

SEPTEMBER 1, 2015

CDA RESOLUTION LIST:

CDA

Res. #11 Authorizes the Chairman to Execute a License Agreement with Will Gentile D/B/A Heavy Metal Concepts

TOWN BOARD RESOLUTION LIST:

Res. #616 Riverhead Charter School Water Ext. 77 Capital Project

Res. #617 Calverton Industrial Park – STR Systems, Inc. Water Ext. #86 Capital Project Budget Adjustment

Res. #618 Riverhead Water District Capital Project Closure #30126

Res. #619 Riverhead Water District Capital Project Closure #30127

Res. #620 Riverhead Water District Insurance Recovery Budget Adjustment

Res. #621 Riverhead Water District Budget Adjustment

Res. #622 Authorizes Attendance of Assessor at Seminar

Res. #623 Extends Bid Contract for Charter Bus Service

Res. #624 Appoints Bracken Margolin, Besunder, LLP, as Special Counsel in the Matter of Mason Haas v. Town of Riverhead, Sean Walter, John Dunleavy, George Gabrielsen, James Wooten and Jodi Giglio

Res. #625 Amends Resolution #132 (Approves Request for Parentage Leave of Absence – Cori Fife)

Res. #626 Amends Resolution #152 (Appoints a Temporary Deputy Tax Receiver – Melissa Messina)

Res. #627 Changes the Status of an Employee (Jeffrey Seeman)

Res. #628 Authorizes the Supervisor to Issue a Letter to the Suffolk County Department of Health Services Allowing the Use of Pine Barrens Credits Originated from Property Located in Riverhead

- Res. #629** Accepts Highway Superintendent's Personnel Report & Request for Town Board Resolution to Effectuate Personnel Request (Timothy Barget)
- Res. #630** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 62 Entitled "Excavations" of the Riverhead Town Code
- Res. #631** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 96 Entitled "Rubbish, Refuse, Weeds and Other Rank Vegetation" of the Riverhead Town Code
- Res. #632** Adopts a Local law to Amend Chapter 101 Entitled "Vehicles & Traffic" of the Riverhead Town Code (§101-3. Stop and Yield Intersections; Railroad Crossings; Parking Fields. Middle Road Intersecting with Manor Rd, Calverton)
- Res. #633** Authorizes the Supervisor to Execute an Agreement between the Town of Riverhead Parking District and Archangel Holding, LLC Subject to Permissive Referendum
- Res. #634** Authorizes Co-Sponsorship with the Riverhead Business Improvement District Management Association, Inc., and Approval of an Agreement with St. George Living History Productions, Inc. Regarding an Event Entitled "The Edgar Allan Poe Festival"
- Res. #635** Expressing the Sense of the Town of Riverhead Requesting Construction of a Bus Shelter by Suffolk County and/or New York State at the Suffolk County Bus Stop on the North Side of Main Road Just East of Main Road's Intersection with Edgar Avenue, Aquebogue
- Res. #636** Adopts a Local Law to Amend Chapter 101 Entitled "Vehicles & Traffic" of the Riverhead Town Code (§101-10. Parking Prohibited. and §101-10.2. No Parking Certain Hours. – Ostrander Avenue)
- Res. #637** Authorizes Bow Hunting for Deer on Town Property at Enterprise Park at Calverton (SCTM No. 600-125-1-7.33, et al.); 1751 Sound Avenue, Calverton (SCTM No. 600-60-1-2); 437 Youngs Avenue, Riverhead (SCTM No. 600-80-2-6.1); Middle Road, Riverhead (SCTM No. 600-80-2-10.1), from October 5, 2015 to November 8, 2015, Inclusive, Sunrise to Sunset
- Res. #638** Authorizes Town Clerk to Publish and Post a Notice of Public Hearing to Impose a One (1) Year Moratorium on the Establishment, Location, Construction, Use, Operation of Land or Structures as a Medical Marihuana Dispensary and the Issuance of any Zoning, Site Plan, Building, Licensing, Permit or Other Approval to any Person, Entity or Premises for the Use of Land or Structures as a Medical Marihuana Dispensary

- Res. #639 Approves of the Chapter 90 Application of Abate of NY Long Island Chapter (St. Mary's Food & Toy Run – Sunday, November 8, 2015)**
- Res. #640 Approves Chapter 90 Application of Long Ireland Beer Company, LLC ("Halfway to St. Patrick's Day Party" – Saturday, September 19, 2015)**
- Res. #641 Approves Chapter 90 Application of Bubble Palooza, LLC (Calverton Links – Saturday, September 26, 2015)**
- Res. #642 Approves Chapter 90 Application of the Cystic Fibrosis Foundation Greater New York Chapter ("CF Cycle for Life" - Saturday, October 3, 2015)**
- Res. #643 Approves the Chapter 90 Application of Hallockville Inc. (Country Style Fair – September 12th and 13th, 2015)**
- Res. #644 Approves Chapter 90 Application of the Island Classic Car Shows Inc. (Car Show and Vendor Fair – Sunday, September 27, 2015)**
- Res. #645 Approves Chapter 90 Application of Riverhead Foundation for Marine Research ad Preservation (18th Annual 5K Run for the Ridley – Saturday, October 24, 2015)**
- Res. #646 Approves Chapter 90 Application of Starfish Junction Productions LLC (Pour the Core; Hard Cider Festival – Long Island Calverton Links – Saturday, October 3, 2015)**
- Res. #647 Ratifies the Approval of the Chapter 90 Application of the Survival Race, LLC (5K Adventure and Mud Run – August 29, 2015 and August 30, 2015)**
- Res. #648 Approves the Application for Fireworks Permit of Fireworks by Grucci, Inc. (Robert Pole Memorial Fund – Baiting Hollow Club – September 2, 2015)**
- Res. #649 Pays Bills**
- Res. #650 Authorizes the Supervisor to Execute an Agreement with Mantaray Pictures, LLC for Use of the Town of Riverhead Premises in Connection with a Motion Picture**

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

Resolution # 11

**AUTHORIZES THE CHAIRMAN TO EXECUTE A LICENSE AGREEMENT WITH WILL
GENTILE D/B/A HEAVY METAL CONCEPTS**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Riverhead hereby authorizes the Chairman to execute a License Agreement (copy attached herewith) between the Town of Riverhead Community Development Agency and Will Gentile d/b/a Heavy Metal Concepts in connection with the utilization of the Western Runway at the Enterprise Park at Calverton (EPCAL) for videotaping; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Community Development and to Will Gentile d/b/a Heavy Metal Concepts, 19 Old Town Road, Shelton, CT 06484; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

LICENSE AGREEMENT

This Contract is made and entered into as of this ____ day of September, 2015, by and between **Will Gentile d/b/a Heavy Metal Concepts (“Gentile”)**, having a principal place of business at 19 Old Town Road, Shelton, CT 06484 and the **Town of Riverhead Community Development Agency**, an urban renewal agency, with offices located at 200 Howell Avenue, Town of Riverhead, County of Suffolk and State of New York:

WHEREAS, Gentile wishes to utilize the western runway (also referred to as the “licensed premises”) at the Enterprise Park at Calverton owned by the Town of Riverhead Community Development Agency for the purposes of filming an independent You Tube video of “high end” automobiles.

WHEREAS, the Town of Riverhead Community Development Agency has agreed to permit the utilization for said production at the western runway at the Enterprise Park at Calverton; and

WHEREAS, Gentile has agreed to terms under which it will be granted the use of said location.

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

1. Use of Property: The Town of Riverhead Community Development Agency hereby grants Gentile permission to utilize the aforementioned location on September 18, 2015 from 7:00 am to sunset (rain/alternate date: September 19, 2015 from 7:00 am to sunset) for the aforementioned purposes. Gentile represents that no high speed maneuvers or speed contests shall occur.

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

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

4. Compensation: In exchange for License set forth above for the use of the aforementioned Town of Riverhead Community Development Agency locations, Gentile will pay the Town of Riverhead Community Development Agency a license fee in the amount of \$400.00, which sum shall be paid at the same time that Gentile signs this Agreement.

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

6. Insurance and Indemnification: Gentile will be responsible for providing comprehensive general liability insurance in the amount of not less than \$2,000,000 and automobile liability insurance coverage of not less than \$2,000,000.00 with a company or companies reasonably satisfactory

to the Town of Riverhead Community Development Agency prior to the use of the licensed premises. Gentile shall provide certificates of the foregoing insurance, showing the Town of Riverhead Community Development Agency as an additional insured to the extent of its interest. Finally, Gentile agrees to indemnify and hold harmless the Town of Riverhead, the Town of Riverhead Community Development Agency and their respective officers, employees, agents, representatives and officials from any and all loss or liability associated with the Events and related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by Gentile and its employees, agents, representatives and concessionaires, of the aforementioned. With respect to any suit or claim by the Town of Riverhead and/or the Town of Riverhead Community Development Agency, whether under this indemnification provision or otherwise, for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorney's fees incurred by the Town of Riverhead and/or Town of Riverhead Community Development Agency securing compliance with the provision of this indemnification agreement.

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

8. Entire Agreement. This contract constitutes the entire agreement

between the parties and no further agreement, express or implied, written or oral, exists with respect to the subject matter of this document.

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

IN WITNESS WHEREOF, **Will Gentile d/b/a Heavy Metal Concepts** has caused this instrument to be signed in its name and the **Town of Riverhead Community Development Agency** has caused this instrument to be signed in its name as an urban renewal agency, hereunto duly authorized, as of the day and the year first above written.

WILL GENTILE d/b/a
HEAVY METAL CONCEPTS

By: _____

TOWN OF RIVERHEAD COMMUNITY
DEVELOPMENT AGENCY

By: _____
Sean M. Walter, Chairman

TOWN OF RIVERHEAD

Resolution # 616

RIVERHEAD CHARTER SCHOOL
WATER EXT. 77 CAPITAL PROJECT

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Resolution #902 adopted 12/30/14 authorized the execution of an agreement with the Riverhead Charter School regarding completion of Extension 77.

WHEREAS, the balance of funds, \$60,000 has been received by the developer for the installation of Water Extension #77 - Riverhead Charter School Capital Improvement Project; and

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

		<u>FROM</u>	<u>TO</u>
412.092705.421050.30124	Developer Fees	60,000	
412.083200.523002.30124	Water Mains/Laterals		35,000
412.083200.523002.30124	Professional Svcs - Engineering		12,000
412.083200.523002.30124	Administrative Fee		5,950
412.083200.523002.30124	Contingencies		7,050

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 617

CALVERTON INDUSTRIAL PARK – STR SYSTEMS, INC.
WATER EXT. #86 CAPITAL PROJECT
BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, \$70,200 has been received by the developer for costs related to the water main extension along Middle Country Road for STR Systems located in Calverton Industrial Park.

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

		<u>FROM</u>	<u>TO</u>
412.092705.421050.30125	Developer Fees	70,200	
412.083200.523002.30125	Water Mains/Laterals		52,850.00
412.083200.543501.30125	Professional Svc – Engineer		11,000.00
412.083200.549001.30125	Administrative Fee		3,700.00
412.083200.524451.30125	Contingencies		2,650.00

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to H2M, P.C 575 Broad Hollow Road, Melville, New York 11747, the Accounting and Water Departments.

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

THE VOTE

Giglio 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 # 618

RIVERHEAD WATER DISTRICT
CAPITAL PROJECT CLOSURE # 30126

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Water Capital Project #30126, Knightland Village Water Service Installation is considered complete.

WHEREAS, the Developer is due a refund of \$ 11,432.45 of unspent installation costs.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Accounting Department to close Water Capital Project #30126, modify the budget and return the unspent money of \$11,432.45 to the Developer.

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

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

THE VOTE

Giglio 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 # 619

RIVERHEAD WATER DISTRICT
CAPITAL PROJECT CLOSURE # 30127

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Water Capital Project #30127, Archangel Holdings LLC, (300 East Main Street) Installation is considered complete.

WHEREAS, the Developer is due a refund of \$ 3,313.64 of unspent installation costs.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Accounting Department to close Water Capital Project #30127, modify the budget and return the unspent money of \$3,313.64 to the Developer.

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

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

THE VOTE

Giglio 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 # 620

RIVERHEAD WATER DISTRICT
Insurance Recovery

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Insurance Recovery Funds were received to help cover the costs of replacing a hydrant on East Main Street.

WHEREAS, the Superintendent of Water is requesting a budget adjustment to help offset the unexpected expense.

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

	<u>FROM</u>	<u>TO</u>
112.092680.466000 Water Insurance Recovery	6,123.15	
112.083200.541100 Repair & Maintenance		6,123.15

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 621

RIVERHEAD WATER DISTRICT

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Superintendent of Water is requesting a budget adjustment to cover Suffolk County Water Authority Water bills at Dogwood Drive and Meroke Road.

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

	<u>FROM</u>	<u>TO</u>
112.012140.465110 Metered Water Sales	60,000	
112.083200.546400 Utilities - Water		60,000

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 622

AUTHORIZES ATTENDANCE OF ASSESSOR AT SEMINAR

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on October 4 – October 7, 2015, the Annual Meeting and Seminar on Assessment Administration is being held in Ellenville, New York, and

WHEREAS, 1 member of the Board of Assessors has expressed an interest and desire in attending said seminar.

NOW, THEREFORE, BE IT RESOLVED, that the assessor is hereby authorized to attend said seminar, and

BE IT FURTHER RESOLVED, that the use of a Town vehicle is hereby authorized, and

BE IT FURTHER RESOLVED, that the assessor shall be reimbursed for costs of registration, deposit, travel, lodging and meals, not to exceed a total of \$1,150.00, and

BE IT FURTHER RESOLVED, that said expenses are to be fully receipted upon return, and

BE IT FURTHER RESOLVED, that expenses incurred for tuition, travel, lodging and meals are subject to reimbursement by the State of New York to the Town of Riverhead upon completion of said seminar, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Assessor's Office and the Accounting Department, and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 623

EXTENDS BID CONTRACT FOR CHARTER BUS SERVICE

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Purchasing Department has requested that the contract with HAMPTON JITNEY originally awarded by Resolution #14-0644 adopted SEPTEMBER 16, 2014 be extended for one year until SEPTEMBER 16, 2016.

WHEREAS, this will be the first of an allowable 3 one year extensions.

WHEREAS, the above named vendor has agreed to extend the contract until SEPTEMBER 16, 2016 for the original bid amounts on file in Purchasing Department and electronic storage device.

WHEREAS, the Town Board has reviewed said request.

NOW THEREFORE BE IT RESOLVED, that the bid contract for CHARTER BUS SERVICE be and is hereby extended to SEPTEMBER 16, 2016; and be it further

RESOLVED, that the Town Clerk be directed to forward a certified copy of this resolution to HAMPTON JITNEY.

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted



200 Howell Avenue
Riverhead, NY 11901
(631) 727-3200 ext. 271
Email: tague@townofriverheadny.gov

Bid Extension Notice

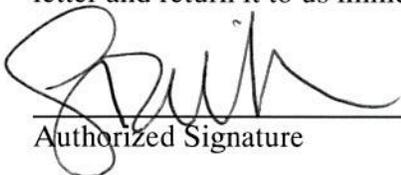
To: Hampton
From: Purchasing Department
Date: February 24, 2014
Subject: Extension of bid price Charter Bus Service

This letter is to inform you that our current contract for the above bid is due to expire on September 16, 2015.

The Town of Riverhead would like to extend this contract for a period of one year until September 16, 2016.

The prices will continue to be the same as last year's bid.

If this extension meets with your approval, please complete the bottom portion of this letter and return it to us immediately.



Authorized Signature

SUSAN Williams.
Print Name

HAMPTON Jitney, INC.
Company Name

30 July 2015.
Date

JFWILLIAMS@HAMPTONJITNEY.COM
Email address

TOWN OF RIVERHEAD

Resolution # 624

**APPOINTS BRACKEN MARGOLIN BESUNDER, LLP, AS SPECIAL COUNSEL IN THE
MATTER OF MASON HAAS V. TOWN OF RIVERHEAD, SEAN WALTER, JOHN
DUNLEAVY, GEORGE GABRIELSEN, JAMES WOOTEN AND JODI GIGLIO**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen,

WHEREAS, a law suit has been commenced by Mason Haas, as petitioner, naming the Town of Riverhead, Sean Walter, John Dunleavy, George Gabrielsen, James Wooten and Jodi Giglio as respondents in the Supreme Court, Suffolk County Under Index Number 15-15258; and

WHEREAS, the Town Board has determined that the law firm of Bracken Margolin Besunder LLP, is qualified and be retained to defend or appear on behalf of Town of Riverhead and Sean Walter, John Dunleavy, George Gabrielsen, James Wooten and Jodi Giglio, as respondents in the Matter of Mason Haas, petitioner v. Town of Riverhead, et al., in the Supreme Court, Suffolk County, Index No. 15-15258.

NOW THEREFORE BE IT RESOLVED, that the law firm of Bracken Margolin Besunder LLP, be retained as special counsel or appear on behalf of Town of Riverhead and Sean Walter, John Dunleavy, George Gabrielsen, James Wooten and Jodi Giglio, as respondents in the Matter of Mason Haas, petitioner v. Town of Riverhead, et al., in the Supreme Court, Suffolk County, Index No. 15-15258 and be it further

RESOLVED, that the Riverhead Town Board hereby approves the Supervisor executing a Retainer Agreements with Bracken Margolin Besunder LLP, in a form satisfactory to the Town Attorney and subject to the terms and conditions of this resolution; and be it further

RESOLVED, that Bracken Margolin Besunder LLP be compensated at the rate of \$175.00 per hour, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Bracken Margolin Besunder LLP, 1050 Old Nichols Road, Suite 200, Islandia, New York 11749-5026; and be it further

RESOLVED, that the Town Clerk is hereby directed to deliver a copy of this resolution to the Town Board, Town Attorney, and the Accounting Department; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 625

AMENDS RESOLUTION # 132

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Resolution #132 was adopted on February 18, 2015 approving a six month parentage leave of absence for an employee; and

WHEREAS, the employee has requested an extension of this non-paid leave of absence.

NOW, THEREFORE, BE IT RESOLVED, this Town Board hereby amends the terms of Resolution #132 and grants Deputy Tax Receiver Cori Fife a parentage leave of absence effective April 6, 2015 through April 5, 2016.

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Cori Fife, the Receiver of Taxes, 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 # 626

AMENDS RESOLUTION #152

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Resolution #152 was adopted on March 3, 2015 appointing a Deputy Tax Receiver to substitute for the incumbent Deputy Tax Receiver who was approved for a six month parentage leave of absence; and

WHEREAS, the incumbent Deputy Tax Receiver has requested, and has been approved for, an extension of this leave of absence for an additional six months, for the time period up to and including April 5, 2016.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby amends the terms of Resolution #152 and appoints Melissa Messina to the position of Deputy Tax Receiver effective March 30, 2015 through April 5, 2016 at no change to her hourly rate of pay; and

BE IT FURTHER RESOLVED, that this Town Board amends the terms of Resolution #152 and grants Ms. Messina five (5) sick days and (5) vacation days for her use and enjoyment until such time that the incumbent Deputy Tax Receiver returns from her leave of absence.

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Melissa Messina, the Receiver of Taxes, the Financial Administrator, and the Personnel Officer. 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 # 627

CHANGES THE STATUS OF AN EMPLOYEE

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on March 19, 2015 Jeffrey Seeman was appointed to the temporary position of Part-time Environmental Planner; and

WHEREAS, the Town Building and Planning Administrator has made a recommendation to remove the temporary designation from Mr. Seeman's appointment.

NOW, THEREFORE, BE IT RESOLVED, effective September 2, 2015 this Town Board hereby removes the temporary designation from Mr. Seeman's appointment and appoints him as Part-time Environmental Planner with no other change to his salary or other terms and conditions of employment.

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 628

AUTHORIZES THE SUPERVISOR TO ISSUE A LETTER TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES ALLOWING THE USE OF PINE BARRENS CREDITS ORIGINATED FROM PROPERTY LOCATED IN RIVERHEAD

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Pine Barrens credits issued by the Central Pine Barrens Joint Planning and Policy Commission from properties within the Towns of Brookhaven, Riverhead and Southampton may be used interchangeably within the Towns provided that both Towns authorize said use; and

WHEREAS, 1245 Middle Country Road, LLC wishes to increase the available sanitary density for premises in the Town of Brookhaven by using Pine Barrens credits originating from property located in the Town of Riverhead under Pine Barrens Certificate Number 0600-114; and

WHEREAS, the Town of Brookhaven has authorized said transfer.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to issue a letter in substantially the same form as attached to the Suffolk County Department of Health Services approving the use of said Riverhead Pine Barrens credit(s) on premises located at 1245 Middle Country Road, Middle Island, New York, further described as Suffolk County Tax Map No. 0200-379.00-03.00-009.003; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Christopher R. Nicolia, Esq., Certilman Balin Adler & Hyman, LLP, 100 Motor Parkway, Suite 156, Hauppauge, New York 11778; the Planning Department and the Office of the Town Attorney.

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

Sean M. Walter, Town Supervisor

200 Howell Avenue, Riverhead, NY 11901
Tel: (631) 727-3200 / Fax: (631) 727-6712
www.townofriverheadny.gov

September 1, 2015

Suffolk County Department of Health Services
Office of Wastewater Management
360 Yaphank Avenue, Suite 2C
Yaphank, New York 11980

Re: 1245 Middle Country Road, LLC
Town of Brookhaven
Suffolk County Tax Map #0200-379.00-03.00-009.003
SCDHS Ref. # CO2-14-0098

Dear Sir or Madam:

This shall confirm that the Town Board of the Town of Riverhead consents to the use of up to 12 credits under Pine Barrens Certificate # 600-114, a Town of Riverhead Pine Barrens Credit of which CKG Property Inc. is the purported certificate holder, to enhance the available sanitary density on properties known as 1245 Middle Country Road, Middle Island, Town of Brookhaven, New York and bearing Suffolk County Tax Map No. 0200-379.00-03.00-009.003.

Kindly contact this office with any questions you may have.

Very truly yours,

Sean M. Walter,
Supervisor

TOWN OF RIVERHEAD

Resolution # 629

**ACCEPTS HIGHWAY SUPERINTENDENT'S PERSONNEL REPORT & REQUEST
FOR TOWN BOARD RESOLUTION TO EFFECTUATE PERSONNEL REQUEST**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, pursuant to Town Law § 64(1), the Town Board has general management and control of the finances of the Town; and

WHEREAS, pursuant to Town Law § 64(3), the Town Board has general management and control of Town property; and

WHEREAS, pursuant to Town Law § 20 and except as otherwise provided by law, the Town Board has the responsibility to employ such persons as the Town Board deems necessary for the proper conduct of the affairs of the Town; and

WHEREAS, pursuant to Town Law § 27, the Town Board shall fix, from time to time, the salaries of all officers, officials and employees of said town, whether elected or appointed, and determine when the same shall be payable; and

WHEREAS, pursuant to Highway Law § 140(4), the Highway Superintendent shall employ such persons as may be necessary for the maintenance and repair of Town highways and removal of obstructions caused by snow and provide for the supervision over such employees, subject to the provisions of law recited above and, including but not limited to, available appropriations for such purpose, any applicable civil service requirements (see e.g. Civil Service Law § 75), and any applicable collective bargaining agreement provisions; and

WHEREAS, the Highway Superintendent filed a Personnel Report and Request for Town Board Resolution to Effectuate Personnel Request, to wit: hire Timothy Barget to the position of Automotive Equipment Operator effective September 14, 2015; and

WHEREAS, the Highway Superintendent's report stated that said hire is necessary for the repair and maintenance of Town highways.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the Highway Superintendent's Personnel Report and Request Town Board Resolution to Effectuate Personnel Request, to wit: Pending the results of a successfully completely background investigation, to hire Timothy Barget to the position of Automotive Equipment Operator effective on September 14, 2015 as found on Group 6, Step P of the Operational and Technical Salary Schedule of the CSEA contract; and be it further

RESOLVED, that the Personnel Officer and Financial Administrator are hereby directed to take such action to effectuate this personnel matter on behalf of the Highway Superintendent; and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Highway Superintendent, Personnel Officer, Financial Administrator and Town Attorney's Office; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from electronic storage device and, if needed, a 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 # 630

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 62 ENTITLED "EXCAVATIONS"
OF THE RIVERHEAD TOWN CODE**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 62 entitled, "Excavations" of the Riverhead Town Code once in the September 10, 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 16th day of September, 2015 at 7:00 o'clock p.m. to amend Chapter 62, entitled "Excavations" of the Riverhead Town Code as follows:

CHAPTER 62
Excavations

§62-7.1. Open excavations and piles of material.

It shall be unlawful for any person or business entity to leave, cause, permit and/or maintain an open excavation or pile of fill or other material, in connection with the removal of trees or other vegetation, or the installation, repair or maintenance of drainage structures, sewage systems, utility work, foundation or other below-grade construction, in an unsecured, or dangerous, or hazardous condition or place. Such excavation or pile shall be effectively and properly fenced, shored or barricaded to prevent the creation and/or maintenance of an unsafe or hazardous condition while work is being performed and such conditions shall be remedied as soon as practicable as the work is completed.

- Underscore represents addition(s)

Dated: Riverhead, New York
September 1, 2015

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 631

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 96 ENTITLED "RUBBISH, REFUSE, WEEDS AND OTHER RANK VEGETATION" OF THE RIVERHEAD TOWN CODE

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 96 entitled, "Rubbish, Refuse, Weeds and Other Rank Vegetation" of the Riverhead Town Code once in the September 10, 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 16th day of September, 2015 at 7:05 o'clock p.m. to amend Chapter 96, entitled " Rubbish, Refuse, Weeds and Other Rank Vegetation " of the Riverhead Town Code as follows:

CHAPTER 96
Rubbish, Refuse, Weeds and Other Rank Vegetation

§ 96-4. Definitions.

EXCAVATION

The extraction, removal or stripping of material from the ground or the breaking of the surface soil in order to facilitate or accomplish the removal, extraction or stripping of material.

§ 96-5. Unlawful acts.

A. Weeds, grass, rank vegetation. It shall be unlawful for any owner or occupant of a premises within the Town of Riverhead, County of Suffolk, State of New York, to cause or allow weeds, grass or other rank vegetation as defined in this chapter to exceed a height of 10 inches measured above ground level on any premises or public way.

B. Yard waste, rubbish, litter, garbage/refuse. It shall be unlawful for any owner or occupant of a premises within the Town of Riverhead, County of Suffolk, State of New York, to cause or allow any accumulation of yard waste, rubbish, litter, garbage or refuse as defined in this chapter on any premises or public way.

C. Open excavations and piles of material. It shall be unlawful for any person or business entity to leave, cause, permit and/or maintain an open excavation or pile of fill or other material, in connection with the removal of trees or other vegetation, or the installation, repair or maintenance of drainage structures, sewage systems, utility work, foundation or other below-grade construction, in an unsecured, or dangerous, or hazardous condition or place. Such excavation or pile shall be effectively and properly fenced, shored or barricaded to prevent the creation and/or maintenance of an unsafe or hazardous condition while work is being performed and such conditions shall be remedied as soon as practicable as the work is completed.

- Underscore represents addition(s)

Dated: Riverhead, New York
September 1, 2015

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

TOWN OF RIVERHEAD

Resolution # 632

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED
"VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE
(\$101-3. Stop and yield intersections; railroad crossings; parking fields.
(Middle Road intersecting with Manor Rd., Calverton)**

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 to hear all interested persons to consider a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of August, 2015 at 2:10 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead 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 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 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code at its regular meeting held on September 1, 2015.

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

Chapter 101
VEHICLES AND TRAFFIC
ARTICLE III
Traffic Regulations

§ 101-3. Stop and yield intersections; railroad crossings; parking fields.

- A. Stop intersections. The following intersections are designated as stop intersections, and stop signs shall be erected at such intersections as follows:

Intersection	Stop Sign On	Entrance From
<u>Manor Road</u>	<u>Middle Road</u>	<u>South</u>

- Underline represents addition(s)

Dated: Riverhead, New York
September 1, 2015

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 633

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT
BETWEEN THE TOWN OF RIVERHEAD PARKING DISTRICT AND ARCHANGEL
HOLDING, LLC SUBJECT TO PERMISSIVE REFERENDUM**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, pursuant to Town Law § 190, “the town board of any town may establish or extend in said town a ...public parking district...and provide improvements or services, or both, in any such district, wholly at the expense of the district”, and ;

WHEREAS, pursuant to Town Law §198, “the town board of every town, except as otherwise provided by law, shall have authority to and may exercise the following powers with respect to improvement districts, heretofore or hereafter established, subject to the provisions of Article 12 of Town Law”, including acquisition by purchase, condemnation or lease the property described in the area encompassing the improvement district; and

WHEREAS, on or about March 7, 1967, after petition and public hearing, the Town Board of the Town of Riverhead established the Riverhead Public Parking District and set forth the original boundaries of said district and thereafter, through a series of petitions and public hearings, said boundaries have been extended; and

WHEREAS, by Resolution # 364 adopted on May 18, 2011, the Town Board, as legislative body and governing body of the Riverhead Public Parking District, expressed its desire to make additional parking available within the boundaries of the Riverhead Public Parking District and approved a lease agreement with 300 East Main Street, LLC, the Lessor/Tenant of property located at 300 East Main Street and more particularly described as SCTM 0600-129-2-32 for use of a portion of the subject property for public parking (hereinafter parking area and/or leased space); and

WHEREAS, prior to the expiration of the term of the lease (lease set to expire on December 31, 2015) for the parking area the Lessor, 300 East Main Street LLC, vacated and/or terminated its tenancy; and

WHEREAS, while the Town has continued to designate use of the parking area as a public parking lot and set/enforce parking regulations set by the Town, neither the Town of Riverhead or the Town of Riverhead Public Parking District has made an annual payment for use of the parking area since on or about June 31, 2013; and

WHEREAS, Archangel Holding, LLC purchased the subject property, including buildings and such other improvements including parking improvements/parking area that were the subject of a lease between the former Lessor/Tenant of the subject property and the Town of Riverhead; and

WHEREAS, Archangel Holding, LLC seeks to enter into a lease agreement with the Town of Riverhead Public Parking District for the portion of the subject property improved with parking places (approximately 50 parking spaces-parking lot area) subject to a lease term of five years deemed to have commenced on July 1, 2015 and annual payments of \$6000.00 per year; and

WHEREAS, the Town Board of the Town of Riverhead on behalf of the Town of Riverhead Public Parking District desires to enter into an agreement with Archangel Holding, LLC to lease part of the subject property consisting of the parking lot area located between Maple Avenue and Union Avenue, Riverhead, New York to provide for approximately 50 parking spaces for a term deemed to commence on July 1, 2015 for a period of five years.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead, as legislative body and governing body of the Town of Riverhead Public Parking District, hereby authorizes the Supervisor to execute an Agreement in substantially the form attached between the Town of Riverhead Public Parking District and Archangel Holding, LLC for use of the parking lot area located between Maple Avenue and Union Avenue in Riverhead, NY 11901 for purposes of public parking for a term deemed to commence July 1, 2015 and ending December 31, 2020, subject to final review and approval of the Town Attorney; and be it further

RESOLVED, that this resolution is subject to permissive referendum; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish and post the attached public notice; and be if further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Attorney, the Community Development Director, Archangel Holding LLC at 300 East Main Street, Riverhead, New York, 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

PUBLIC NOTICE

Please take notice that the Town Board of the Town of Riverhead adopted a resolution on September 1, 2015 authorizing an agreement between the Town of Riverhead Public Parking District and Archangel Holding, LLC for lease of land located between Maple Avenue and Union Avenue in Riverhead, NY 11901 for use as a public/municipal parking lot, subject to permissive referendum.

Dated: Riverhead, New York
September 1, 2015

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

**LEASE AGREEMENT BY AND BETWEEN TOWN OF RIVERHEAD PUBLIC
PARKING DISTRICT AND ARCHANGEL HOLDING, LLC FOR PARKING AREA**

THIS LEASE AGREEMENT, made this 1st day of September 2015, by and between ARCHANGEL HOLDING, LLC, a domestic limited liability company with offices at 300 East Main Street, Riverhead, New York 11901, party of the first part ("Lessor") and the TOWN OF RIVERHEAD PUBLIC PARKING DISTRICT, a special district created by the Town of Riverhead pursuant to the Laws of the State of New York with offices at 200 Howell Avenue, Riverhead, New York 11901, party of the second part ("Lessee").

WITNESSETH:

WHEREAS, by deed February 10, 2014, Archangel Holding, LLC purchased property and all buildings and improvements, including the parking area located at 300 East Main Street, Riverhead, New York 11901 (the "subject premises"); and

WHEREAS, Archangel Holding, LLC seeks to enter into a lease agreement with the Town of Riverhead Public Parking District for the portion of the subject property improved with parking places subject to a lease term of five years deemed to have commenced on July 1, 2015 and annual payments of \$6000.00 per year; and

WHEREAS, the Town Board of the Town of Riverhead, as legislative body and governing body of the Town of Riverhead Public Parking District, desires to enter into an agreement with Archangel Holding, LLC to lease the parking lot area located between Maple Avenue and Union Avenue, Riverhead, New York to provide for approximately 50 parking spaces for public parking.

THEREFORE, in mutual consideration, the parties hereby agree as follows:

1. The Premises: Archangel Holding, LLC (hereinafter Owner/Lessor) hereby leases to Town of Riverhead Public Parking District (hereinafter Lessee) that portion of the subject property, SCTM # 0600-129-2-32, improved as a parking lot located between Maple Avenue and Union Avenue, Riverhead, New York, described and as depicted on Exhibit "A" annexed hereto.

2. Term: The term shall be for five years deemed to commence from the 1st day of July, 2015, and to end on the 31st day of June, 2020. The term of the lease shall renew automatically for successive terms of one year each, up to a total of five additional years, unless either party gives written notice of nonrenewal to the other party at least 30 days prior to the renewal date.

3. Rent: The Lessee shall pay annual rent of six thousand dollars and 00/100 Dollars (\$6,000.00) a year for the term of this lease upon execution of same and on or before July 1st of each year of the five year lease and any such one year extension of the original term.

4. Security Deposit: None.

5. Use: That Lessee shall: (a) designate the use of the parking lot as public parking; (b) establish hours of parking consistent with Town Code 101-13(E) such that parking of vehicles for a period of longer than two hours during the hours of 9:00 am and 5:30 pm, except Sundays and holidays, shall be prohibited; (c) place restrictions upon overnight or long term parking consistent with 101-10.2 such that no parking is permitted

during 1:00 am to 6:00 am; (d) establish handicapped parking stalls; and (e) enact any other reasonable parking regulations. Lessee shall adopt such local law as required to effectuate and enforce the parking limitations and restrictions set forth above. In addition, Lessee shall erect such signs as may be necessary to effectuate same. The Lessee shall use the premises as a public parking lot and for no other purpose. The Lessee shall not allow others to use the premises for any other purpose (other than public parking) without the prior written consent of the Lessor, which consent may be withheld in the Lessor's sole discretion. Notwithstanding the above, the Lessor shall have exclusive use of four (4) parking spaces without parking restriction.

6. Maintenance and Repair: The Lessee shall be responsible to maintain the parking area (also referred to as "leased space"), including but not limited to, repair any potholes or drainage, re-stripping of the parking stalls, placement and/or replacement of signs at the Lessee's sole cost and expense. Any signs installed on the parking lot shall be maintained by the Lessee. The Lessee shall pay for the maintenance of the parking lot area and Lessee shall at all times keep the leased premises in good order, condition, repair and cleanliness including the prompt removal of snow and ice so as not to interfere with the operation of business at 300 East Main Street. Notwithstanding the above, Lessee shall not be responsible for snow or ice removal from any portion of the building or improvements made/serving as part of the building/use (i.e. curbing, sidewalks, entrances) separate and apart from the parking area, and, instead Lessor shall be responsible for snow and ice removal of those areas.

7. Utilities: To the extent that there exists outdoor light fixtures in and part of the parking area or in the event Lessee seeks to install light fixtures in the parking/leased area, Lessee shall bear sole cost and expense, for fixtures, hook-up all electrical wiring and electrical fixtures in connection with Lessee's installation or use of outdoor lights in the parking lot area. In addition, Lessee shall be responsible for all of Lessee's electrical usage charges associated with outdoor lighting in the parking lot for the term hereof. Notwithstanding the above, Lessee shall not be required to install any outdoor light fixtures in the areas of or for the purpose of illuminating ingress and egress to and from the building and parking area and instead Lessor shall be responsible to install and/or comply with any lightening requirements related to use of the building, which lighting fixtures shall remain as part of the leasehold.

8. Insurance: The Lessee shall maintain during the Lease term general liability policies insuring Lessee and naming Lessor additional insureds. The liability policy shall be one which shall afford bodily injury coverage in an amount of not less than \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate for more than one person involved in any one accident and not less than \$500,000.00 for damage to property. Upon failure at any time on the part of the Lessee to pay the premiums for the insurance required by this Article, the Lessor upon ten days written notice to Lessee and the expiration of said notice period shall be at liberty from time to time as often as such failure shall occur, to pay the premiums thereof, and any and all sums so paid for insurance by the Lessor shall be and become and are hereby declared to be rent under this agreement due and payable on and at the time any succeeding rent becomes due and owing. Lessor shall have the right to suspend Lessee's use of the premises until said policies are in place and all parties are properly insured under this section. Any payment by Lessor or failure to assert any claim against Lessee by reason of its failure to make such payments shall not be deemed to waive or release the default in payment thereof by Lessor. Such policy shall contain a provision or endorsement to the effect that the same shall not be cancellable except on thirty (30) days written notice to Lessee by the

insurance earner. Proof of all renewal of policies shall be deposited with Lessor at least thirty (30) days prior to expiration of the policy it is to replace or renew.

9. Liability and Indemnification: The Lessor shall in no way be liable for any personal injuries (including death) or property damage caused by or resulting from the use of the leased space by the Lessee, or the Lessee's employees, agents, visitors, or contractors and Lessee hereby shall indemnify, defend, and save the Lessor harmless from and against any and all liability, claims, damages, expenses, fees, penalties, legal proceedings, and causes of action of every kind, including the Lessor's costs and reasonable attorneys' fees, incurred as a result of any breach by the Lessee of any covenant of this lease, or as a result of the Lessee's use of the leased space, or the acts or omissions of the Lessee, or the Lessee's employees, agents, visitors, or contractors; provided, however, that the obligation of the Lessee to indemnify shall not extend to the willful misconduct of the Lessor, Lessor's employees, agents, or representatives or damages that are caused by, or are the result of, the misconduct or negligence of Lessor or any of Lessor's agents, servants, tenants, employees, licensees or invitees. Notwithstanding any provisions herein to the contrary, it is understood and agreed that no property will be kept, installed, stored or maintained in or upon the leased space by Lessor.. Except for willful misconduct, neither Lessee nor Lessor will in any event be liable in damages for each other's business loss, business interruption or other consequential damages of whatever kind or nature, regardless of the cause of the damages, and each party, and anyone claiming by or through them, expressly waives all claims for damages.

10. Maintenance and Repair: The Lessee is solely responsible for all maintenance, repair, and replacement of the leased space and all improvements, including snow removal as recited above. The Lessee shall keep the leased space in a neat and safe condition. The Lessee shall not store or release any hazardous or toxic substances of any kind at the leased space. The Lessee shall maintain the leased space in compliance with all laws, ordinances, or regulations governing the leased space and the Lessee's use of the leased space. The Lessor shall have no obligation to make any repairs or improvements to the leased space.

11. Property Taxes: The leased space has been used by the Lessee previously as a public parking lot and, therefore, the leased space has and shall continue to be exempt from property taxes. If during the term of this lease and occupancy by the Lessee, the leased space shall at any time become subject to property taxes, the Lessee shall be responsible for paying the property taxes.

12. Condition: The Lessee has had the opportunity to inspect the leased space prior to signing this Lease and accepts the leased space in AS IS condition without any representation from the Lessor as to its condition or suitability for the Lessee's intended use.

13. Alterations: The Lessee shall not make any alterations, additions, or improvements to the leased space, except those identified in paragraphs six and ten above, without first obtaining the written consent of the Lessor, which consent may be withheld in the Lessor's sole discretion.

14. Assignment; Sublease: The Lessee may not assign this Lease and the Lessor may not sublease the leased space in whole or in part.

15. Lessor's Right of Access: The Lessor, or the Lessor's employees or agents, shall have the right to enter the leased space in a reasonable manner upon reasonable advance notice to the Lessee to inspect the leased space or to conduct surveys, testing, or studies in connection with any engineering, design, financing, or permitting activities related to potential development or redevelopment of the subject property; provided,

however, that no notice will be required in emergency circumstances where it is impractical to provide the Lessee with advance notice. The Lessor shall use reasonable efforts to minimize any disruption of the Lessee's activities.

16. Default: Each of the following shall constitute an Event of Default:

- a. The Lessee fails to pay real estate taxes, if assessed, as they come due.
- b. The Lessee fails to maintain at all times the insurance required by this Lease.
- c. The Lessee fails to comply with any agreement or requirement in this Lease, other than the obligations listed in subsections (a) and (b), for a period of thirty (30) days after notice from the Lessor.

If an Event of Default has occurred and continues, the Lessor may terminate the Lessee's rights to the use the leased space and pursue any other remedies available under New York law. The Lessor shall be entitled to collect from the Lessee, in addition to any damages, all reasonable costs, fees, and expenses, including reasonable attorneys' fees, incurred by the Lessor in pursuing its remedies.

17. Termination: Lessee shall have the right upon 90 days written notice to terminate this lease if Lessee has not met all of their obligations under the terms and conditions of this agreement. Upon termination of the lease, Lessee will, to the extent reasonable, restore the leased space to its original condition at the commencement of this lease, except for ordinary wear and tear and damages by the elements or damages over which Lessee had no control. On the expiration of the Term, or any earlier termination of this Lease, the Lessee shall: (a) immediately vacate the leased space; (b) repair all damage to the leased space caused by the Lessee's removal of any equipment and property from the leased space; and (c) restore the leased space to the same condition that existed at the commencement of the Term, reasonable wear and tear excepted. The Lessee's indemnity obligation shall survive the termination or expiration of this Lease.

a. Lessee's Right to Terminate. The Lessee shall have the right to terminate this Agreement upon ninety (90) days prior written notice to the Lessor.

b. Lessor's Right to Terminate. The Lessor shall have the right to terminate this agreement upon ninety (90) days prior written notice to the Lessee.

18. Entire Agreement, Applicable Law: This Lease contains the entire agreement of the parties with respect to the leasing of the leased space/premises and no representations or agreements not included in this Lease shall be enforceable unless in writing and signed by the party to be charged.

19. Notice: All notices and other communications given pursuant to this Lease shall be in writing and shall be addressed to the parties at the addresses specified below and (1) mailed by first class, United States Mail, postage prepaid, certified, with return receipt requested, (2) hand delivered, (3) sent by a nationally recognized overnight courier service, or (4) sent by facsimile transmission followed by a confirmatory letter sent in another manner permitted hereunder. All notices shall be effective upon delivery to the addressee. The parties hereto may change their addresses by giving notice thereof to the other in conformity with this provision.

Office of the Town Attorney, 200 Howell Avenue, Riverhead, NY 11901.

Archangel Holding, LLC, 300 East Main Street, Riverhead, New York 11901

20. General Provisions: The Lessor hereby agrees that the Lessee upon paying said rent and performing the aforesaid covenants, shall and may peacefully and quietly have, hold and enjoy the demised premises for the term aforesaid.

Governing Law. This Lease will be construed in accordance with the laws of the State of New York, and venue shall be in the Supreme Court, Suffolk County, NY. Jury trial is hereby waived.

Drafting Presumption. If there is any ambiguity in this Lease it will not be construed in accordance with any presumption against Lessee as a result of its having initially drafted this Lease.

Invalidity of Particular Provision. If any provision of this Lease or application of it to any persons or circumstances is, to any extent, held to be invalid or unenforceable, the remainder of this Lease, or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable, will not be affected, and that provision of this Lease will be valid and enforced to the fullest extent permitted by law.

Successors and Assigns. This Lease shall be binding upon and shall insure to the benefit of the parties, their respective successors, personal representatives and assigns.

Permissive Referendum. Lessor and Lessee agree and acknowledge that said lease is subject to permissive referendum as the same is provided in the Town Law of the State of New York.

This instrument may not be changed orally.

This Lease shall be governed by and interpreted in accordance with the Laws of the State of New York.

IN WITNESS WHEREOF, Lessor and Lessee do hereby execute this Lease Agreement as of the date and year first above written.

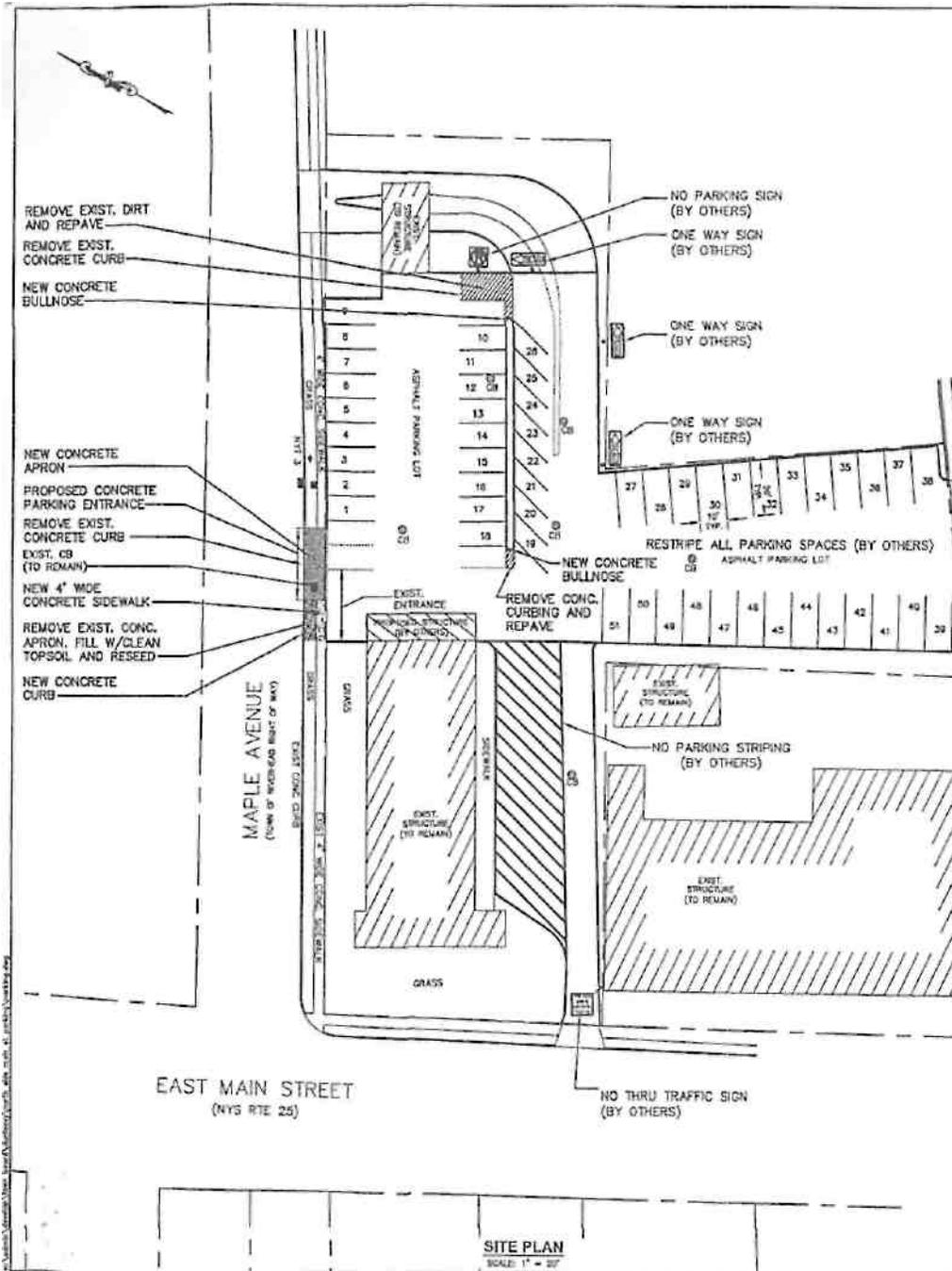
TOWN OF RIVERHEAD

By: _____
Sean M. Walter, Supervisor
(on behalf of Town of Riverhead Parking District/Lessee)

Archangel Holding, LLC

By: _____
Christopher Pia, President (Lessor)

EXHIBIT "A"
TO LEASE BETWEEN
ARCHANGEL HOLDING LLC
AND
TOWN OF RIVERHEAD



1/8" = 1'-0"

CONCRETE CURB
HOT 10 SCALE

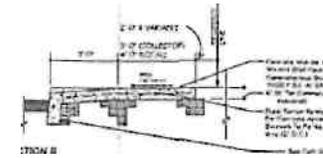


1" = 1'-0"

=M>



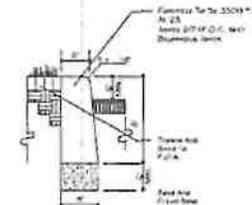
PROJECT SCOPE:



CONCRETE APRON AND CURB
CUT NOT TO SCALE

FIRST LOCATION - MAPLE AVE. PARKING ENTRANCE RELOCATION

- 1) REMOVE APPROX. 15 LF OF EXIST. CONCRETE APRON AND DISPOSE OF PROPERLY.
- 2) SUPPLY AND PLACE 1 yd³ OF CLEAN TOP SOIL AT REMOVED APRON AREA. AND REUSED.
- 3) INSTALL 15 LF OF CONCRETE CURBING (TOWN OF RIVERHEAD RIGHT OF WAY).



- 4) REMOVE 18 LF OF CONCRETE CURBING (PRIVATE PARKING FIELD), AND DISPOSE OF PROPERLY.
- 5) SUPPLY AND PLACE APPROX. 1 yd³ OF CONCRETE APRON.

SECOND LOCATION - PAUSING LOT

- 6) REMOVE PARKING SPACE STRIPING. APPROX. (31 LINES, 60 FOOT LONG).
- 7) REMOVE APPROX. 110 LF OF EXIST. CONCRETE CURB AND DISPOSE OF PROPERLY.
- R) INSTALL TWO (2) CONCRETE CURB BULLNOSE.
- 9) REPAVE 255 FT² ASPHALT PAVEMENT IN KIND.
- 10) RESTRIPE PARKING STALLS. 5J LINES, 2C LONG.

on.nm NOTTS-

DURING PAVEMENT OPERATIONS, THE CONTRACTOR SHALL INSURE THE EQUIPMENT OF ANY COMPRESSION THAT MAY COLLECT WATER AND CRAZE THE PAVEMENT TO BE DRAIN INTO DRAINAGE CRATES. OPERATIONS SHALL BE OBTAINED UNDER THE CRITERIA FOR SECTION 40-114 OF THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS OF JANUARY 1, 2010, AND AS AMENDED.

THE CONTRACTOR SHALL BE RESPONSIBLE TO THE PRESENCE OF THE GENERAL PUBLIC SHOW UP. FROM MAY BE POTENTIAL VANDALS & THE AREA AT ANY HOUR. THE CONTRACTOR SHALL PROTECT AT ALL TIMES THE PUBLIC AND PEACE TO HIS EQUIPMENT, TOOLS AND MATERIALS. THE CONTRACTOR SHALL BEAR ALL RESPONSIBILITY FOR HARM TO THE PUBLIC AND DAMAGE TO HIS EQUIPMENT, TOOLS AND MATERIALS.

A. V



LOCATION
MAP ROT TO



TOWN OF RIVERHEAD
200 HOWELL AVENUE
Riverhead, NY 11901

REVISIONS

PROJECT TITLE

MAPLE AVENUE
PARKING LOT
MODIFICATIONS

SHEET TITLE

SITE PLAN AND DETAILS

SHEET NUMBER

1 of 1

TOWN OF RIVERHEAD

Resolution # 634

AUTHORIZES CO-SPONSORSHIP WITH THE RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION, INC., AND APPROVAL OF AN AGREEMENT WITH ST. GEORGE LIVING HISTORY PRODUCTIONS, INC., REGARDING AN EVENT ENTITLED "THE EDGAR ALLAN POE FESTIVAL"

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead enacted a local law pursuant to Town Board Resolution no. 222 of 1991 thereby establishing the Town of Riverhead Business Improvement District which is governed by the Riverhead Town Board; and

WHEREAS, upon the recommendation of the Riverhead Business Improvement District Management Association, Inc. (BIDMA), the Town of Riverhead Business Improvement District wishes to co-sponsor an event entitled "The Edgar Allan Poe Festival" commencing on Friday, October 30, 2015, and ending on Sunday, November 1, 2015, and enter an agreement with BIDMA and St. George Living History Productions, Inc., for the design, coordination and implementation of such a festival; and

WHEREAS, the Riverhead Business Improvement District Management Association, Inc., pursuant to contract, needs the consent and approval of the Town of Riverhead Business Improvement District to facilitate Town of Riverhead Business Improvement District-related events.

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead Business Improvement District shall co-sponsor with the Riverhead Business Improvement District Management Association, Inc., an event entitled "The Edgar Allan Poe Festival" and authorizes the town supervisor to enter an agreement with BIDMA and St. George Living History Productions, Inc., for the design, coordination and implementation of an event entitled "The Edgar Allan Poe Festival" commencing on Friday, October 30, 2015, and ending on Sunday, November 1, 2015, subject to a BIDMA approval resolution; and be it further

RESOLVED, that the Town Supervisor is authorized to execute the subject agreement in a form to be approved by the Town Attorney's Office; and be it further

RESOLVED, that the Riverhead Business Improvement District Management Association, Inc., shall provide all documentation regarding valid and proper expenditures for this event, to the Riverhead Town Accounting Department; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Raymond Pickersgill, President, Riverhead Business Improvement District

Management Association, Inc., 49 East Main Street, Riverhead, New York 11901; and
be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the _____ of _____, 2015, among the TOWN OF RIVERHEAD, a municipal corporation with its principal offices at 200 Howell Avenue, Riverhead, New York, 11901, and the RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION, INC., a not-for-profit corporation organized and existing under the laws of the State of New York, with its office located at 49 East Main Street, Riverhead, New York 11901, (hereinafter referred to as collectively (“TOWN/BIDMA”) and ST. GEORGE LIVING HISTORY PRODUCTIONS INC., a corporation existing under the laws of the State of New York with a principal place of business at 40 Matsunaye Drive, Medford, New York, 11763 (hereinafter referred to as “Consultant”).

In consideration of the mutual promises herein contained, TOWN/BIDMA and Consultant agree as follows:

1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in *Schedule A* attached hereto and made a part hereof.

2. RELATIONSHIP OF PARTIES

The Consultant shall render scope of services as an independent contractor and not as an employee of TOWN/BIDMA. No deductions from Consultant’s pay will be made and no fringe benefits of any kind will be provided to Consultant by TOWN/BIDMA, including by way of example, but not limitation, health insurance benefits, paid vacation or any other employee benefits. In addition, the Consultant shall not have the authority to enter into any contract or agreement to bind TOWN/BIDMA and shall not represent to anyone that Consultant has such authority.

3. TERM OF AGREEMENT

The Agreement shall commence on September 1, 2015, and terminate on November 1, 2015, unless extended by mutual written consent of all parties.

4. PAYMENT

For those services delineated in *Schedule A*, BIDMA will pay Consultant \$13,500.00 (thirteen thousand five hundred dollars), payable as follows: \$6,750.00 within five (5) business days of contract execution and receipt of an insurance certificate subject to and in compliance with the terms and conditions stated in paragraph no. 12, herein. The remaining balance of \$6,750.00 shall be paid by BIDMA within five (5) business days of satisfactory completion of the scope of services as set forth in the attached *Schedule A*. The TOWN/BIDMA shall not have any liability or responsibility for any other expenses or costs except upon the mutual written consent among Town/BIDMA and Consultant. In the event of a conflict between the terms of this Agreement and the attached *Schedule A*, the terms and conditions of this Agreement shall control.

5. INTELLECTUAL PROPERTY RIGHTS

The parties acknowledge that the scope of services as proposed by the Consultant involve a series of entertainment presentations, based in whole or in part on scripted material formed from the creativity of Consultant which is acknowledged to be the intellectual property of Consultant, including the term "Edgar Allan Poe Festival". However, Consultant agrees that in consideration of the fee for scope of services, TOWN/BIDMA may enjoy the perpetual and unlimited right to use, photograph and/or record in whatever medium so desired and use such entertainment presentations for whatever purpose TOWN/BIDMA deem appropriate in their sole discretion. Consultant, and any parties so photographed and/or recorded shall not be entitled to and waive in perpetuity any compensation, monetarily or otherwise, regarding TOWN/BIDMA's use and enjoyment of such entertainment presentations, as used, photographed, and/or recorded, including but not limited to cablecast on the Town's cable television channel(s) in perpetuity; and TOWN/BIDMA's perpetual use and enjoyment shall survive the termination and/or completion of the scope of services and contract period which is a material term of this Agreement. In addition, Consultant agrees and warrants that Consultant shall use any recorded material encompassing scope of services in a lawful, ethical and appropriate manner. These obligations shall survive the termination of this Agreement. In addition, Consultant warrants and represents that Consultant shall obtain, if applicable, all copyright and trademark licenses and approvals at its sole cost and expense for the subject scope of services.

6. ASSIGNMENT AND SUBCONTRACTING

Performance of any part of this Agreement may not be subcontracted nor assigned without, in each case, the prior written consent of at least three members of the Town Board and by resolution of the Town Board and BIDMA.

7. TERMINATION

In addition to the termination provisions as stated in paragraph 3 above, or any extension agreed to by all parties in writing, this Agreement may be terminated at any time by TOWN/BIDMA without cause. In the event of such termination, TOWN/BIDMA shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement specifically regarding scope of services rendered to the date of termination minus offset for any costs and expenses incurred by TOWN/BIDMA. In addition, TOWN/BIDMA shall be entitled to a pro rata refund of any fees for services unrealized or not performed to the date of termination of the Agreement.

8. RECORDS

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

9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment

in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that the Consultant determines that a change order is required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the TOWN/BIDMA, its departments, officers, agents, members and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, Esq., Deputy Town Attorney, Riverhead Town Attorney's Office, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to Sal St. George, c/o St. George Living History Productions Inc., 40 Matsunaye Drive, Medford, New York, 11763.

11. COMPLIANCE WITH LAWS

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

12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance with policy limits of at least \$1,000,000.00 per occurrence/and in the aggregate, including sexual abuse/molestation liability coverage of \$1,000,000.00 per occurrence/ and in the aggregate. Such certificate of insurance, including proper endorsement, shall name the "Town of Riverhead" and "Riverhead Business Improvement District Management Association, Inc." as additional insured and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the TOWN/BIDMA, and their respective departments, officers, agents, members and employees,

harmless against any and all claims, actions, demands, losses, expenses, damages, fines, judgments, settlements, penalties including attorney's fees both pre-and post-judgment, against TOWN/BIDMA, and their respective departments, officers, agents, members and employees arising out of the acts or omissions of Consultant under this Agreement. Consultant shall provide the certificate of insurance, including proper endorsement, including the designated "additional insureds" within five (5) business days of contract execution. Town/BIDMA reserve the right to cancel this contract, upon immediate notice, in the event Consultant fails to provide the certificate of insurance. In event of such contract cancellation, Town/BIDMA shall be entitled to an immediate refund of all fees provided to Consultant.

13. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead or BIDMA which any such official, employee, representative shall receive either directly or indirectly anything of value whether monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town or BIDMA, or contract with the Town or BIDMA for sale of any product or service. Consultant further represents and covenants that neither it nor any of its employees or representatives has offered or shall offer any gratuity to the TOWN/BIDMA, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment with respect thereto. Consultant further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with TOWN/BIDMA.

14. WARRANTY and REPRESENTATIONS:

(a) Consultant warrants and represents to TOWN/BIDMA that: (i) Consultant shall perform and execute the scope of services required hereunder to the best of its ability and in accordance with the highest industry-accepted standards and practices for services and transactions of this type; (ii) Consultant further warrants and represents that Consultant is free to enter into this Agreement and fully perform its obligations hereunder and is under no obligation to any third party which will restrain or in any way affect the performance of its obligations hereunder.

(b) Consultant further warrants and represents that all scope of services for each and every particular presentation shall be performed in a professional manner. Furthermore, Consultant acknowledges that TOWN/BIDMA are relying upon Consultant's general skill, talent, expertise and professional judgment in the performance of the scope of services.

15. DISCLOSURE

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

16. CURE OF CONSULTANT'S DEFAULT/FORCE MAJEURE/DISPUTES

If Consultant shall default in the performance of the Agreement or any other duty imposed upon the Consultant hereunder, TOWN/BIDMA may (but shall not be required to), without notice to

Consultant and with or without terminating this Agreement, cure and rectify such default(s) and either deduct the reasonable cost of cure and rectification from compensation due to Consultant hereunder or TOWN/BIDMA may directly bill Consultant for such reasonable costs.

Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. TOWN/BIDMA and Consultant agree that this Agreement and any attached schedules or exhibits shall be governed by, and construed in accordance with, the laws of the State of New York, without regard to conflict of laws principles. TOWN/BIDMA and Consultant further agree that Suffolk County, New York, is the proper location for venue and all jurisdictional purposes, including but not limited to personal and in rem jurisdiction. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with its terms. HOWEVER, any delay or failure by either party hereto in the performance of its obligations hereunder shall not constitute a default hereunder or give rise to any claim for damages if, and only to the extent and for such period of time that, (i) such delay or failure is caused by an event or occurrence beyond the control and without the fault or negligence of such party or any subcontractor or other party acting under or through such party, and (ii) said party is unable to prevent such delay or failure through the exercise of reasonable diligence. Events that shall be deemed to be beyond the control of the parties hereto shall include, but not be limited to: acts of God or the public enemy; expropriation or confiscation of facilities by governmental or military authorities; changes in applicable laws; war, rebellion, sabotage or riots; floods, unusually severe weather that could not reasonably have been anticipated; fires, explosions, or other catastrophes; or other similar occurrences. In addition, in the event that weather conditions render completion of scope of services involving proposed outdoor events impracticable, all parties agree to exercise reasonable diligence in either securing an alternative venue for such entertainment services or substituting an equal or comparable entertainment service at such date and time both practicable and acceptable to all parties.

17. WAIVER CONSIDERATION

The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

18. ENTIRE AGREEMENT

This Agreement and the attached *Schedule A* contains the entire agreement of the parties hereto and there are no other promises or conditions in any other agreement whether oral or written.

19. AMENDMENT

Any modification of this Agreement and/or the attached *Schedule A* or additional obligation assumed by either party in connection with this Agreement shall be binding only if documented in writing and signed by each party.

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

By: Sean M. Walter, Town Supervisor
TOWN OF RIVERHEAD

DATE: _____

By: Salvatore St. George, President
ST. GEORGE LIVING HISTORY
PRODUCTIONS INC.

DATE: _____

By: Raymond Pickersgill, President
RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION,
INC.

DATE: _____

TOWN OF RIVERHEAD

Resolution # 635

EXPRESSING THE SENSE OF THE TOWN OF RIVERHEAD REQUESTING CONSTRUCTION OF A BUS SHELTER BY SUFFOLK COUNTY AND/OR NEW YORK STATE AT THE SUFFOLK COUNTY BUS STOP ON THE NORTH SIDE OF MAIN ROAD JUST EAST OF MAIN ROAD'S INTERSECTION WITH EDGAR AVENUE, AQUEBOGUE

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Suffolk County Department of Public Works operates and administers the Suffolk County Transit Bus System; and

WHEREAS, Main Road in Aquebogue, also known as State Route 25, is a State Roadway; and

WHEREAS, the Suffolk County Transit Bus System includes a bus stop for embarkation and disembarkation on the north side of Main Road just east of its intersection with Edgar Avenue, Aquebogue, for the benefit of bus passengers in the Aquebogue area; and

WHEREAS, the subject bus stop is devoid of a bus shelter at the subject location; and

WHEREAS, construction of a bus shelter at the subject location would benefit bus passengers by providing a dry area during inclement weather, and a shady area during warm weather; and

WHEREAS, Suffolk County and New York State have previously and jointly approved the construction of bus shelters at other locations in Suffolk County, on state roadways, for the benefit of Suffolk County Transit Bus System passengers.

NOW THEREFORE BE IT RESOLVED, that it is the sense of the Town of Riverhead Town Board requesting construction of a bus shelter at the Suffolk County bus stop on the north side of Main Road, just east of Main Road's intersection with Edgar Avenue, Aquebogue, or in the alternative, re-location of the bus stop and construction of a bus shelter at another suitable site, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Gilbert Anderson, P.E., Commissioner, Suffolk County Department of Public Works, 335 Yaphank Avenue, Yaphank, New York 11980 and Joseph Brown, P.E., Regional Director, Region 10, New York State Department of Transportation, State Office Building, 250 Veterans Memorial Highway, Hauppauge, New York, 11788; 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 # 636

ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE
(§101-10. Parking prohibited. and §101-10.2. No parking certain hours.- Ostrander Avenue)

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 to hear all interested persons to consider a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 18th day of August, 2015 at 7:25 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead 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 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 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code at its regular meeting held on September 1, 2015. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 101
VEHICLES AND TRAFFIC
ARTICLE V
Parking, Standing and Stopping

§ 101-10. Parking prohibited.

The parking of vehicles is hereby prohibited in the locations as follows:

Name of Street	Side	Location
Ostrander Avenue	East	From a point at its intersection with Corwin Street in a northerly direction for a distance of 300 feet

§101-10.2. No parking certain hours.

Street	Side	Hours	Location
<u>Ostrander Avenue</u>	<u>East</u>	<u>10:00 a.m. to 5:00 p.m., May 15 through September 15</u>	<u>From its intersection with Corwin Street in a northerly direction for a distance of 200 feet</u>

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

Dated: Riverhead, New York
September 1, 2015

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 637

AUTHORIZES BOW HUNTING FOR DEER ON TOWN PROPERTY AT ENTERPRISE PARK AT CALVERTON (SCTM No. 600-135-1-7.33, et al.); 1751 SOUND AVENUE, CALVERTON (SCTM No. 600-60-1-2); 437 YOUNGS AVENUE, RIVERHEAD (SCTM No. 600-80-2-6.1); MIDDLE ROAD, RIVERHEAD (SCTM No. 600-80-2-10.1), FROM OCTOBER 5, 2015, to NOVEMBER 8, 2015, inclusive, sunrise to sunset

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Town of Riverhead residents and Town of Riverhead real property owners have requested permission to engage in bow hunting for deer only on Town property at Enterprise Park at Calverton, SCTM No. District 600, Section 135, Block 1, Lot 7.33, et al., (hereinafter referred to as "EPCAL"); 1751 Sound Avenue, Calverton, District 600, Section 60, Block 1, Lot 2, (hereinafter referred to as "SOUND"); 437 Youngs Avenue, Riverhead, SCTM No. 600-80-2-6.1 (hereinafter referred to as "YOUNGS"); Middle Road, Riverhead, SCTM No. 600-80-2-10.1 (hereinafter referred to as "MIDDLE") from October 5, 2015, to November 8, 2015, inclusive, sunrise to sunset; and

WHEREAS, the Town Board of the Town of Riverhead wishes to provide bow hunting for deer only to Town of Riverhead residents and Town of Riverhead real property owners on Town property at EPCAL, SOUND, YOUNGS and MIDDLE from October 5, 2015, to November 8, 2015, inclusive, sunrise to sunset; and

WHEREAS, deer hunting by bow in New York State is a regulated activity by New York State and is subject to the laws, rules and regulations of New York State as enforced in whole or in part by the New York State Department of Environmental Conservation; and

WHEREAS, Town of Riverhead residents and Town of Riverhead real property owners who wish to engage in hunting activity in New York State are bound by applicable laws, rules and regulations of New York State.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead authorizes the Wildlife Management Advisory Committee (WMAC) to conduct a lottery on September 17, 2015, at 7:00 p.m., in the town hall board meeting room, to establish a list of those qualified hunters who are either residents of the Town of Riverhead or Town of Riverhead real property owners who shall be permitted to hunt for deer only by bow in EPCAL, SOUND, YOUNGS and MIDDLE in designated sections and at designated time periods as determined by the WMAC, in conformance with applicable New York State law, rules and regulations.

BE IT FURTHER RESOLVED THAT, all designated and qualified hunters must possess a valid New York State deer hunting license, big game tag, bowhunter

education certificate, landowner's endorsement as well as all other attendant-required documentation and shall abide by the laws, rules and regulations of New York State regarding deer hunting as well as the directives of the Wildlife Management Advisory Committee and/or Town officials and employees, failure of which to abide by shall subject the hunter to immediate revocation of the non-transferable hunting privilege.

BE IT FURTHER RESOLVED THAT, designated and qualified hunters shall only hunt in areas as designated and delineated in the above-referenced tax map numbers, from October 5, 2015, to November 8, 2015, inclusive, sunrise to sunset, in one-week time slots or as amended by and as per the directives of the Wildlife Management Advisory Committee and/or Town officials and employees.

BE IT FURTHER RESOLVED THAT, designated and qualified hunters shall be required to review and execute a revocable license agreement in a form approved by the Town Attorney at the time they are selected as a designated hunter in the lottery system.

BE IT FURTHER RESOLVED THAT the Town Supervisor is authorized to sign the respective landowner's endorsement and revocable license agreement on behalf of the Town Board.

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 # 638

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A NOTICE OF PUBLIC HEARING TO IMPOSE A ONE (1) YEAR MORATORIUM ON THE ESTABLISHMENT, LOCATION, CONSTRUCTION, USE, OPERATION OF LAND OR STRUCTURES AS A MEDICAL MARIHUANA DISPENSARY AND THE ISSUANCE OF ANY ZONING, SITE PLAN, BUILDING, LICENSING, PERMIT OR OTHER APPROVAL TO ANY PERSON, ENTITY OR PREMISES FOR THE USE OF LAND OR STRUCTURES AS A MEDICAL MARIHUANA DISPENSARY

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, as early as 1930, states have regulated cannabis (often referred to as “marihuana”, “marijuana” or “mariguana” and intended to reference the name of the cannabis plant and a drug preparation made from the plant) as a drug such that the act of possession, manufacture, transportation and sale was declared unlawful or criminal and by the mid 1930’s, 35 states enacted the Uniform State Narcotic Drug Act; and

WHEREAS, the federal government, through the Controlled Substances Act of 1970, identified cannabis as a schedule I drug, classified as such for high potential for abuse, and regulated and criminalized the use and possession of marihuana; and

WHEREAS, while there have been challenges to the federal law regulation and criminalization of cannabis, the Supreme Court has upheld the federal government’s right to regulate and criminalize cannabis even for medical use; and

WHEREAS, since the enactment of the Controlled Substances Act, several states have either petitioned, albeit unsuccessfully, the federal government to decriminalize marihuana possession for personal use or adopted various decriminalization legislation often limited to personal use of and limited quantities of marihuana; and

WHEREAS, more recently, states, through their respective departments of health and social services, as well as medical practitioners throughout the United States, have studied and debated the benefits and risks associated with use of marihuana for treatment of series illness and diseases, including cancer, epilepsy, human immunodeficiency virus, multiple sclerosis and other disorders characterized by muscle spasticity and nausea, and enacted legislation to decriminalize marihuana for medical use; and

WHEREAS, even more recently, June of 2014, the New York legislature passed legislation, signed into law by the Governor on July 7, 2014, referred to as the “Compassionate Care Act” or “Medical Marihuana Program”, amending the Public Health Law to add Title 5-A “Medical Use of Marihuana”, that states, in pertinent part, it shall be lawful to possess, acquire, use, deliver, transfer, transport or administer medical marihuana for certified medical use by a certified patient suffering from serious debilitating and life threatening conditions, including but not limited to cancer, positive

status for human immunodeficiency virus, spinal cord injury with objective neurological indication of intractable spasticity, and Parkinson's disease or such other diseases as may be added by the Commissioner subject to restrictions and consistent with guidance regulations to be promulgated by the Commissioner of Public Health (*Note, the projected effective or implementation date was January of 2016 with 18 months from date of enactment provided for the Commissioner to adopt regulations related to the various provisions of Title 5-A); and

WHEREAS, in addition, Title 5-A declares that it shall be lawful for "registered organizations", be it for-profit business entities or not-for-profit corporations, to acquire, possess, manufacture, sell, deliver, transport, distribute, dispense marihuana certified for medical use subject to certain registration and qualification requirements set forth in Title 5-A and to be promulgated by the Commissioner of Public Health; and

WHEREAS, the provisions of Title 5-A limit the number of manufactures that will be licensed to grow marihuana to five and limit the number of "registered organizations" (hereinafter referred to as "Medical Marihuana Dispensary(s)" authorized to dispense marihuana for sale all subject to registration and qualification requirements that are set forth in Title 5-A and other regulations or restrictions to be promulgated by the Commissioner of Public Health; and

WHEREAS, while the provisions of Title 5-A make clear that qualification of Medical Marihuana Dispensaries include appropriateness of the location, the text or language set forth in Title 5-A fails to provide or disclose the factors to be considered and the process to evaluate and determine appropriateness of location and more importantly fails to address the Town's authority to regulate this new use under its zoning and police powers; and

WHEREAS, presently, the Town Code, does not regulate this new use created by the enactment of Title 5-A, Medical Marihuana Dispensary, nor does the zoning code permit or specially permit the location of a Medical Marihuana Dispensary within any of the existing zoning districts; and

WHEREAS, the Town seeks to fulfill its obligation and assert the authority vested to the Town granted and set forth under Home Rule Law and such other provisions of law, to analyze impacts and potential liabilities under federal law; determine an appropriate regulatory framework for this new use, Medical Marihuana Dispensary, including analyzing impacts and secondary impacts and mitigation of said impacts to ensure that location of and operation of Medical Marihuana Dispensaries are appropriate within the Town or a particular zoning district within the Town; evaluate and determine consistency with the Comprehensive Plan adopted by the Town; and

WHEREAS, additional time is needed for the Town, through its various departments and such other experts or resources the Town may deem appropriate, to conduct appropriate study, research, investigate and evaluate the recent legislation, together with regulations and rules relating to the legislation promulgated by the Commissioner of Public Health, Department of Public Health or such other law, rule, regulation relating to acquisition, possession, manufacture, sale, delivery, transportation, distribution, and dispensing of medical marihuana and the registration and qualification requirements related to Medical Marihuana Dispensaries; the effects and impacts, including secondary impacts, related to the siting or location of a Medical Marihuana Dispensary(s) within the Town, including analyzing the impacts of allowing Medical Marihuana Dispensary(s) in residential zones as well as the impacts arising from the proximity of these uses and facilities to schools, daycare centers, and parks; evaluate and determine appropriate measures or regulations to minimize or mitigate

any potential negative impacts; evaluate consistency with the Town's Comprehensive Plan; and adopt such regulations, local laws, amendment to zoning code, amendment to the Comprehensive Plan an may be appropriate to address all of the above; and

WHEREAS, for the reasons set forth above, the Town Board deems it necessary and in the public interest to immediately prohibit the establishment, location, construction, use or operation of land or structures as a Medical Marihuana Dispensary within the Town of Riverhead and impose a moratorium on the issuance of any zoning, building or other licenses, permits, or other approvals to any person, entity or premises, for establishment, location, construction or operation of a Medical Marihuana Dispensary for a period of one (1) year so the Town may adopt appropriate regulations, amendment(s) to the Town's Zoning Code and/or amendment to the Town's Comprehensive Plan for such land use in a manner consistent with the goals and policies of the Town's Comprehensive Plan and in the best interests of the public health, safety and general welfare; and

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby authorized to publish and post the attached public notice to consider imposing a one (1) year moratorium on the zoning, building or other licenses, permits, or other approvals to any person, entity or premises, for the establishment, location, use, construction, operation of land or structures as a Medical Marihuana Dispensaries within 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 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 16th day of September, 2015 at 7:15 o'clock p.m. to hear all interested persons to consider the adoption of a Local Law entitled **MORATORIUM ON THE ESTABLISHMENT, LOCATION, CONSTRUCTION, USE, OPERATION OF LAND OR STRUCTURES AS A MEDICAL MARIHUANA DISPENSARY AND THE ISSUANCE OF ANY ZONING, SITE PLAN, BUILDING, LICENSING, PERMIT OR OTHER APPROVAL TO ANY PERSON, ENTITY OR PREMISES FOR THE USE OF LAND OR STRUCTURES AS A MEDICAL MARIHUANA DISPENSERY**

as follows:

LOCAL LAW NO. OF 2015

A LOCAL LAW creating a new Chapter 113 of the Code of the Town of Riverhead entitled: **MORATORIUM ON THE ESTABLISHMENT, LOCATION, CONSTRUCTION, USE, OPERATION OF LAND OR STRUCTURES AS A MEDICAL MARIHUANA DISPENSARY AND THE ISSUANCE OF ANY ZONING, SITE PLAN, BUILDING, LICENSING, PERMIT OR OTHER APPROVAL TO ANY PERSON, ENTITY OR PREMISES FOR THE USE OF LAND OR STRUCTURES AS A MEDICAL MARIHUANA DISPENSERY.**

BE IT ENACTED by the Town Board of the Town of Riverhead as follows:

SECTION 1.

113-001. LEGISLATIVE INTENT.

In June of 2014, the New York Legislature passed legislation amending Article 33 of the Public Health Law by adding Title 5-A titled "Medical Use of Marihuana". Title 5-A of the Public Health Law declares it lawful to possess, acquire, use, deliver, transfer, transport or administer medical marihuana for certified medical use by a certified patient or designated caregiver subject to restrictions and as determined by a practitioner and consistent with guidance regulations promulgated by the Commissioner of Public Health. Title 5-A defines the term "medical marihuana", "certified medical use", "certified patient" and "designated caregiver". The intent of Public Health Law Article 33 Title 5-A is to authorize use of medical marihuana for patients suffering from serious debilitating and life threatening conditions, including but not limited to cancer, positive status for human immunodeficiency virus, spinal cord injury with objective neurological indication of intractable spasticity, and Parkinson's disease or such other diseases as may be added by the Commissioner. In addition, Title 5-A declares that it shall be lawful for "registered organizations", be it for-profit business entities or not-for-profit corporations, to acquire, possess, manufacture, sell, deliver, transport, distribute, dispense marihuana certified for medical use subject to certain registration requirements as more fully set forth in Title 5-A.

Presently, the Town Code for the Town of Riverhead does not regulate uses related to the acquisition, possession, manufacture, sale, delivery, transport, distribution, or dispensing of marihuana certified for medical use (hereinafter referred to as "Medical Marihuana Dispensary(s)") nor is Medical Marihuana Dispensary a permitted or specially permitted use in any of the zoning districts. The Town Code, particularly Chapter 108 "Zoning" and Chapter 52 "Building Construction", which identifies zoning

districts and land uses within zoning districts; principal and specially permitted uses; special use criteria; dimensional requirements; parking schedule; signage; site plan procedures; and building and certificate of occupancy requirements related to land uses identified within the zoning districts, was the subject of a comprehensive study spanning over a four year period of time. This comprehensive study was the culmination of a planning process that established, by the adoption of Town of Riverhead Comprehensive Plan in November of 2003, the existing land use policy for the Town of Riverhead together with goals and vision for the future to guide decision making. The land use element served as the centerpiece of the comprehensive plan and identified existing and potential uses and the wide range of planning issues, including transportation and traffic, business element (location, scale, type) residential, recreation, and community services (police, ambulance, fire), related to such uses. This comprehensive study and the adopted comprehensive plan did not study the use of land or structures as Medical Marihuana Dispensary within any of the zoning districts, potential impacts related to siting or approving a Medical Marihuana Dispensary, or mitigation measures that may be appropriate or necessary to locate a "Medical Marihuana Dispensary" within the Town.

The adoption of Public Health Law Title 5-A raises novel and complex planning and public safety issues and the Town of Riverhead requires time to study and consider the newly adopted provisions of the Public Health Law, and all such rules and regulations relating to Medical Marihuana Dispensaries and address such novel and complex issues, as well as to address the potential impact of the aforesaid laws, rules, and regulations on local zoning and to undertake a planning process to consider amending the comprehensive plan, zoning code, and such other provisions of the Town Code to address the use of land and structures as a Medical Marihuana Dispensary. While the state legislation provides some insight into the planning issues that the Town must study and address, there are other issues related to the limited number of "registered organizations"; geographic location of other "registered organizations"; anticipated number of patients and/or caregivers; hours of operation; security requirements which must be researched and studied to evaluate potential impacts on key elements of planning such as traffic and community services. In addition, the Town must study the proximity and effects of locating or approving use of land or structures as a Medical Marihuana Dispensary to other existing or permitted uses, including residential, schools, daycare facilities and parks and mitigation measures to ensure that such a use and any amendment to comprehensive plan, zoning code or such other provision of the Town Code is consistent with sound planning goals and objectives of the Town of Riverhead.

Finally, while the Town Board of the Town of Riverhead seeks to comply with the provisions of the Public Health Law and such other laws, rules and regulations adopted or implemented by the State of New York (referred to as Compassionate Care Act or Medical Marihuana Act) and provide certified patients access to medical marihuana, the Town seeks to adopt a temporary moratorium on the use of land and structures in the Town for use as a Medical Marihuana Dispensary so as to allow the Town sufficient time to engage in a planning process to address the effects and impacts such structures and uses may have in the Town and to enact such law, including but not limited to, amendment to the Comprehensive Plan and amendment to zoning code, in a manner consistent with sound use planning goals and objectives; minimizes adverse impacts, if any, and ensure the health, safety and welfare of the residents of the Town of Riverhead, as well as certified patients, designated caregivers, and the general public.

For purposes of this Local Law:

"Medical Marihuana Dispensary" shall mean and include any for-profit business entity or not-for-profit corporation qualified and deemed a registered organization pursuant to the provisions of Title 5-A of the Public Health Law or such other law, rule or regulation promulgated by the State of New York granting legal authority to acquire, possess, manufacture, sell, deliver, transport, distribute, dispense marihuana certified for medical use.

For the reasons set forth above, and notwithstanding any other provision of the law to the contrary, the Town of Riverhead hereby adopts a temporary moratorium on the establishment, location, construction, use, operation of a Medical Marihuana Dispensary and the issuance, approval, licensing or permitting of land or structures for a Medical Marihuana Dispensary and related uses. During the moratorium period, the Town shall undertake a planning process to study and address the potential impacts of use of land or structures for a Medical Marihuana Dispensary in the Town of Riverhead. The Town shall also consider the provisions of the Public Health Law, regulations promulgated by the Commissioner, and such other rules or regulations related to use of land or structures for and as a Medical Marihuana Dispensary(s) and related uses, and shall consider adopting amendment to the Comprehensive Plan, Zoning Code or such other provisions of the Town Code to address the impact and operation of Medical Marihuana Dispensary(s) in the Town of Riverhead.

113-002. Statutory Authority/Supersession

This Chapter is adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act and its implementing regulations. It expressly supersedes any provisions of the Town Code of the Town of Riverhead, and §§ 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York. Furthermore, in accordance with recommendation of the Planning Department that this action be classified as Type II under the criteria of Section 617 of the State Environmental Quality Review Act and the other provisions of the New York State Environmental Conservation Law, the Board declares themselves lead agency and further determines the action to be Type II pursuant to Section 617.5 (c) (30) of the State Environmental Quality Review Act and that an Environmental Impact Statement need not be prepared.

In particular, this Local law shall supersede and suspend those provisions of the Town Code and New York State Law which require the Town Board, the Planning Board, Building Department to accept, process and approve applications within certain statutory time periods any zoning, site plan, building or other licenses, permits, or other approvals to any person, entity or premises, for the sale or dispensing of marihuana. In addition, this Local Law shall supersede and suspend those provisions of the Town Code of the Town of Riverhead as well as the Town Law of the State of New York which require the Town Board or Planning Board to accept, process and approve site plan and special permit applications. Furthermore, this Local Law shall supersede and suspend those provisions of the Town Code and the New York State Town Law which grant the Zoning Board of Appeals authority to hear appeals from applicable zoning provisions, the time frames for decision making and holding hearings for decision making, and the exemptions set forth in 113-006.

113-003 Applicability.

The provisions of this Chapter shall apply to all any zoning, site plan, special permit, building or other licenses, permits, or other approvals to any person, entity or premises, for the use of land or structures as a Medical Marihuana Dispensary within the Town of Riverhead.

113-004. Processing of Site Plans Applications, Building Permit Applications and Special Permit Application Prohibited.

Neither the Planning Board, nor the Town Board, nor the Building Department shall process any zoning, site plan, special permit, building or other application, license, permit, or other approvals to any person, entity or premises, for the use of property or structures as a Medical Marihuana Dispensary.

113-005. Time Period.

This Chapter shall apply for a period of one (1) year from the effective date hereof. This Chapter shall expire after said one (1) year period.

113-006 Exemption Criteria and Procedure for Obtaining an Exemption

1. Applications may be exempted from the provisions of this Chapter, following a public hearing on notice before the Town Board. Upon such application, the Town Board shall consider:

- a) The applicant's loss of beneficial or economic use of property; and
- b) The hardship created by the moratorium on applicant's use or intended use of the property; and
- c) The impact of the proposed use on the property, and uses in proximity of the applicant's property, particularly residences, churches, playgrounds, parks, recreational facilities, and any environmentally significant property or habitats, including but not limited to, wetlands, coastal areas, endangered plants and animal species, and wildlife, and such other similar environmental concerns;
- d) The impact, if any, of the use of the applicant's property, upon transportation and community services; and
- e) Compatibility of the proposed development with the permitted and existing uses within the zoning district wherein the use is proposed to be located and existing community character of the area;
- f) Compatibility of the proposed development with the Comprehensive Plan of the Town of Riverhead.

2. In making a determination concerning a proposed exemption, the Town Board may

obtain and consider written reports from the Planning Department, and such other sources as required in the discretion of the Town Board, and consistent with the proposes of this Chapter. A grant of an exemption to an applicant's application hereunder shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner and a finding that the grant of an exemption will be in harmony with, and will be consistent with the goals and policies of the Comprehensive Plan.

3. An application under Subsection (1) shall be accompanied by a fee of \$250.00, together with the applicant's written undertaking, in a form to be approved by the Town Attorney and, in substance, approved by the Town Board, to pay either in advance or by reimbursement, at the Town Board's on-going election, any out-of-pocket costs incurred relating to the hearing, review, and determination of such application.

SECTION 2.

113-007 Severability.

If any section or subsection, paragraph, clause, phrase or portion of this local law shall be judged invalid or held unconstitutional by a court of competent jurisdiction, any judgment made thereby shall not effect the validity of this law as a whole or any part thereof other than the part of provision so adjudged to be invalid or unconstitutional

SECTION 3.

113-008 Effective Date.

