private partners seeks to submit a funding application to develop a wastewater infrastructure feasibility study for South Jamesport in the Town of Riverhead that could reduce nitrogen loading into the Peconic Estuary; and

WHEREAS, the proposed wastewater infrastructure feasibility study will implement Long Island Economic Development Regional Council goals identified in the strategic plan to protect the Peconic Estuary, through smart growth development; and

WHEREAS, the proposed wastewater infrastructure feasibility study will implement Town of Riverhead goals to protect the Peconic Estuary; and

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead Board authorizes the submission of a CFA funding proposal to New York State on or before July 31, 2015, for funding to support development of a wastewater infrastructure feasibility study of South Jamesport; and

BE IT FURTHER RESOLVED, that the Town Clerk forward copies of this resolution to Community Development, the Sewer Superintendent, the Accounting Department and the Town Attorney; and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 562

AWARDS BID FOR SNACK VENDOR(S)

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Clerk was authorized to publish and post a public notice for sealed bids for Snack Vendors for the Town of Riverhead; and

WHEREAS, bids were received, opened and read aloud on the 25th day of June, 2015 at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders; and

WHEREAS, the Town Board has reviewed all bids received; and

NOW THEREFORE BE IT RESOLVED, that the bid for the Snack Vendors for the Town of Riverhead is hereby awarded to the following vendor(s) and location(s):

| | | |
|------------------|--------------|----------|
| Elba D. Martinez | Stotzky Park | \$200.00 |
|------------------|--------------|----------|

and be it further

RESOLVED, that the Town Supervisor is hereby authorized to execute Snack Vendor Agreements with the above referenced successful bidder(s); and be it further

RESOLVED, that the Town Clerk is hereby directed to return all bid bonds submitted for the above bid; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Elba D. Martinez, Delicia's Coffee Truck Corp., 409 N. Howell Avenue, Riverhead, NY, 11901; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 563

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

| ABSTRACT #15-16 July 8, 2015 (TBM 07/21/15) | | | |
|--|---------------|---------------------|---------------------|
| Fund Name | Fund # | Ckrun | Grand Totals |
| GENERAL FUND | 1 | 1,446,071.67 | 1,446,071.67 |
| RECREATION PROGRAM FUND | 6 | 17,250.55 | 17,250.55 |
| MULTI YEAR OPERATING GRANT FUND | 99 | 32,272.90 | 32,272.90 |
| HIGHWAY FUND | 111 | 184,148.35 | 184,148.35 |
| WATER DISTRICT | 112 | 104,227.07 | 104,227.07 |
| RIVERHEAD SEWER DISTRICT | 114 | 63,684.10 | 63,684.10 |
| REFUSE & GARBAGE COLLECTION DISTRICT | 115 | 213,107.19 | 213,107.19 |
| STREET LIGHTING DISTRICT | 116 | 39,858.93 | 39,858.93 |
| PUBLIC PARKING DISTRICT | 117 | 1,751.21 | 1,751.21 |
| AMBULANCE DISTRICT | 120 | 6,009.64 | 6,009.64 |
| EAST CREEK DOCKING FACILITY FUND | 122 | 5,327.11 | 5,327.11 |
| CALVERTON SEWER DISTRICT | 124 | 3,103.69 | 3,103.69 |
| RIVERHEAD SCAVENGER WASTE DISTRICT | 128 | 27,145.69 | 27,145.69 |
| CDBG CONSORTIUM ACCOUNT | 181 | 78.50 | 78.50 |
| TOWN HALL CAPITAL PROJECTS | 406 | 107,991.39 | 107,991.39 |
| TRUST & AGENCY | 735 | 655,701.99 | 655,701.99 |
| CALVERTON PARK - C.D.A. | 914 | 1,125.00 | 1,125.00 |
| TOTAL ALL FUNDS | | 2,908,854.98 | 2,908,854.98 |

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted