

## **RESOLUTION LIST**

**DECEMBER 31, 2015**

- Res. #864 CDBG 2015 Program Budget Adoption**
- Res. #865 General Fund – Justice Court Budget Adjustment**
- Res. #866 Riverhead Highway District Budget Adjustment**
- Res. #867 ProHealth Care Sewer Extension Riverhead Sewer District Capital Improvement Project Budget Adoption**
- Res. #868 Awards bid for Annual Audit Services for Town of Riverhead**
- Res. #869 Awards Bid for Audit Services for Town of Riverhead Justice Court**
- Res. #870 Awards Bid for Audit Services for Town of Riverhead Peconic Bay Community Preservation Fund**
- Res. #871 Authorizes Release of Suffolk county Downtown Revitalization Round 10 Funds for Downtown Ice Rink Facility**
- Res. #872 Authorizes Acceptance of New York State Grant to Support Enhanced Water Infrastructure at EPCAL Subdivision**
- Res. #873 Authorizes Acceptance of NYS DEC Grant to Support Cesspool Disconnection**
- Res. #874 Authorizes Acceptance of Suffolk County Downtown Revitalization Round 13 Funding for Downtown LED Lights**
- Res. #875 Appoints the Chairman of the Planning Board of the Town of Riverhead (Stanley Carey)**
- Res. #876 Appoints the Vice Chairman of the Planning Board of the Town of Riverhead (Edward Densieski)**
- Res. #877 Authorizes Town Clerk to Publish and Post a Public Notice for a Local law to Consider Amendment to Chapter 108 Entitled “Zoning” of the Riverhead Town Code (HC)**
- Res. #878 Authorizes Town Clerk to Publish and Post a Public Notice for a Local law to Consider Amendment to Chapter 108 Entitled “Zoning” of the Riverhead Town Code (RLC)**
- Res. #879 Authorizes Town Clerk to Publish and Post a Public Notice for a Local law to Consider Amendment to Chapter 108 Entitled “Zoning” of the Riverhead Town Code (VC)**

- Res. #880** Authorizes Town Clerk to Publish and Post a Public Notice for a Local law to Consider Amendment to Chapter 108 Entitled “Zoning” of the Riverhead Town Code (RC)
- Res. #881** Terminates the Employment of a Call-In Fire Prevention Inspector (James McLoughlin)
- Res. #882** Ratifies Authorization for Town Clerk to Publish and Post a Public Notice for the Continuation of a Public Hearing Regarding an Alleged Unsafe Structure Located at 307 Griffing Avenue, Riverhead, Suffolk County, New York, SCTM #600-128-3-19 Pursuant to Chapter 54 of the Riverhead Town Code
- Res. #883** Authorizes the Supervisor to Execute an Agreement with Arleen Bobal for Transcription of Town Meetings
- Res. #884** Authorizes the Supervisor to Execute an Agreement with Flynn Stenography & Transcription Services for Transcription of Town Meetings
- Res. #885** Re-Appoints Marriage Officer (Diane Wilhelm)
- Res. #886** Re-Appoints Marriage Officer (James Wooten)
- Res. #887** Authorizes the Supervisor to Execute an Indemnification Agreement Between Baiting Hollow Owner, LLC and the Town of Riverhead (The Knolls at Fox Hill, Phase IIIB)
- Res. #888** Appoints the Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP to Act as Special Counsel in the Civil Action Entitled J. Kings Realty, Inc. v. Town of Riverhead Town Board, et al and Authorizes the Supervisor to Execute a Retainer Agreement
- Res. #889** Appoints the Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP to Act as Special Counsel in the Civil Action Entitled Marie Guerrara Tooker v. Salvatore Guerrara, et al and Authorizes the Supervisor to Execute a Retainer Agreement
- Res. #890** Approves the Chapter 90 Application of Strong Island Running Club, LLC (5k Dog Run/Walk – Sunday, September 25, 2016)
- Res. #891** Re-Appoints Registrar, Deputy Registrar and Sub-Registrar of Vital Statistics
- Res. #892** Approves the Chapter 90 Application of Nile Rodgers Productions, Inc. (“The Freak Out!” Music, Art & Wine Festival – August 12, 13 & 14, 2016)
- Res. #893** Pays Bills

TOWN OF RIVERHEAD

Resolution # 864

CDBG 2015 Program Budget Adoption

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, Resolution #726 adopted 10/6/15 ratified the execution and submission of Suffolk County Community Development Block Grant Funds (CDBG) for fiscal year 2015, and

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

|  | <u>FROM</u> | <u>TO</u> |
|--|-------------|-----------|
| 181.084910.493000.06915    Federal Aid                         | 103,130     |           |
| 181.086680.540000.06915    Home Improvement Program            |             | 40,000    |
| 181.067720.541000.06915    Senior Center Improvements          |             | 31,000    |
| 181.086760.542200.06915    Soup Kitchen, Bread and More        |             | 5,000     |
| 181.086760.542201.06915    Open Arms Care Center               |             | 5,000     |
| 181.086760.543408.06915    Community Awareness Program (CAP)   |             | 5,000     |
| 181.086760.543410.06915    Dominican Sisters & Maureen's Haven |             | 10,000    |
| 181.086860.540000.06915    Administration                      |             | 7,130     |

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Community Development and Accounting Departments; and

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

THE VOTE

|  |  |
|--|--|
| Giglio <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 # 865**

**GENERAL FUND - JUSTICE COURT**

**BUDGET ADJUSTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Justice Court is requesting a budget adjustment to provide anticipated funds for interpreters.

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

|  | <b><u>FROM</u></b> | <b><u>TO</u></b> |
|--|--------------------|------------------|
| 001.012610.421070 Justice Fines & Fees | 1,000              |                  |
| 001.011100.543905 Interpreters         |                    | 1,000            |

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

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

**THE VOTE**

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|--|--|
| 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 # 866**

**RIVERHEAD HIGHWAY DISTRICT**

**BUDGET ADJUSTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Superintendent of Highway is requesting a budget adjustment.

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

|                                     | <u>FROM</u> | <u>TO</u> |
|-------------------------------------|-------------|-----------|
| 111.012665.464200 Sale of Equipment | 9,322.70    |           |
| 111.051300.524000 Equipment         |             | 9,322.70  |

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting and Highway 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 # 867

**PROHEALTH CARE SEWER EXTENSION**  
**RIVERHEAD SEWER DISTRICT**  
**CAPITAL IMPROVEMENT PROJECT**

**BUDGET ADOPTION**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, The Riverhead Sewer District and H2M, the engineer, has received funds to provide engineering services for sewer service located at 896 Old Country Road, 21<sup>st</sup> Century Oncology.

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

|                         |                           | <b><u>FROM</u></b> | <b><u>TO</u></b> |
|-------------------------|---------------------------|--------------------|------------------|
| 414.092705.421050.20045 | Developer Fees            | 3,750.00           |                  |
| 414.081300.543504.20045 | Professional Service Eng. |                    | 3,750.00         |

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 868

**AWARDS BID FOR ANNUAL AUDIT SERVICES FOR TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Board of the Town of Riverhead, by Resolution #812 adopted on October 16, 2012, authorized the issuance of a Request for Proposals for annual audit services for Town of Riverhead; and

**WHEREAS**, pursuant to such Request for Proposal, each proposal must comply with the instructions in the Notice and required that all proposals be submitted on or before 12:15 pm on November 9, 2012; and

**WHEREAS**, five (5) responses were received, opened and read aloud on November 9, 2012 at 12:15 pm in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York; and

**WHEREAS**, the Town Financial Administrator, together with the Office of the Town Attorney, did review and evaluate all proposals; and

**WHEREAS**, after serious consideration and evaluation, the Town Financial Administrator and the Office of the Town Attorney determined that Albrecht, Viggiano, Zureck & company, P.C. (AVZ) was the lowest responsible bidder and recommend that the bid for annual audit services for Town of Riverhead be awarded to AVZ.

**WHEREAS**, by Resolution # 62 adopted on January 15, 2013, the Town Board did award the bid for annual audit services for Town of Riverhead for years 2012, 2013 and 2014 and entered into a professional services agreement with AVZ; and

**WHEREAS**, AVZ completed said audits to the satisfaction of the Financial Administrator and Town Board, and, AVZ has agreed to perform identical services for 2015 and 2016 subject to the identical terms and conditions set forth in the prior professional services agreement; and

**NOW THEREFORE BE IT RESOLVED**, that the bid for annual audit services for the Town of Riverhead is extended for 2015 and 2016 and is hereby awarded to AVZ; and be it further

**RESOLVED**, that the Town Board be and does hereby authorize the Town Supervisor to execute an agreement with AVZ; and

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Albrecht, Viggiano, Zureck & Company, P.C., 25 Suffolk Court,

Hauppauge, NY 11788-3715; the Town Attorney'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 # 869

**AWARDS BID FOR AUDIT SERVICES FOR  
TOWN OF RIVERHEAD JUSTICE COURT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town Board of the Town of Riverhead, by Resolution #811 adopted on October 16, 2012, authorized the issuance of a Request for Proposals for audit services for Town of Riverhead Justice Court; and

**WHEREAS**, pursuant to such Request for Proposal, each proposal must comply with the instructions in the Notice and required that all proposals be submitted on or before 12:05 pm on November 9, 2012; and

**WHEREAS**, four (4) responses were received, opened and read aloud on November 9, 2012 at 12:05 pm in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York; and

**WHEREAS**, the Town Financial Administrator, together with the Office of the Town Attorney, did review and evaluate all proposals; and

**WHEREAS**, after serious consideration and evaluation, the Town Financial Administrator and the Office of the Town Attorney determined that Albrecht, Viggiano, Zureck & company, P.C. (AVZ) was the lowest responsible bidder and recommend that the bid be awarded to AVZ; and

**WHEREAS**, by Resolution # 63 adopted on January 15, 2013, the Town Board did award the bid for audit services for Town of Riverhead Justice Court for years 2012, 2013 and 2014 and entered into a professional services agreement with AVZ; and

**WHEREAS**, AVZ completed said audits to the satisfaction of the Financial Administrator and Town Board, and, AVZ has agreed to perform identical services for 2015 and 2016 subject to the identical terms and conditions set forth in the prior professional services agreement; and

**NOW THEREFORE BE IT RESOLVED**, that the bid for audit services for Town of Riverhead Justice Court awarded to AVZ is extended for the 2015 and 2016 for services necessary for the audit of the Town of Riverhead Justice Court; and be it further

**RESOLVED**, that the Town Board be and does hereby authorize the Town Supervisor to execute an agreement with AVZ under identical terms and conditions set forth in the prior professional services agreement; and

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Albrecht, Viggiano, Zureck & Company, P.C., 25 Suffolk Court, Hauppauge, NY 11788-3715; the Town Attorney'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 # 870

**AWARDS BID FOR AUDIT SERVICES FOR TOWN OF RIVERHEAD  
PECONIC BAY COMMUNITY PRESERVATION FUND**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town Board of the Town of Riverhead, by Resolution #810 adopted on October 16, 2012, authorized the issuance of a Request for Proposals for audit services for Town of Riverhead Community Preservation Fund; and

**WHEREAS**, pursuant to such Request for Proposal, each proposal must comply with the instructions in the Notice and required that all proposals be submitted on or before 12:00 noon on November 9, 2012; and

**WHEREAS**, four (4) responses were received, opened and read aloud on November 9, 2012 at 12:00 noon in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York; and

**WHEREAS**, the Town Financial Administrator, together with the Office of the Town Attorney, did review and evaluate all proposals; and

**WHEREAS**, after serious consideration and evaluation, the Town Financial Administrator and the Office of the Town Attorney determined that George R. Rehn, CPA was the lowest responsible bidder and recommend that the bid be awarded to George R. Rehn, CPA; and

**WHEREAS**, by Resolution # 64 adopted on January 15, 2013, the Town Board did award the bid to George R. Rehn, CPA for audit services for Town of Riverhead Community Preservation Fund for years 2012, 2013 and 2014 and entered into a professional services agreement for such services; and

**WHEREAS**, George R. Rehn, CPA completed said audits to the satisfaction of the Financial Administrator and Town Board, and, George Rehn has agreed to perform identical services for 2015 and 2016 subject to the identical terms and conditions set forth in the prior professional services agreement; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby approves and authorizes the Town Supervisor to execute an agreement with George R. Rehn, CPA for audit of Community Preservation Fund for 2015 and 2016 under the same terms and conditions of the prior agreement; and

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to George R. Rehn, CPA, 286 Main Street, East Setauket, NY 11733; the Town Attorney'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

## **CONSULTANT/PROFESSIONAL SERVICES AGREEMENT**

This Agreement made the \_\_\_\_\_ of January, 2016 between the Town of Riverhead, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and George R. Rehn, Certified Public Accountant with a principal place of business at 286 Main Street, East Setauket, NY 11733 (hereinafter referred to as "Consultant").

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

### **1. SCOPE OF SERVICES**

During the term of this Agreement, Consultant shall furnish the Services set forth below as an independent contractor and not as an employee of Town. Consultant shall audit the financial statements of the cash collections and distributions of the Town of Riverhead Peconic Bay Community Preservation Fund as of and for the years ending December 31, 2015 and December 31, 2016. In addition as required by generally accepted accounting standards, Consultant shall apply certain limited procedures to the Town of Riverhead's RSI in accordance with auditing standards consisting of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge Consultant obtained during the audit of the financial statements. The audit objective, procedures and management responsibilities are set forth in Exhibits "A" (2012), "B" (2013) and "C" (2014) which were made a part of the original agreement and shall be made part hereof.

### **2. TERM OF AGREEMENT**

This Agreement shall commence immediately upon execution of this Agreement by the respective parties and shall be completed in a timely manner.

### **3. PAYMENT**

For these Services, the Town will pay Consultant a fee not to exceed \$3,250.00 (THREE THOUSAND TWO HUNDRED FIFTY DOLLARS and 00/100) per annual audit for completion of audit for years ending December 31, 2015 and December 31, 2016. The Town shall require the submission of monthly time records and identification of the services provided, together with such other standard and necessary forms required for payment by the Town. The Town shall not have any liability for any other expenses or costs incurred by Consultant, including third party services retained by Consultant to assist in preparation or completion of the scope of services set forth above.

### **4. RIGHTS TO DOCUMENTS OR DATA**

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and

information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such data and information. Final payment shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

#### 5. PUBLICITY

Consultant shall not; without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant. Consultant shall not, without the prior written consent of the Town, provide, release or make available for inspection any documents, data, written material of any kind without the prior written consent of at least three members of the Town board or by resolution of the Town Board, except to the extent that Consultant determines it necessary to retain the services of a third party to assist in the preparation of the audit Consultant may release the documents, data, and such other written material provided said third party executes a confidentiality agreement in favor of the Town.

#### 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 or by resolution of the Town Board.

#### 7. TERMINATION

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

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

#### 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: Supervisor Sean M. Walter , 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to George R. Rehn, Certified Public Accountant, 286 Main Street, East Setauket, NY 11788 .

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

#### 12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant under this Agreement, however, it is agreed and understood that the Town releases and holds harmless Consultant and its personnel from any claims, liabilities costs, and expenses from misrepresentations or incorrect information supplied by the Town related to the services identified herein.

#### 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 which any such official, employee, representative shall receive either directly or indirectly anything of value whether

monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town, contract with the Town for sale of any product or service. Consultant further represents and covenants that neither it nor any of its employees or representatives has offered or shall offer any gratuity to the Town, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment with respect thereto. Consultant further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with Town.

#### 14. 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.

#### 15. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. The Town and Consultant agree that prior to resorting to litigation, the matter be submitted to mediation upon the written request of either party and the results of such mediation shall only be binding upon agreement of each party to be bound thereby. The costs of mediation proceedings shall be shared equally by both parties. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with the decision of Town.

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

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Sean M. Walter, Supervisor  
Town of Riverhead

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George R. Rehn, CPA

TOWN OF RIVERHEAD

Resolution # 871

**AUTHORIZES RELEASE OF SUFFOLK COUNTY DOWNTOWN REVITALIZATION  
ROUND 10 FUNDS FOR DOWNTOWN ICE RINK FACILITY**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, Suffolk County awarded Down Revitalization Grant Program Round 10 funding to the Town of Riverhead Community Development Department for a public ice rink facility within the Town of Riverhead parking district property along the downtown waterfront; and

**WHEREAS**, the Town attempted to find a suitable location for the project in the downtown area without success; and

**WHEREAS**, the grant awarded to the Town by Suffolk County Downtown Revitalization will expire and leave the Town with a negative performance record with the committee; and

**THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the BID to rescind the Suffolk County for Downtown Revitalization Round 10 funding for the Downtown Ice Rink Facility; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide notification of this resolution to CDD Director Chris Kempner, the 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 # 872

**AUTHORIZES ACCEPTANCE OF NEW YORK STATE GRANT TO SUPPORT  
ENHANCED WATER INFRASTRUCTURE AT EPCAL SUBDIVISION**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

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

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

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

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

**WHEREAS**, the Town of Riverhead Community Development Department and the Town of Riverhead Water District submitted a funding application and were awarded \$125,000 towards a \$625,000 project to develop enhanced water infrastructure at EPCAL to service businesses in the Town of Riverhead and Eastern Long Island; and

**WHEREAS**, the proposed water infrastructure project will implement Long Island Economic Development Regional Council goals identified in the strategic plan to develop EPCAL in an effort to create jobs, enhance tax base, and incentivize private investment in the region through smart growth development; and

**WHEREAS**, the proposed water infrastructure project will implement Town of Riverhead CDA goals to redevelop the Enterprise Park at Calverton in an effort to create jobs and generate tax base by supporting targeted sustainable regional growth; and

**NOW THEREFORE BE IT RESOLVED**, that the Town of Riverhead Board authorizes acceptance of a \$125,000 grant from New York State Empire State

Development towards a \$625,000 project to develop enhanced water infrastructure at the Enterprise Park at Calverton; and

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

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

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

**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 # 873

**AUTHORIZES ACCEPTANCE OF NYS DEC GRANT TO SUPPORT  
CESSPOOL DISCONNECTION**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

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

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

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

**WHEREAS**, the Town of Riverhead Community Development Department and the Town of Riverhead Sewer District submitted a funding application and were awarded \$580,000 towards a \$1,115,000 project to develop enhanced sewer infrastructure at West Main Street to service businesses in the Town of Riverhead and Eastern Long Island that will reduce nitrogen loading into the Peconic Estuary; and

**WHEREAS**, the proposed sewer infrastructure project will implement Long Island Economic Development Regional Council goals identified in the strategic plan to develop West Main Street in an effort to protect the Peconic Estuary, create jobs, enhance tax base, and incentivize private investment in the region through smart growth development; and

**WHEREAS**, the proposed sewer infrastructure project will implement Town of Riverhead goals to protect the Peconic Estuary as well as improve the West Main Street corridor in an effort to create jobs and generate tax base by supporting targeted sustainable regional growth; and

**NOW THEREFORE BE IT RESOLVED**, that the Town of Riverhead Board authorizes acceptance of a \$580,000 grant from New York State Department of Environmental Conservation Water Quality Improvement Program towards a \$1,115,000 project to develop enhanced sewer infrastructure at West Main Street to service businesses in the Town of Riverhead and Eastern Long Island that will reduce nitrogen loading into the Peconic Estuary; and

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

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

## OFFICE OF THE COMMISSIONER

New York State Department of Environmental Conservation  
625 Broadway, 14th Floor, Albany, New York 12233-1010  
P: (518) 402-8545 | F: (518) 402-8541  
www.dec.ny.gov

Honorable Sean Walter  
Supervisor  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11901

DEC 10 2015

Re: Water Quality Improvement Project # 54723  
Town of Riverhead Cesspool Disconnection

Dear Supervisor Walter:

In 2011, Governor Cuomo launched the Regional Economic Development Councils and the Consolidated Funding Application (CFA) to provide each region with the tools to create and implement their own roadmap for economic prosperity and job creation. This community-based model uses local assets to drive local economic growth and has resulted in unprecedented partnerships and collaboration that are building a reinvigorated economy.

After four successful rounds, the 2015 CFA made \$750 million in economic development resources available from more than thirty programs across thirteen state agencies. The agency programs provide resources for projects focused on community development and job creation, direct assistance to business, waterfront revitalization, energy and environmental improvements, sustainability and low-cost financing. The Department of Environmental Conservation (DEC) is proud to have contributed up to \$35,000,000 to this year's CFA.

We are pleased to inform you that the Town of Riverhead Cesspool Disconnection project has been selected to receive up to \$580,000 through the Water Quality Improvement Project (WQIP) program. On behalf of our partners at the federal, State, and local levels of government, please accept our gratitude for taking the initiative to participate in this program. If you applied for funding from other DEC programs or other State agencies, you will receive information from those programs/agencies separately.

Contracts for WQIP projects will be completed through the NYS Grants Gateway and are expected to be executed within 60-80 days from the date of this letter. There are several steps that must be completed by your organization to meet this timeframe. We recommend visiting the Grants Reform webpage at: <http://www.grantsreform.ny.gov/Grantees> to become familiar with the grants gateway and the contracting process. The document titled "Quick Start Guide: Contracts" can help those new to working in the Grants Gateway.

We will be reaching out to you shortly to provide you with additional information that will assist you in getting a contract in place. In the meantime, we suggest downloading the project workplan and budget worksheet templates from the DEC website at: <http://www.dec.ny.gov/pubs/101565.html> and begin drafting the project workplan and budget to later enter into the Grants Gateway. The terms for WQIP contracts must have a start date no earlier than May 1, 2015. Contract end dates must be no later than May 31, 2020.

We look forward to working with you on this important water quality project. If you should have any questions, please contact the WQIP program staff at [user.water@dec.ny.gov](mailto:user.water@dec.ny.gov) or call (518)-402-8179.

Sincerely,

A handwritten signature in black ink, appearing to read "Basil Seggos", with a horizontal line extending to the right.

Basil Seggos  
Acting Commissioner

TOWN OF RIVERHEAD

Resolution # 874

**AUTHORIZES ACCEPTANCE OF SUFFOLK COUNTY DOWNTOWN  
REVITALIZATION ROUND 13 FUNDING FOR DOWNTOWN LED LIGHTS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

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

**WHEREAS**, Suffolk County announced Round 13 of the Downtown Revitalization Grant Program to encourage improvements in downtown business districts; and

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

**WHEREAS**, the Town of Riverhead Community Development Department has applied and been awarded a \$50,000 grant to the Riverhead Business Improvement District towards a total project budget cost of \$70,000 for downtown LED lights; and

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes acceptance of the Suffolk County Downtown Revitalization grant for \$50,000 towards a total project cost of \$70,000 for downtown LED lights; and be it further

**RESOLVED**, the Town Board authorizes the Town of Riverhead to enter into an intermunicipal agreement with the County under Article 5-G of the General Municipal Law pursuant to which the Town of Riverhead would be required to undertake and complete the project and the County would be responsible for providing financing for all or part of the cost of the project; and

**RESOLVED**, the Town Board authorizes the Town of Riverhead to provide the County of Suffolk to obtain a leasehold, easement or other real property interest in the site of the project as required by the County financing program; and

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

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

# COUNTY OF SUFFOLK



## OFFICE OF THE COUNTY EXECUTIVE

Steven Bellone  
SUFFOLK COUNTY EXECUTIVE

Joanne Minieri  
Deputy County Executive and Commissioner

Department of  
Economic Development and Planning

October 27, 2015

The Honorable Sean Walter  
Supervisor, Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11901

Dear Supervisor Walter:

I am pleased to inform you that the following applicant within your municipality has been awarded funding through Round 13 of the Downtown Revitalization Program:

- Town of Riverhead BID - Award Amount \$50,000.00

The Downtown Revitalization Citizens Advisory Panel recommended this award to County Executive Bellone and the Suffolk County Legislature after careful deliberation of all applications including the use of a merit-based scoring system. The Legislature and County Executive concurred with their recommendations resulting in the awarding of funds for 9 projects countywide.

As the municipal partner for this application, you have agreed to contract with the County for the funding and therefore must execute a contract before any portion of the funding is spent. Enclosed you will find a blank Project Summary which must be completed and returned for the funded project. We encourage you to collaborate with your co-applicant when completing the Project Summaries, especially because *the requested funding level may not be the same amount as awarded*. The completed Project Summary must be received by our office no later than 120 days from the date of this letter or the County reserves its right to reconsider the grant award. Please note that funds spent outside the term of agreement of the executed contract will not be reimbursed.

I look forward to working with you toward the improvement and revitalization of your downtown area. If you have any questions, please contact Heidi Kowalchuk, Contracts Management Analyst at (631) 853-5925.

Regards,

Regina A. Zara, Chair  
Downtown Revitalization Citizen Advisory Panel

RZ/jo

Attachments

cc: Legislator Krupski  
Raymond Pickersgill

TOWN OF RIVERHEAD

Resolution # 875

**APPOINTS THE CHAIRMAN OF THE PLANNING BOARD  
OF THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**BE IT RESOLVED**, effective January 1, 2016, Stanley Carey be and is hereby appointed as Chairman to the Town of Riverhead Planning Board at a salary as determined by the Town Board, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Stanley Carey, the Planning Board, the Planning Department and the Office of Accounting.

**THE VOTE**

Giglio  Yes  No

Gabrielsen  Yes  No

Wooten  Yes  No

Dunleavy  Yes  No

Walter  Yes  No

The Resolution Was  Thereupon Duly Declared **TABLED**

TOWN OF RIVERHEAD

Resolution # 876

**APPOINTS THE VICE CHAIRMAN OF THE PLANNING BOARD OF THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**BE IT RESOLVED**, effective January 1, 2016, Edward Densieski be and is hereby appointed as Vice Chairman to the Town of Riverhead Planning Board at a salary as determined by the Town Board, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Edward Densieski, the Planning Board, the Planning Department and the Office of Accounting.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared **TABLED**

TOWN OF RIVERHEAD

Resolution # 877

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENT TO CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**BE IT RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the January 7, 2016 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code, to be posted on the sign board of the Town; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York 11901, on the 20<sup>th</sup> day of January, 2016 at 7:05 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

CHAPTER 108  
ZONING

**Article LIII. Hamlet Center (HC) Zoning Use District**

**§ 108-288. Supplementary guidelines.**

C. Additional requirements.

Hours of operation of retail business establishments. As used herein, a "retail business establishment" shall mean and include a retail store or shop or other business establishment in which goods, wares, foods, commodities, articles or products are sold at retail, except that a "retail business establishment" shall not be construed to include any business establishment licensed to sell alcoholic beverages at retail for on-premises consumption. No retail business establishment shall remain open for business during the five-hour period between 12:00 midnight and 5:00 a.m. Every retail business establishment shall be closed to the public during the aforementioned five-hour period, and business with the public therein is prohibited after the hour of 12:00 midnight and before the hour of 5:00 a.m. of every day.

- Underscore indicates additions
- Overstrike indicates deletions

Dated: Riverhead, New York  
December 31, 2015

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

TOWN OF RIVERHEAD

Resolution # 878

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENT TO CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**BE IT RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the January 7, 2016 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code, to be posted on the sign board of the Town; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York 11901, on the 20<sup>th</sup> day of January, 2016 at 7:05 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

CHAPTER 108  
ZONING

**Article LII. Rural Corridor (RLC)**

**§ 108-284. Supplementary guidelines.**

C. Additional requirements.

Hours of operation of retail business establishments. As used herein, a "retail business establishment" shall mean and include a retail store or shop or other business establishment in which goods, wares, foods, commodities, articles or products are sold at retail, except that a "retail business establishment" shall not be construed to include any business establishment licensed to sell alcoholic beverages at retail for on-premises consumption. No retail business establishment shall remain open for business during the five-hour period between 12:00 midnight and 5:00 a.m. Every retail business establishment shall be closed to the public during the aforementioned five-hour period, and business with the public therein is prohibited after the hour of 12:00 midnight and before the hour of 5:00 a.m. of every day.

- Underscore indicates additions
- Overstrike indicates deletions

Dated: Riverhead, New York  
December 31, 2015

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

TOWN OF RIVERHEAD

Resolution # 879

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENT TO CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**BE IT RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the January 7, 2016 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code, to be posted on the sign board of the Town; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York 11901, on the 20<sup>th</sup> day of January, 2016 at 7:05 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

CHAPTER 108  
ZONING

**Article LIV. Village Center (VC) Zoning Use District**

**§ 108-292. Supplementary guidelines.**

C. Additional requirements.

Hours of operation of retail business establishments. As used herein, a "retail business establishment" shall mean and include a retail store or shop or other business establishment in which goods, wares, foods, commodities, articles or products are sold at retail, except that a "retail business establishment" shall not be construed to include any business establishment licensed to sell alcoholic beverages at retail for on-premises consumption. No retail business establishment shall remain open for business during the five-hour period between 12:00 midnight and 5:00 a.m. Every retail business establishment shall be closed to the public during the aforementioned five-hour period, and business with the public therein is prohibited after the hour of 12:00 midnight and before the hour of 5:00 a.m. of every day.

- Underscore indicates additions
- Overstrike indicates deletions

Dated: Riverhead, New York  
December 31, 2015

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

TOWN OF RIVERHEAD

Resolution # 880

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO  
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED  
"ZONING" OF THE RIVERHEAD TOWN CODE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the January 7, 2016 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 20<sup>th</sup> day of January, 2016 at 7:05 o'clock p.m. to amend the Code of the Town of Riverhead to add a amend Chapter 108 Entitled "Zoning" of the Riverhead Town Code.

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

CHAPTER 108

ZONING

ARTICLE XXIII. Residence RC District

(Retirement Community)

§108-119. Additional requirements.

A. All lots shall be located within the Town of Riverhead Water District and Sewer District or be located within 1,500 feet of the Water District and Sewer District and subject to approval for the requisite capacity for the proposed development. The applicant shall be responsible for all costs related to application for Water and/or Sewer District extension and costs related to extension of the appurtenances to include the parcel in the water and sewer districts.

B. The method of water supply and of sewage disposal, conforming to Health Department requirements.

C. At least 30% of the total site area shall be devoted to open space which shall be kept in its natural state or landscaped and maintained with grass for passive recreational uses such as picnic areas, walking trails, gardening and horticultural.

D. The use of interconnecting walkways, trails and natural walking paths for pedestrian traffic shall be an integral part of the design of any development to facilitate access between common areas, groups of dwelling units and open space areas.

E. All primary walkways and sidewalks shall meet Americans with Disabilities Act (ADA) requirements. Trails and natural walking paths are exempt from this requirement; however, the Town encourages maximizing accessibility to all residents. Due consideration shall be given to planning walks, ramps, and driveways to prevent slipping, stumbling, and handrails and ample places for rest shall be strategically provided.

F. A buffer strip of not less than 10 feet in width consisting of massed trees and shrubbery or existing mature vegetation supplemented by new landscaping shall be maintained alongside front and rear property lines, except the buffer area shall be 25 feet in width along any lot line abutting a residential district or use. The trees and shrubbery shall consist of evergreens and deciduous plant material which, when planted, shall be at least six feet tall and when mature shall be maintained at a height of not less than eight feet, so as to provide an effective natural screen. No structure shall be permitted within this strip or buffer.

G. All utilities shall be placed underground, including telephone, electric and cable telephone service.

H. All parking shall comply with the parking schedule set forth in § 108-60 of this chapter, notwithstanding the following:

(1) No parking shall be provided within 25 linear feet of the principal frontage.

(2) Parking and loading areas shall be placed as far from adjacent residences as possible (but a minimum of 50 linear feet) and surrounded by landscaping.

I. The proposed method of collection and disposal of stormwater, designed so as not to interfere with adjoining properties or burden public facilities.

J. The proposed lighting facilities for the safety of pedestrian and vehicular traffic, with exterior spotlighting of buildings or grounds to be from shaded sources and located so that the light beams are not directed toward any lot in a residential district or toward a public highway.

K. The provisions of this Section (108-119) which were added by Local Law 9-2012, adopted on June 19, 2012 are intended to and shall take effect to those parcels designated or mapped as Retirement Community after the effective date of Local Law No. 9-2012. Parcels that were mapped as Retirement Community prior to June 19, 2012 shall be subject to the Additional requirements of section 108-119 in effect prior to June 19, 2012.

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

Dated: Riverhead, New York  
December 31, 2015

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

**DIANE M. WILHELM, Town Clerk**

TOWN OF RIVERHEAD

Resolution # 881

**TERMINATES THE EMPLOYMENT OF A CALL-IN FIRE PREVENTION INSPECTOR**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the appointment of a Full-Time Fire Prevention Inspector has negated the necessity of a Call-In Fire Prevention Inspector.

**NOW, THEREFORE, BE IT RESOLVED**, that effective today, December 31, 2015 this Town Board hereby terminates the employment of Call-In Fire Prevention Inspector James McLoughlin.

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to James McLoughlin, 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 # 882

**RATIFIES AUTHORIZATION FOR TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR THE CONTINUATION OF A PUBLIC HEARING REGARDING AN ALLEGED UNSAFE STRUCTURE LOCATED AT 307 GRIFFING AVENUE, RIVERHEAD, SUFFOLK COUNTY, NEW YORK, SCTM# 600-128-3-19 PURSUANT TO CHAPTER 54 OF THE RIVERHEAD TOWN CODE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**RESOLVED**, that the Town Clerk be and was hereby authorized to publish and post the attached public notice for continuation of a public hearing regarding an alleged unsafe structure located at 307 Griffing Avenue, Riverhead, Suffolk County, New York, Suffolk County Tax Map # 600-128-3-19, pursuant to Chapter 54 of the Riverhead Town Code once in the December 24, 2015, edition of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that the Town Fire Marshal is hereby directed to send notification of this resolution to Hampton Pines Hotel, Inc., c/o 134 Marnier Drive, Southampton, New York, 11968, and; the Office of the Supervisor, and the Office of the Town Attorney.