This Local Law shall take effect upon the filing of this Local Law with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: Riverhead, New York
September 1, 2015

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 639

**APPROVES OF THE CHAPTER 90 APPLICATION OF
ABATE OF NY LONG ISLAND CHAPTER
(St. Mary's Food & Toy Run – Sunday, November 8, 2015)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on August 14, 2015, Bill Quinn, on behalf of Abate of NY Long Island Chapter (ABATE), submitted a Chapter 90 Application for the purpose of conducting a motorcycle run entitled "St. Mary's Food & Toy Run", said run to commence at the Riverhead Elks Lodge located on 1239 East Main Street, Riverhead, New York and to end at St. Mary's Episcopal Church, located at 165 Ponquogue Avenue, Hampton Bays, New York, on Sunday, November 8, 2015; and

WHEREAS, all participants shall congregate at the Riverhead Elks Lodge between the hours of 10:00 a.m. and 11:30 a.m.; and

WHEREAS, ABATE has submitted and completed a Short Environmental Assessment Form pursuant to 6 NYCRR Part 617, identifying the potential adverse environmental impacts of the event; and

WHEREAS, ABATE has requested the Chapter 90 Application fee for this event be waived due to their 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; and

WHEREAS, ABATE events typically involve the gathering of a large number of motorcycles. The gathering of these vehicles may create a noise disturbance to the health, safety, and welfare of the adjacent residential community. This requires that such events be limited in number and conditioned to minimize the impact on adjoining property owners.

NOW THEREFORE BE IT RESOLVED, that Town Board 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 Abate of NY Long Island Chapter for the purpose of conducting a motorcycle run entitled "St. Mary's Food & Toy Run", said run to commence at the Riverhead Elks Lodge located on 1239 East Main Street, Riverhead, New York and to end at St. Mary's Episcopal Church, located at 165 Ponquogue Avenue, Hampton Bays, New York, on Sunday, November 8, 2015, having

all participants to congregate for said motorcycle run at the Riverhead Elks Lodge between the hours of 10:00 a.m. and 11:30 a.m., is hereby approved subject to the conditions set forth herein; and be it further

RESOLVED, that the applicant shall be required to stage the arrival and departure of motorcycles in such a way as to minimize to the greatest extent possible the noise impacts to surrounding neighbors, and be it further

RESOLVED, that all parking for this event shall be contained upon the Riverhead Elks Lodge property and there shall be no parking permitted on Sunrise Avenue and East Main Street; and be it further

RESOLVED, that the applicant shall advise event participants that motorcycle engines shall not be permitted to continue to run upon arrival at the event premises; and be it further

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

RESOLVED, that should the conditions of this approval be violated that the Riverhead Police Department shall have the authority to revoke the permit and require the public to vacate the premises; and be it further

RESOLVED, that this approval is subject to Riverhead Town Code Chapter 81 entitled, "Noise Control" and that applicant shall not exceed the noise limits as defined in Section 81-5 Prohibited Acts.; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Abate of NY Long Island Chapter, c/o Bill Quinn, P.O. Box 22, Yaphank, New York, 11980 and the Riverhead Elks Lodge #2044, P.O. Box 688, 1239 E. Main Street, Riverhead, New York, 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 # 640

**APPROVES CHAPTER 90 APPLICATION OF
LONG IRELAND BEER COMPANY, LLC
("Halfway to St. Patrick's Day Party" - Saturday, September 19, 2015)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on August 11, 2015, Gregory Martin, on behalf of Long Ireland Beer Company, LLC, submitted a Chapter 90 Application for the purpose of conducting an event entitled "Halfway to St. Patrick's Day Party", to include music, craft sales, food concessions and the sale and service of beer, to be held at 817 Pulaski Street, Riverhead, New York, on Saturday, September 19, 2015 between the hours of 1:00 p.m. and 7:00 p.m.;

WHEREAS, Long Ireland Beer Company, LLC 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, Long Ireland Beer Company, LLC has paid the applicable Chapter 90 Application fee for this event; 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 Long Ireland Beer Company, LLC for the purpose of conducting an event entitled "Halfway to St. Patrick's Day Party", to include music, craft sales, food concessions and the sale and service of beer, to be held at 817 Pulaski Street, Riverhead, New York, on Saturday, September 19, 2015 between the hours of 1:00 p.m. and 7:00 p.m., is hereby approved; and be it further

RESOLVED, that approval for this event shall be subject to receipt of required Suffolk County Department of Health Vendors Temporary Food Service Permit **no later than September 7, 2015**; and be it further

RESOLVED, that this approval is subject to receipt of a fully executed license agreement, together with the requisite license fee as stated in said license agreement, for purposes of the utilization of Police and/or Fire Marshal personnel and patrol vehicles **no later than September 7, 2015**; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Long Ireland Beer Company, LLC , Attn: Gregory Martin, 817 Pulaski Street, Riverhead, New York; 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 # 641

APPROVES CHAPTER 90 APPLICATION OF
BUBBLE PALOOZA, LLC
(Calverton Links – Saturday, September 26, 2015)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on June 4, 2015, Dean Del Prete, on behalf of Bubble Palooza, LLC, submitted a Chapter 90 Application for the purpose of conducting a 5K Run with bubbles and foam machine, having an expected total daily attendance of 1,500 attendees, to include food and related merchandise sales and musical entertainment, to be held at Calverton Links, 149 Edwards Avenue, Calverton, New York on Saturday, September 26, 2015, between the hours of 8:00 a.m. and 4:00 p.m.; and

WHEREAS, Bubble Palooza LLC has completed and filed a Chapter 90 Special Events – Short Form Application, together with a Short Environmental Assessment Form, in accordance with 6 NYCRR 617.6(b); and

WHEREAS, the Town Board of the Town of Riverhead has declared itself “Lead Agency” in accordance with 6 NYCRR 617; and

WHEREAS, the applicable Chapter 90 Application fee has been paid for this event; 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 including the certificate of insurance regarding said application.

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

RESOLVED that the Chapter 90 Application of Bubble Palooza LLC for the purpose of conducting a 5K Run with bubbles and foam machine, having an expected total daily attendance of 1,500 attendees, to include food and related merchandise sales and musical entertainment, to be held at Calverton Links, 149 Edwards Avenue, Calverton, New York on Saturday, September 26, 2015, between the hours of 8:00 a.m. and 4:00 p.m., is hereby approved; and be it further

RESOLVED, that approval for this event shall be subject to the following:

- Receipt of required Suffolk County Department of Health Vendors Temporary Food Service Permit **no later than September 11, 2015**;
- Receipt of an acceptable Outdoor Safety Plan to be submitted to the Riverhead Fire Marshal, **no later than September 11, 2015**;

RESOLVED, that this approval is subject to a fully executed license agreement, together with the requisite license fee as stated in said license agreement, for purposes of the utilization of police personnel and patrol vehicles, **no later than September 11, 2015**; and be it further

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

RESOLVED, that the necessary tent permits must be obtained and any tent installations and all electric shall comply with the applicable provisions of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Bubble Palooza LLC, Attn: Dean Del Prete, 3080 Rte. 112, Medford, New York, 11763 and Calverton Links, Attn: Parvis Farahzad, 750 Rte. 25A, Suite 3, Setauket, New York, 11733; 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 # 642

**APPROVES CHAPTER 90 APPLICATION OF THE
CYSTIC FIBROSIS FOUNDATION GREATER NEW YORK CHAPTER
("CF Cycle For Life" – Saturday, October 3, 2015)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on April 6, 2015, Jeremy Fleisher, on behalf of the Cystic Fibrosis Foundation Greater New York Chapter ("CFF") submitted a Chapter 90 Application for the purpose of conducting an event entitled "CF Cycle For Life" to include food concessions, the sale and service of beer and a bicycle tour (choice of 32, 62, or 100 mile routes within the Town of Riverhead) to raise public awareness and funds to help children and young adults struggling with cystic fibrosis, said routes to commence and end at Splish Splash Water Park, 2549 Splish Splash Drive, Calverton, New York, on Saturday, October 3, 2015, between the hours of 6:30 a.m. and 4:00 p.m.; and

WHEREAS, CFF 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 applicant has requested the application 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 including the certificate of insurance 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 Cystic Fibrosis Foundation Greater New York Chapter ("CFF"), for the purpose of conducting an event entitled "CF Cycle For Life" to include food concessions, the sale and service of beer and a bicycle tour (choice of 32, 62, or 100 mile routes within the Town of Riverhead) to raise public

awareness and funds to help children and young adults struggling with cystic fibrosis, said routes to commence and end at Splish Splash Water Park, 2549 Splish Splash Drive, Calverton, New York, on Saturday, October 3, 2015, between the hours of 6:30 a.m. and 4:00 p.m., is approved; and be it further

RESOLVED, that this approval is subject to a fully executed license agreement, together with the requisite license fee as stated in said license agreement, for purposes of the utilization of police personnel and patrol vehicles, **no later than September 7, 2015**; and be it further

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

RESOLVED, an Outdoor Public Safety Plan shall be submitted to the Fire Marshal's office **no later than September 14, 2015**; and be it further

RESOLVED, that any tent installations, including the obtainment of any necessary tent permits, and any all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Cystic Fibrosis Foundation Greater New York Chapter, 1 Huntington Quadrangle, Suite 2513, Melville, New York, 11747; 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 # 643

**APPROVES THE CHAPTER 90 APPLICATION OF HALLOCKVILLE INC.
(Country Style Fair – September 12th and 13th, 2015)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on July 30, 2015, Herbert J. Strobel, on behalf of Hallockville Inc., submitted a Chapter 90 Application for the purpose of conducting a “Country Style Fair” to include craft vendors, children’s activities and museum tours to be held at the Hallockville Farm Museum, located at 6038 Sound Avenue, Riverhead, New York, on Saturday, September 12th, 2015 and Sunday, September 13th, 2015, between the hours of 10:00 a.m. and 5:00 p.m. each day; and

WHEREAS, Hallockville Inc. 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 applicant has requested the Chapter 90 Application 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 Hallockville Inc. for the purpose of conducting a “Country Style Fair” to include craft vendors, children’s activities and museum tours to be held at the Hallockville Farm Museum, located at 6038 Sound Avenue, Riverhead, New York, on Saturday, September 12th, 2015 and Sunday, September 13th, 2015, between the hours of 10:00 a.m. and 5:00 p.m. each day, is hereby approved; and be it further

RESOLVED, that the Riverhead Town Board hereby waives the Chapter 90

Application fee for this event due to the applicant's not-for-profit status; and be it further

RESOLVED, that approval for this event shall be subject to the following:

- Receipt of required Suffolk County Department of Health Vendors Temporary Food Service Permit;
- Receipt of required Emergency Medical Services (EMS) information;

RESOLVED, that this approval is subject to a fully executed license agreement, together with the requisite license fee as stated in said license agreement, for purposes of the utilization of police personnel and patrol vehicles, **no later than September 7, 2015**; and be it further

RESOLVED, that this approval is subject to Riverhead Town Code Chapter 108-56 entitled, "Signs" and any other section of the Riverhead Town Code that may apply to this event; 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 September 7, 2015**; 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 provisions of the Building and Fire Code of New York State, the National Electrical Code and the National Fire Protection Association 102 (Tents & Membrane Structures); and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Hallockville, Inc., Attn: Herbert J. Strobel, 6038 Sound Avenue, Riverhead, New York, 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 # 644

**APPROVES CHAPTER 90 APPLICATION OF THE
ISLAND CLASSIC CAR SHOWS INC.**

(Car Show and Vendor Fair – Sunday, September 27, 2015)

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on August 18, 2015, Amy Ilardi, on behalf of Island Classic Car Shows, Inc., submitted a Chapter 90 Application for the purpose of conducting a “Car Show and Vendor Fair” to include a car show, food concessions, vendor sales and musical entertainment, to be held at Splish Splash Water Park, 2549 Splish Splash Drive, Calverton, New York, on Sunday, September 27, 2015, having a rain date of Sunday, October 4, 2015, between the hours of 7:00 a.m. and 5:00 p.m.; and

WHEREAS, Island Classic Car Shows, Inc. 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 applicable Chapter 90 Application fee has been paid; 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 including the certificate of insurance 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 Island Classic Car Shows, Inc., for the purpose of conducting a “Car Show and Vendor Fair” to include a car show, food concessions, vendor sales and musical entertainment, to be held at Splish Splash Water Park, 2549 Splish Splash Drive, Calverton, New York, on Sunday, September 27, 2015, having a rain date of Sunday, October 4, 2015, between the hours of 7:00 a.m. and 5:00 p.m., is approved; and be it further

RESOLVED, that this approval is subject to a fully executed license agreement, together with the requisite license fee as stated in said license agreement, for purposes of the utilization of police personnel and patrol vehicles, **no later than September 7, 2015**; and be it further

RESOLVED, an Outdoor Public Safety Plan shall be submitted to the Fire Marshal's office **no later than September 11, 2015**; and be it further

RESOLVED, that any tent installations, including the obtainment of any necessary tent permits, and any all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Island Classic Car Shows, Inc., 1410 N. Ocean Avenue, Medford, New York, 11763; 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 # 645

**APPROVES CHAPTER 90 APPLICATION OF RIVERHEAD FOUNDATION FOR
MARINE RESEARCH AND PRESERVATION
(18th ANNUAL 5K RUN FOR THE RIDLEY – Saturday, October 24, 2015)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on July 28, 2015, Robert A. DiGiovanni, Jr., on behalf of the Riverhead Foundation for Marine Research and Preservation (Riverhead Foundation) submitted a Chapter 90 Application for the purpose of conducting a 5K Foot Race entitled “Run for the Ridley”, said course to begin on East Main Street, continuing on East Main Street, Riverside Drive, River Avenue and ending at McDermott Avenue, to be held on Saturday, October 24, 2015 between the hours of 6:00 a.m. and 12:00 noon; and

WHEREAS, the Riverhead Foundation has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 61; 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, Riverhead Foundation has requested the Chapter 90 Application 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 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 Riverhead Foundation For Marine Research and Preservation for the purpose of conducting a 5K Foot Race at the aforementioned locations to be held on Saturday, October 24, 2015 between the hours of 6:00 a.m. and 12:00 noon is hereby approved; and be it further

RESOLVED, that this approval is subject to a fully executed license agreement,

together with the requisite license fee as stated in said license agreement, for purposes of the utilization of police personnel and patrol vehicles, **no later than September 7, 2015**; and be it further

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

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

RESOLVED, an Outdoor Public Safety Plan shall be submitted to the Fire Marshal's office **no later than October 1, 2015**; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Foundation for Marine Research and Preservation, Attn: Robert A. DeGiovanni, Jr., 467 East Main Street, Riverhead, New York, 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 # 646

**APPROVES CHAPTER 90 APPLICATION OF
STARFISH JUNCTION PRODUCTIONS LLC
("Pour the Core: Hard Cider Festival – Long Island"
Calverton Links - Saturday, October 3, 2015)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on August 25, 2015, Andrew Calimano Jr., on behalf of Starfish Junction Productions LLC, submitted a Chapter 90 Application for the purpose of conducting an event entitled "Pour the Core: Hard Cider Festival – Long Island", a festival celebrating all things cider related including hard cider tastings, seminars about cider, food trucks, and exhibitors with items to sell, having an expected total daily attendance of 1,000 attendees, to be held at Calverton Links, 149 Edwards Avenue, Calverton. New York on Saturday, October 3, 2015, between the hours of 1:30 p.m. and 5:00 p.m.; and

WHEREAS, Starfish Junction Productions LLC has completed and filed a Chapter 90 Special Events – Short Form Application, together with a Short Environmental Assessment Form, in accordance with 6 NYCRR 617.6(b); and

WHEREAS, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617; and

WHEREAS, the applicable Chapter 90 Application fee has been paid for this event; 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 including the certificate of insurance regarding said application.

