

T.C.
Barbara Grattan

**TOWN BOARD MEETING
AGENDA
PHILIP CARDINALE, Supervisor**

May 18th , 2004

**Edward Densieski, Councilman
George Bartunek, Councilman**

**Barbara Blass, Councilwoman
Rose Sanders, Councilwoman**

**Barbara Grattan, Town Clerk
Dawn Thomas, Town Attorney**

ELECTED OFFICIALS

**Laverne Tennenberg
Madelyn Sendlewski
Paul Leszczynski
Mark Kwasna
Maryann Wowak Heilbrunn
Richard Ehlers
Allen M. Smith**

**Chairwoman Board of Assessors
Board of Assessors
Board of Assessors
Highway Superintendent
Receiver of Taxes
Town Justice
Town Justice**

DEPARTMENT HEADS

**John J. Hansen
Leroy E. Barnes, Jr.
Andrea Lohneiss
Ken Testa
Richard Hanley
Chief David Hegermiller
James Janecek
Judy Doll
John Reeve
Michael Reichel
Gary Pendzick**

**Accounting Department
Building Department
Community Development
Engineering Department
Planning Department
Police Department
Recreation Program Coordinator
Senior Services
Sanitation Department
Sewer District
Water Department**

PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:

COMMUNITY DEVELOPMENT AGENCY:

- Res. #7** Adopts Rules and Regulations for Designation of Sponsor Process Pursuant to Article 15 of the General Law
- Res. #8** Authorizes the Chairman to Execute a Contract with NF Management, Inc.

REGULAR TOWN BOARD MEETING:

- Res. #400** Authorizes the Supervisor to Execute a Deed to Property along Peconic Avenue to the Town of Riverhead Community Development Agency
- Res. #401** Authorizes Supervisor to Execute Contract for the Design and Engineering of Public Recreational Facility at the Calverton Enterprise Park
- Res. #402** Authorizes Release of Bid Security for Fuel Dispensing System Upgrade
- Res. #403** Hartill Water Ext. Project Budget Adoption
- Res. #404** Mountain Brook Homes Water Improvement Project Budget Adoption
- Res. #405** Hounds Gate Water Improvement Project Budget Adoption
- Res. #406** Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for a Maintenance Mechanic II
- Res. #407** '02 Middle Road Pump Station Budget Adjustment
- Res. #408** North Fork Resorts Phase I Budget Adjustment
- Res. #409** Aquebogue Golf Resort Water Ext. Budget Adjustment
- Res. #410** Appoints Student Intern in the Accounting Department (Anthony Pendzick)

- Res. #411 Appoints Student Intern in the Accounting Department
(Victoria Morissey)**
- Res. #412 Approves Continued Support to the East End
Transportation Council's "Seeds" Study**
- Res. #413 Authorizes Attendance of Two Public Safety Dispatchers to
Attend a Domestic Violence Call Handling Seminar**
- Res. #414 Authorizes Supervisor to Enter into an Agreement with
Lom Lassandro**
- Res. #415 Town Board Special Program Fund Budget Adjustment**
- Res. #416 Authorization to Publish Advertisement for Rebid of Water
Meters**
- Res. #417 Ratifies the Attendance of One Police Officer to the
Advanced Track of the National Youth Court Center's
Implementing and Enhancing Youth Court Programs
Training Seminar**
- Res. #418 Authorizes Attendance of Assessor at Seminar**
- Res. #419 Approves Site Plan of William Dries**
- Res. #420 Approves Amended Site Plan of Twomey, Latham, Shea &
Kelley**
- Res. #421 Appoints a Beach Attendant/Concession Stand Operator I
to the Riverhead Recreation Department (Cary Tilton)**
- Res. #422 Authorizes Attendance to Parents of Meghan's Law "Apple
of My Eye Seminar"**
- Res. #423 Appoints Summer Program Leaders to the Recreation
Department**