**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 the continuation of a public hearing originally commenced on November 4, 2015, will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, town board meeting room, 200 Howell Avenue, Riverhead, New York, on the 14<sup>th</sup> day of January, 2016, at 10:05 a.m., to hear all interested persons regarding an alleged unsafe building at 307 Griffing Avenue, Riverhead, Suffolk County, New York, SCTM # 600-128-3-19, pursuant to Chapter 54 of the Riverhead Town Code.

Dated: Riverhead, New York  
December 24, 2015

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

TOWN OF RIVERHEAD

Resolution # 883

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH  
ARLEEN BOBAL FOR  
TRANSCRIPTION OF TOWN MEETINGS**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town Board is desirous of contracting with Arleen Bobal, to perform transcription services for the minutes of various boards within the Town of Riverhead at a rate not to exceed \$4.00 per page and within such time parameters determined appropriate by the Town Clerk for the period January 1, 2016 through December 31, 2016 services; and

**NOW THEREFORE BE IT RESOLVED**, that the Town board of the Town of Riverhead hereby authorizes the Town Supervisor to enter into an agreement with Arleen Bobal for the performance of transcribing the minutes of various boards within the Town of Riverhead at a rate not to exceed \$4.00 per page and within the time parameters determined appropriate by the Town Clerk for a period effective January 1, 2016 through December 31, 2016; and be it further;

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution and attached agreement to Arleen Bobal, 43 Daffodil Lane, Wantagh, NY 11793; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**AGREEMENT  
TOWN OF RIVERHEAD AND ARLEEN BOBAL  
FOR TRANSCRIPTION SERVICES**

**THE PARTIES HERETO AGREE AS FOLLOWS:**

THIS AGREEMENT ENTERED INTO THE 1<sup>st</sup> day of January, 2016 by and between the Town of Riverhead, a municipal corporation with its principal place of business at 200 Howell Avenue, Riverhead, New York 11901 (Hereinafter referred to as the party of the first part) and Arleen Bobal, 43 Daffodil Lane, Wantagh, NY 11793

**WITNESSETH:**

The parties hereto agree as follows:

**WHEREAS**, the Town of Riverhead wishes to engage the services of Ms. Bobal for the performance of transcribing the minutes of various boards within the Town of Riverhead at a rate not to exceed \$4.00 per page effective January 1, 2016 through December 31, 2016 within the time parameters determined appropriate by the Town Clerk; and

**NOW THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:** Arleen Bobal shall perform transcribing services for the minutes of the Town Board Meetings, Grievances and Special Town Board Meetings at the rate not to exceed \$4.00 per page within the time parameters set forth and determined appropriate by the Town Clerk and supply the Town of Riverhead with an e-mailed copy of the typed minutes of each meeting.

The terms of agreement shall be from January 1, 2016 through December 31, 2016.

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

**TOWN OF RIVERHEAD**

**BY:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Sean Walter  
Town Supervisor

**BY:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Arleen Bobal

TOWN OF RIVERHEAD

Resolution # 884

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

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Board, by Resolution # 883 adopted on December 31, 2015, authorized the Supervisor to execute a contract with Arleen Bobal for the performance of transcribing the minutes of various boards within the Town of Riverhead, effective January 1, 2016 through December 31,2016; and

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

**NOW THEREFORE BE IT RESOLVED**, that the Town board of the Town of Riverhead hereby authorizes the Town Supervisor to enter into an agreement with Flynn Stenography & Transcription Services for the performance of transcribing the minutes of various boards within the Town of Riverhead at a rate not to exceed \$5.25 per page effective January 1, 2016 through December 31, 2016 and limited to those instances/occasions wherein Ms. Bobal is unable to perform the services within the time parameters determined appropriate by the Town Clerk; and be it further;

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**AGREEMENT**  
**TOWN OF RIVERHEAD AND FLYNN STENOGRAPHY & TRANSCRIPTION**  
**SERVICES FOR TRANSCRIPTION SERVICES**

**THE PARTIES HERETO AGREE AS FOLLOWS:**

THIS AGREEMENT ENTERED INTO THE 1st day of January, 2016 by and between the Town of Riverhead, a municipal corporation with its principal place of business at 200 Howell Avenue, Riverhead, New York 11901 (Hereinafter referred to as the party of the first part) and Flynn Stenography & Transcription Services, 193 Griffing Avenue, Riverhead, NY 11901

**WITNESSETH:**

The parties hereto agree as follows:

**WHEREAS**, the Town of Riverhead wishes to engage the services of Flynn Stenography & Transcription Services for the performance of transcribing the minutes of various boards within the Town of Riverhead at a rate not to exceed \$5.25 per page effective January 1, 2016 through December 31, 2016 limited to those instances/ occasions wherein Ms. Bobal is unable to perform the services within the time parameters determined appropriate by the Town Clerk; and

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

The terms of agreement shall be from January 1, 2016 through December 31, 2016.

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

**TOWN OF RIVERHEAD**

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

Sean Walter  
Town Supervisor

**BY:** \_\_\_\_\_, Title \_\_\_\_\_

Flynn Stenography  
& Transcription Services

**TOWN OF RIVERHEAD**

**Resolution # 885**

**REAPPOINTS MARRIAGE OFFICER**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby reappoints Town Clerk Diane M. Wilhelm as Marriage Officer for the Town of Riverhead effective January 1, 2016; 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 # 886**

**REAPPOINTS MARRIAGE OFFICER**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

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

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

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby appoints James Wooten, Councilman of the Town of Riverhead, as Marriage Officer for a term set to expire on January 1, 2017; and be it further

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 887

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN INDEMNIFICATION AGREEMENT BETWEEN BAITING HOLLOW OWNER, LLC AND THE TOWN OF RIVERHEAD (The Knolls at Fox Hill, Phase IIIB)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Riverhead Planning Board, by Resolution #2015-0096, dated December 17, 2015, approved an amended site plan for the Knolls at Fox Hill for "Phase IIIB" (24 condominium units), having one of the conditions of said approval being the submission of an indemnification agreement holding the Town of Riverhead harmless from any claims made by the Knolls at Fox Hill Homeowners Association, Inc. relating to the construction of Phase IIIB onto and over the Knolls of Fox Hill Homeowners Association, Inc. property as depicted on the original condominium map.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to execute an Indemnification Agreement (copy attached herewith); and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Ian L. Schlanger, Esq. of the Weber Law Group, LLP, 290 Broadhollow Road, Suite 200 E, Melville, NY, 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 - ABSTAIN                      Gabrielsen  Yes  No  
Wooten  Yes  No              Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

## INDEMNITY AGREEMENT

This indemnity agreement (the "Indemnity Agreement") dated on the \_\_, day of December, 2015, by and between, BAITING HOLLOW OWNER LLC, a Delaware limited liability company with an office at 215 Hallock Road, Suite 4, Stony Brook, New York 11790 ("Baiting Hollow"), and the Town of Riverhead, a New York municipal corporation with an address at 200 Howell Avenue, Riverhead, New York 11901 (the "Town").