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

RESOLVED that the Chapter 90 Application of Starfish Junction Productions LLC for the purpose of conducting an event entitled "Pour the Core: Hard Cider Festival – Long Island", a festival celebrating all things cider related including hard cider tastings, seminars about cider with food trucks, and exhibitors with items to sell, having an expected total daily attendance of 1,000 attendees, to be held at Calverton Links, 149 Edwards Avenue, Calverton. New York on Saturday, October 3, 2015, between the

hours of 1:30 p.m. and 5:00 p.m., is hereby approved; and be it further

RESOLVED, that approval for this event shall be subject to the following:

- Receipt of required Suffolk County Department of Health Vendors Temporary Food Service Permit;
- Receipt of an acceptable Outdoor Safety Plan to be submitted to the Riverhead Fire Marshal;

RESOLVED, that this approval is subject to a fully executed license agreement, together with the requisite license fee as stated in said license agreement, for purposes of the utilization of police personnel and patrol vehicles, **no later than September 7, 2015**; and be it further

RESOLVED, that Chapter 46 of the Riverhead Town Code entitled “Alcoholic Beverages” is deemed to be waived for the service of alcoholic beer during the event provided further that service be by licensed alcohol service providers/TIPS-certified (Training for Intervention Procedures) waitstaff and properly identified individuals will be given a wristband for identification purposes; and be it further

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

RESOLVED, that the necessary tent permits must be obtained and any tent installations and all electric shall comply with the applicable provisions of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Starfish Junction Productions LLC, 226 North Fehr Way, Bay Shore, New York, 11706 and Calverton Links, Attn: Parvis Farahzad, 750 Rte. 25A, Suite 3, Setauket, New York, 11733; 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 # 647

**RATIFIES THE APPROVAL OF THE CHAPTER 90 APPLICATION OF THE
SURVIVAL RACE, LLC
(5K Adventure and Mud Run – August 29, 2015 and August 30, 2015)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on January 29, 2015, Dean Del Prete of Survival Race, LLC, submitted a Chapter 90 Application for the purpose of conducting a family focused 5K Run, to include a food concession, craft sales, music and the sale and service of alcoholic beverages, to be held at the Cornell Cooperative Extension of Nassau County property a/k/a 4-H Camp, located at 3186 Sound Avenue, Riverhead, New York, on Saturday, August 29, 2015, between the hours of 9:30 a.m. and 9:30 p.m.; and on Sunday, August 30, 2015, between the hours of 9:00 a.m. and 1:00 p.m.; and

WHEREAS, Survival Race LLC 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 applicant has paid the applicable Chapter 90 Fee; and

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

NOW THEREFORE BE IT RESOLVED, that Town Board 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 application of Dean Del Prete of Survival Race, LLC for the purpose of conducting a family focused 5K Run, obstacle course and mud run, to include a food concession, craft sales, music and the sale and service of alcoholic beverages, to be held at the Cornell Cooperative Extension of Nassau County property a/k/a 4-H Camp, located at 3186 Sound Avenue, Riverhead, New York, on Saturday, August 29, 2015, between the hours of 9:30 a.m. and 9:30 p.m.; and on Sunday, August 30, 2015, between the hours of 9:00 a.m. and 1:00 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 prior to the commencement of this

event; and be it further

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

RESOLVED, that this approval is **subject to** receipt of a certificate of insurance naming the Town of Riverhead and all property owners having right, title and interest to Farm Terry Road, as additional insured's, also providing proof of adequate insurance coverage limits to the satisfaction of the Town Attorney, prior to the commencement of this event; and be it further

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

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Dean Del Prete, 3080 Route 112, Medford, New York, 11763; 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 # 648

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
FIREWORKS BY GRUCCI, INC.
(Robert Pole Memorial Fund – Baiting Hollow Club – September 2, 2015)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on August 14, 2015, Fireworks by Grucci, Inc. had submitted a Fireworks Permit Application, on behalf of the Robert Pole Memorial Fund, which fund was established after Robert's and three coworkers deaths in Basrah, Iraq on September 7th, 2005, for the purpose of conducting a fireworks display at the Baiting Hollow Club, 100 Club Drive, Baiting Hollow, New York on Wednesday, September 2, 2015 at approximately 9:00 p.m., having a rain date of September 3, 2015; and

WHEREAS, the Town Attorney is in receipt of a completed Fireworks Application executed by the Chief of the Riverhead Fire Department and the Riverhead Fire Marshal and a certificate of insurance from the fireworks company (Fireworks by Grucci, Inc.) naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to their form.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of Fireworks by Grucci, Inc., on behalf of the Robert Pole Memorial Fund, for the purpose of conducting a fireworks display at the Baiting Hollow Club, 100 Club Drive, Baiting Hollow, New York on Wednesday, September 2, 2015 at approximately 9:00 p.m., having a rain date of September 3, 2015, is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Riverhead Fire Department.
- Scheduling a pre-event inspection between 12:00 noon and 2:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Riverhead Fire Chief in attendance.
- Fireworks and technicians must arrive at the site no later than 2:00 p.m. on the day of the event.
- Fire Marshal to be present 30 minutes prior to commencement of show for purpose of final inspection and safety review.
- The show shall be limited to firework shells as listed on the Fireworks Permit application.
- The Fire Marshal shall have the final authorization to allow the show to proceed or cancel the show if there are unsafe conditions, lighting and/or wind in excess of 30 miles per hour; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Fireworks by Grucci, Inc., 20 Pinehurst Drive, Bellport, New York, 11713; the Robert Pole Memorial Fund, Attn: Lara Pole, P.O. Box 156, Rocky Point, New York, 11778 and the Riverhead Fire Department Chief; 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 # 649

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #15-19 August 19, 2015 (TBM 09/01/15)			
			Grand
Fund Name	Fund #	Ckrun	Totals
GENERAL FUND	1	2,268,358.92	2,268,358.92
POLICE ATHLETIC LEAGUE	4	637.72	637.72
RECREATION PROGRAM FUND	6	71,309.62	71,309.62
HIGHWAY FUND	111	224,913.67	224,913.67
WATER DISTRICT	112	214,864.24	214,864.24
RIVERHEAD SEWER DISTRICT	114	126,954.61	126,954.61
REFUSE & GARBAGE COLLECTION DI	115	4,321.82	4,321.82
STREET LIGHTING DISTRICT	116	43,423.28	43,423.28
PUBLIC PARKING DISTRICT	117	2,260.19	2,260.19
AMBULANCE DISTRICT	120	2,901.42	2,901.42
EAST CREEK DOCKING FACILITY FUND	122	3,049.39	3,049.39
CALVERTON SEWER DISTRICT	124	12,416.45	12,416.45
RIVERHEAD SCAVENGER WASTE DIST	128	73,512.11	73,512.11
WORKERS' COMPENSATION	173	76,268.77	76,268.77
CDBG CONSORTIUM ACCOUNT	181	5,000.00	5,000.00
COMMUNITY DEVELOPMENT AGENCY	405	214,019.46	214,019.46
TOWN HALL CAPITAL PROJECT	406	74,410.09	74,410.09
WATER DISTRICT CAPITAL PROJECT	412	67,762.51	67,762.51
RIVERHEAD SEWER CAPITAL PROJECT	414	1,254,706.95	1,254,706.95
CALVERTON SEWER CAPITAL PROJECT	424	9,108.32	9,108.32
EISEP CAP PROJECT	454	0.00	0.00
TRUST & AGENCY	735	643,109.62	643,109.62
CALVERTON PARK - C.D.A.	914	1,277.50	1,277.50
		5,394,586.66	5,394,586.66

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 # 650

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH
MANTARAY PICTURES, LLC FOR USE OF THE TOWN OF RIVERHEAD PREMISES
IN CONNECTION WITH A MOTION PICTURE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Mantaray Pictures, LLC has expressed its desire to use property of the Town of Riverhead, for the filming of a motion picture for production entitled, "Devil's Five"; and

WHEREAS, Mantaray Pictures, LLC, wishes to utilize various locations within the Town of Riverhead for the purposes of videotaping for film production for "Devil's Five" movie; and

WHEREAS, the Town of Riverhead has agreed to permit the utilization of these facilities for said production as follows:

Friday September 18, 2015	Riverhead Town Hall/basement 8:30 a.m. – 8:00 p.m.
Saturday September 19, 2015	EPCAL 7,000 foot airport runway 4:00 p.m. - Sunrise on Sunday, September 20, 2015
Sunday September 20, 2015	EPCAL 7,000 foot airport runway 4:00 p.m. - Sunrise on Monday, September 21, 2015
Saturday September 26, 2015	Riverhead Town Hall/basement 4:00 p.m. –11:00 p.m.
Sunday September 27, 2015	EPCAL 7,000 foot airport runway 4:00 p.m. - Sunrise on Monday, September 28, 2015

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached Agreement with Mantaray Pictures, LLC in substantially the form attached hereto; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Mantaray Pictures, LLC c/o Terry Wickham at 345 Jackson Avenue, Copiague, New York 11726; 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.

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution #650 was TAKEN OFF THE FLOOR, Giglio, ABSTAIN; Gabrielsen, ABSTAIN; Wooten, yes; Dunleavy, yes; Walter, yes, motion carried. Immediately thereafter there was a motion to put to vote.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**AGREEMENT BETWEEN TOWN OF RIVERHEAD AND
MANTARAY PICTURES, LLC FOR
UTILIZATION OF TOWN FACILITIES**

This Contract is made and entered into as of this _____ day of September, 2015 by and between Mantaray Pictures, LLC, a domestic limited liability Mantaray Pictures, LLC existing under laws of the state of New York, having a principal place of business at 345 Jackson Avenue, Copiague, New York 11726 and the Town of Riverhead, a municipal corporation with offices located at 200 Howell Avenue, County of Suffolk and State of New York.

WHEREAS, Mantaray Pictures, LLC, wishes to utilize various locations within the Town of Riverhead for the purposes of videotaping for film production for “Devil’s Five” movie; and

WHEREAS, the Town of Riverhead has agreed to permit the utilization of these facilities for said production as outlined below; and

WHEREAS, Mantaray Pictures, LLC , agreed to terms under which it will be granted the use of said facilities of the Town of Riverhead; and

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

1. Use of Property: the Town of Riverhead hereby grants Mantaray Pictures, LLC permission to utilize the Town property described herein as follows:

Friday September 18, 2015	Riverhead Town Hall/basement 8:30 a.m. – 8:00 p.m.
Saturday September 19, 2015	EPCAL 7,000 foot airport runway 4:00 p.m. - Sunrise on Sunday, September 20, 2015
Sunday September 20, 2015	EPCAL 7,000 foot airport runway 4:00 p.m. - Sunrise on Monday, September 21, 2015
Saturday September 26, 2015	Riverhead Town Hall/basement 4:00 p.m. –11:00 p.m.
Sunday September 27, 2015	EPCAL 7,000 foot airport runway 4:00 p.m. - Sunrise on Monday, September 28, 2015

for the aforementioned purposes. Mantaray Pictures, LLC, may not use any images of the Town personnel and/or the vehicles. Nothing herein shall obligate Mantaray Pictures, LLC, to photograph,

to use such photography, or to otherwise use the Premises, but Mantaray Pictures, LLC reserves the right to complete any photography or other recordings commenced on the Premises. Mantaray Pictures, LLC shall have the right to photograph, record and depict the Premises and/or any part or parts thereof, accurately or otherwise, as we may choose, using and/or reproducing the actual name, signs, logos, trademarks and other identifying features thereof and/or without regard to the actual appearance or name of the Premises or any part or thereof, in connection with the filming and any other photoplay produced by us or by others except that Mantaray Pictures, LLC may not use any images of the police personnel and/or the police vehicles. Mantaray Pictures, LLC shall have the right to construct a set duplicating all or any part of the premises (including, but not limited to, any signs and the interiors of said Premises) for the purpose of completing scheduled work, or for filming retakes, added scenes, advertisements or promotions.

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

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

4. Compensation: The Town of Riverhead has waived any and all License fees.

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

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

6. Responsibilities of Mantaray Pictures, LLC: Mantaray Pictures, LLC, will be responsible

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

7. Right and Interest in Photography: The Town hereby acknowledges that neither it nor any owner or tenant, or other party now or hereafter having an interest in said Town Property, has any interest in our photography or recording on or of the Town Property, nor any right of action against us or any other party arising out of any use of said photography. The Town hereby grants to Mantaray Pictures, LLC, its successors and assigns the irrevocable and perpetual right, worldwide, in any manner and in any media to use and exploit the films, photographs, and recordings made of or on the Premises in connection with the Photoplay in such manner and to such extent as Mantaray Pictures, LLC desires in its sole discretion. Mantaray Pictures, LLC and its licensees, assigns and successors shall be the sole and exclusive owner of all rights of whatever nature, including all copyrights, in and to all films, photographs and recordings made on or of the premises, in perpetuity throughout the universe.

8. Insurance and Indemnification: Mantaray Pictures, LLC , will be responsible for providing commercial general liability insurance in the amount of not less than \$2,000,000.00 with a Mantaray Pictures, LLC or companies reasonably satisfactory to the Town. Mantaray Pictures, LLC shall provide certificate(s) of the foregoing insurance, showing the Town of Riverhead as additional insured to the extent of their interest. Finally, Mantaray Pictures, LLC agrees to indemnify and hold the Town of Riverhead and their respective officers, employees, agents, representatives and officials from any and all loss or liability associated with the videotaping and related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by Mantaray Pictures, LLC and its employees, agents, representatives and concessionaires, of the Property except to the extent caused by the negligence or willful misconduct by the Town of Riverhead. With respect to any suit or claim by Town of Riverhead whether under this indemnification

provision or otherwise, Mantaray Pictures, LLC for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable outside attorneys fees incurred by the Town securing compliance with the provision of this indemnification agreement.

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

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

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

In Witness Whereof, Mantaray Pictures, LLC has caused this instrument to be signed in its corporate name and Town of Riverhead has caused this instrument to be signed in its municipal name by Sean M. Walter, its Supervisor, hereunto duly authorized, as of the day and the year first above written.

Mantaray Pictures, LLC

The Town of Riverhead

By: _____
Terry Wickham

By: _____
Sean M. Walter, Supervisor