WHEREAS, Baiting Hollow has submitted to the Town's Planning Board (the "Planning Board") a revised site plan (the "Revised Site Plan"), for "Phase IIIB" (24 units) of an approved 270 unit condominium development known as the "Knolls at Fox Hill;" and

WHEREAS, the Revised Site Plan is in substantial conformance with the layout of Phase III(B) as depicted on the original condominium map filed with the Suffolk County Clerk (File No. 255A) on August 28, 1996 entitled, "The Knolls of Fox Hill Condominium Map;" and

WHEREAS, the original condominium map was filed and recorded in 1996, at least nine (9) years prior to the recording of the Amended and Restated Declaration of The Knolls of Fox Hill Homeowners Association, Inc. ("HOA"), dated October 17, 2005, and recorded in the office of the Suffolk County Clerk on July 17, 2006 (LIBER: 12459 PAGE: 656), by which document the common area of the HOA was described and contemporaneously therewith conveyed by The Knolls of Fox Hill Inc. to the HOA which included the land north of the area depicted on the original condominium map; and

WHEREAS, the original condominium map preceded the conveyance of the common area to the HOA by at least nine (9) years and Revised Site Plan is in substantial conformance with the layout of Phase III(B) on the original condominium map; and

WHEREAS, on December 3, 2015, the Planning Board passed a resolution (the "Resolution") approving the Revised Site Plan; and

WHEREAS, as a condition of said approval, the Planning Board requires, and Baiting Hollow agrees, to indemnify and hold the Town harmless from and against claims that may be made against the Town as a result of Baiting Hollow's construction of the project on the HOA's property as described below.

NOW THEREFORE, in consideration of the promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Baiting Hollow, shall defend, indemnify and hold the Town, its officials, boards, agents, officers and employees (collectively the "Town") harmless (including reasonable attorneys' fees) from and against any claim made by The Knolls of Fox Hill Homeowners Association, Inc. against the Town relating to the construction of Phase III(B) onto and over The Knolls of Fox Hill Homeowners Association, Inc. property as depicted on the original condominium map.
2. This Indemnity Agreement shall be governed by, and construed in accordance with, the laws of the State of New York.
3. This Indemnity Agreement may be executed in counterparts, each of which shall be an original, but all of which together shall constitute one instrument.
4. This Indemnity Agreement may be executed and returned by facsimile or electronic mail as a .PDF, and such execution and delivery shall be binding as if an original had been delivered.

IN WITNESS WHEREOF, this Indemnity Agreement has been duly executed by the parties hereto on the date indicated above.

BAITING HOLLOW OWNER LLC

By: DOMESTONE BAITING HOLLOW MANANGER LLC, its Manager

By: DOMUS GROUP LLC, its Co-Manager

By:   
Lee Passavia, Manager

TOWN OF RIVERHEAD, NY

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

TOWN OF RIVERHEAD

Resolution # 888

**APPOINTS THE LAW FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER AND YAKABOSKI, LLP TO ACT AS SPECIAL COUNSEL IN THE CIVIL ACTION ENTITLED J. KINGS REALTY, INC. V. TOWN OF RIVERHEAD TOWN BOARD, ET AL. AND AUTHORIZES THE SUPERVISOR TO EXECUTE A RETAINER AGREEMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, a law suit has been commenced by J. Kings Realty, Inc. naming the Town of Riverhead Town Board and others, as Defendants in the Supreme Court, Suffolk County under Index no. 19070-2015; and

**WHEREAS**, the Town Board has determined that the law firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP is qualified and be retained to defend or appear on behalf of all the named defendants in J. Kings Realty, Inc. v. Town of Riverhead Town Board, et al. in the Supreme Court, Suffolk County under Index no. 19070-2015.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby appoints the Law Firm of Smith, Finkelstein, Lundberg, Isler, and Yakaboski, LLP to act as legal counsel in connection with the aforementioned matter, nunc pro tunc, and authorizes the Supervisor to execute a Retainer Agreement acceptable to the Town Attorney; and be it further;

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Law Firm of Smith, Finkelstein, Lundberg, Isler, and Yakaboski, LLP; 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 # 889

**APPOINTS THE LAW FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER AND YAKABOSKI, LLP TO ACT AS SPECIAL COUNSEL IN THE CIVIL ACTION ENTITLED MARIE GUERRARA TOOKER V. SALVATORE GUERRARA, ET AL. AND AUTHORIZES THE SUPERVISOR TO EXECUTE A RETAINER AGREEMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, a law suit has been commenced by Marie Guerrero Tooker naming the Town of Riverhead Police Department, as a Defendants in the United States District Court, Eastern District under Civil Action No. CV-15-2430; and

**WHEREAS**, the Town Board has determined that the law firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP is qualified and be retained to defend or appear on behalf of all the named defendant in Marie Guerrero Tooker naming the Town of Riverhead Police Department, as a Defendants in the United States District Court, Eastern District under Civil Action No. CV-15-2430.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby appoints the Law Firm of Smith, Finkelstein, Lundberg, Isler, and Yakaboski, LLP to act as legal counsel in connection with the aforementioned matter, nunc pro tunc, and authorizes the Supervisor to execute a Retainer Agreement acceptable to the Town Attorney; and be it further;

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Law Firm of Smith, Finkelstein, Lundberg, Isler, and Yakaboski, LLP; 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 # 890**

**APPROVES THE CHAPTER 90 APPLICATION OF  
STRONG ISLAND RUNNING CLUB, LLC  
(5K Dog Run/Walk – Sunday, September 25, 2016)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, on November 2, 2015, John McHugh, on behalf of Strong Island Running Club, LLC, an organization that hosts endurance events and raises funds and awareness for Long Island youth based charities, submitted a Chapter 90 Application for the purpose of conducting an event entitled “5K Dog Run/Walk”, to be held upon the bicycle path and the Isaac Dog Park located within EPCAL, Calverton, New York, on Sunday, September 25, 2016, between the hours of 5:00 a.m. and 12:00 noon; and

**WHEREAS**, Strong Island Running Club, 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 requisite Chapter 90 application fee; 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 application of Strong Island Running Club, LLC for the purpose of conducting an event entitled “5K Dog Run/Walk”, to be held on the aforementioned date and times, is hereby approved; and be it further

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

- Receipt of required Emergency Medical Services (EMS)

information;

- Receipt of an Outdoor Public Safety Plan, to be submitted to the Fire Marshal's office **no later than August 15, 2016**;

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

**RESOLVED**, that this approval is subject to confirmation from the applicant's insurance company that the general liability insurance provided with this application is still in full force and effect on or about September 1, 2016; 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 Ray Coyne, Recreation Director and Strong Island Running Club, LLC, Attn.: John McHugh, 31 Milburn Road, South Setauket, NY, 11720; and be it further

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

#### **THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 891

**REAPPOINTS REGISTRAR, DEPUTY REGISTRAR AND SUB-REGISTRAR OF VITAL STATISTICS**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS** the appointed Registrar of Vital Statistics is responsible for the proper recording of all births and deaths in the Town of Riverhead; now therefore

**BE IT RESOLVED**, that Diane M. Wilhelm, Town Clerk of the Town of Riverhead, be and is hereby reappointed to the position of Registrar of Vital Statistics for a four year term effective January 1, 2016 through December 31, 2019; and

**BE IT FURTHER RESOLVED**, that at the request and recommendation of Town Clerk, Diane M. Wilhelm, Deputy Town Clerk, Juliann O’Neill is hereby reappointed to the position of Deputy Registrar of Vital Statistics and Carol DelVecchio is hereby reappointed to the position of Sub-Registrar each for a four year term effective January 1, 2016 through December 31,2019; and

**BE IT FURTHER RESOLVED**, that said Deputy Registrar position will be fulfilled outside Ms. O’Neill’s full-time civil service position of Account Clerk Typist and said Sub-Registrar position will be fulfilled outside Ms. DelVecchio’s full-time civil service position of Account Clerk Typist; 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 # 892

**APPROVES THE CHAPTER 90 APPLICATION OF  
NILE RODGERS PRODUCTIONS, INC.  
("The Freak Out!" Music, Art & Wine Festival – August 12, 13 & 14, 2016)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on November 9, 2015, Peter Herman, on behalf of Nile Rodgers Productions, Inc., submitted a Chapter 90 Application for the purpose of conducting a Music, Art & Wine Festival entitled "The Freak Out!", with an expected total daily attendance of 7,500 attendees, to be held at Martha Clara Vineyards located at 6025 Sound Avenue, Riverhead, New York, on Friday, August 12, 2016, Saturday, August 13, 2016 and Sunday, August 14, 2016, between the hours of 12:00 noon and 12:00 midnight; and

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

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

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

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

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

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

**RESOLVED**, that the Chapter 90 Application of Nile Rodgers Productions, Inc. submitted for the purpose of conducting a Music, Art & Wine Festival entitled "The Freak Out!", with an expected total daily attendance of 7,500 attendees, to be held at Martha Clara Vineyards located at 6025 Sound Avenue, Riverhead, New York, on the aforesaid dates and times, is hereby approved; and be it further

**RESOLVED**, that this approval is subject to the obtaining of any permits as may

be required by the New York State Department of Labor and the Suffolk County Department of Health; and be it further

**RESOLVED**, that this approval is subject to receipt of an Outdoor Public Safety Plan, to be submitted to the Fire Marshal's office **no later than June 1, 2016**; and be it further

**RESOLVED**, that this approval is subject to receipt of a fully executed license agreement, together with the requisite license fee as stated in said license agreement, for purposes of the utilization of Police and Fire Marshal personnel and patrol vehicles **no later than June 1, 2016**; and be it further

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

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Peter Herman, Nile Rodgers Productions, Inc., 9 E. 45<sup>th</sup> Street, 3<sup>rd</sup> Floor, New York, New York, 10017, Attn: Peter Herman; 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 **TABLED**

TOWN OF RIVERHEAD

Resolution # 893

PAYS BILLS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

| <b>ABSTRACT #15-28 December 23, 2015<br/>(TBM 12/31/15)</b> |               |              |               |
|---|---------------|--------------|---------------|
|   |               |              | <b>Grand</b>  |
| <b>Fund Name</b>  | <b>Fund #</b> | <b>Ckrun</b> | <b>Totals</b> |
| GENERAL FUND  | 1             | 1,021,653.79 | 1,021,653.79  |
| RECREATION PROGRAM FUND                                     | 6             | 6,070.20     | 6,070.20      |
| HIGHWAY FUND  | 111           | 113,067.99   | 113,067.99    |
| WATER DISTRICT  | 112           | 69,413.43    | 69,413.43     |
| RIVERHEAD SEWER DISTRICT                                    | 114           | 77,804.20    | 77,804.20     |
| REFUSE & GARBAGE COLLECTION DI                              | 115           | 2,160.46     | 2,160.46      |
| STREET LIGHTING DISTRICT                                    | 116           | 15,311.71    | 15,311.71     |
| PUBLIC PARKING DISTRICT                                     | 117           | 606.40       | 606.40        |
| T.O.R. URBAN DEV CORP TRUST AC                              | 119           | 313.73       | 313.73        |
| AMBULANCE DISTRICT  | 120           | 2,533.18     | 2,533.18      |
| EAST CREEK DOCKING FACILITY FUND                            | 122           | 1,864.93     | 1,864.93      |
| CALVERTON SEWER DISTRICT                                    | 124           | 3,817.31     | 3,817.31      |
| RIVERHEAD SCAVENGER WASTE DIST                              | 128           | 22,236.82    | 22,236.82     |
| RISK RETENTION FUND   | 175           | 1,800.53     | 1,800.53      |
| URBAN DEVELOPMENT CORP WORKING                              | 182           | 11,542.20    | 11,542.20     |
| TRUST & AGENCY  | 735           | 3,793,405.30 | 3,793,405.30  |
|   |               | 5,143,602.18 | 5,143,602.18  |

THE VOTE

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 893

PAYS BILLS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

| <b>ABSTRACT #15-29 December 30, 2015<br/>(TBM 12/31/15)</b> |               |                     |                     |
|---|---------------|---------------------|---------------------|
|   |               |                     | <b>Grand</b>        |
| <b>Fund Name</b>  | <b>Fund #</b> | <b>Ckrun</b>        | <b>Totals</b>       |
|   |               |                     |                     |
| <b>GENERAL FUND</b>   | <b>1</b>      | <b>22,353.39</b>    | <b>22,353.39</b>    |
| <b>HIGHWAY FUND</b>   | <b>111</b>    | <b>314.70</b>       | <b>314.70</b>       |
| <b>TRUST &amp; AGENCY</b>                                   | <b>735</b>    | <b>6,978,235.08</b> | <b>6,978,235.08</b> |
|   |               | <b>7,000,903.17</b> | <b>7,000,903.17</b> |

THE VOTE

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

The Resolution Was  Thereupon Duly Declared Adopted