- Res. #424 Appoints Summer Recreation Aides to the Recreation Department**
- Res. #425 Appoints a Beach Attendant/Concession Stand Operator I to the Riverhead Recreation Department (Kelsey McCafferty)**
- Res. #426 Appoints a Beach Attendant/Concession Stand Operator III to the Riverhead Recreation Department (Frank Villanell)**
- Res. #427 Appoints a Park Attendant III to the Riverhead Recreation Department (Steve Bartunek)**
- Res. #428 Re-Appoints a P/T Recreation Leader (Sports Instructor) to the Riverhead Recreation Department (Edward Kneski)**
- Res. #429 Appoints a P/T Recreation Aide to the Riverhead Recreation Department (Joseph Baker)**
- Res. #430 Re-appoints Chaperones to the Recreation Department**
- Res. #431 Awards BID Riverhead Scavenger Waste District Grit and Screen Removal**
- Res. #432 Approves the Sever Connection of 65 East Main Street Corporation**
- Res. #433 Offers Support to New York State Legislature for an Increase in the Limitations Placed Upon the Purchase of Certain Highway Equipment**
- Res. #434 Implements Temporary Closure of Through Traffic for the Purpose of Creating a Walkable Tourist-Friendly Riverfront**
- Res. #435 Creates Riverhead Town Policy for Municipally-Owned Taxpayer Funded Signage**
- Res. #436 Authorizes Town Clerk to Advertise for BIDS Baiting Hollow Farms, Ext. 78 Riverhead Water District**

- Res. #437 Awards BID Riverhead Water District NF Golf Resorts, Phase I**
- Res. #438 Awards BID Riverhead Water District Aquebogue Golf Resorts, Phase I**
- Res. #439 Awards BID Riverhead Water District Birchwood at Wading River, Sections 3 & 4**
- Res. #440 Order Establishing Lateral Water Main Millbrook Gables Development Lateral Water Main Riverhead Water District**
- Res. #441 Awards BID Riverhead Water District Millbrook Gables Development, Sigal Avenue Extension Long Island Housing Partnership**
- Res. #442 Order Calling Public Hearing – Extension 77 to the Riverhead Water District Riverhead Charter School**
- Res. #443 Termination of Water District Easement Lot #5, Warsaw Park Riverhead Water District**
- Res. #444 Awards BID Riverhead Water District Birchwood at Wading River, Sections 3 & 4**
- Res. #445 Order Establishing Lateral Water Main Millbrook Gables Development Lateral Water Main Riverhead Water District**
- Res. #446 Awards BID Riverhead Water District Millbrook Gables Development, Sigal Avenue Extension Long Island Housing Partnership**
- Res. #447 Ratifies the Town of Riverhead Police Departments Participation in a Donate-A-Phone Program**
- Res. #448 Amends Resolution #386 Authorization to Publish Advertisement for 2004-2005 Snack Vendor Services**

**Res. #449 Authorizes the Supervisor to Execute a License Agreement
with 65 East Main Street Corporation, Inc.**

Res. #450 Authorization to Pay Bills

5/18/04

Adopted

CDA Resolution #7

Adopts Rules and Procedures for Designation of Sponsor Process Pursuant to Article 15 of the General Municipal Law

_____ Member Blass _____ offered the following Resolution

which was seconded by _____ Member Sanders _____.

WHEREAS, the Riverhead Community Development Agency is a designated urban renewal agency authorized by the New York State General Municipal Law with the power to perform all functions permitted under Article 15; and

WHEREAS, the disposition of property held from time to time in the Town of Riverhead by the Community Development Agency is undertaken pursuant to criteria stipulated in the law; and

WHEREAS, according to Section 507(2)(c) of Article 15 of the GML, real property owned by an urban renewal agency may be "disposed of for the effectuation of any of the purposes of the urban renewal program in accordance with the urban renewal plan (c) to any person, firm or corporation designated by the agency and approved by the governing body as a qualified and eligible sponsor in accordance with established rules and procedures prescribed by the agency...".

THEREFORE, BE IT RESOLVED, that the CDA hereby adopts the attached Rules and Procedures of the Riverhead CDA for the Designation of a Person, Firm or Corporation as a Qualified and Eligible Sponsor for the ongoing disposition of property by the CDA in any designated urban renewal area of the Town of Riverhead.

BE IT FURTHER RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Andrea Lohneiss, CDA Director, Dawn Thomas, Town Attorney and Bobby Goodale, RDC Chairman.

The Vote:

George Bartunek	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Rose Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Barbara Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ed Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Phil Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

ADOPTED

Rules and Procedures of the Riverhead Community Development Agency for the Designation of a Person Firm or Corporation as a Qualified and Eligible Sponsor

Pursuant to Article 15, Section 507 of the New York State General Municipal Law, real property owned by the urban renewal agency may be disposed of in accordance with established rules and procedures prescribed by the agency.

The Rules and Procedures set forth for the review of proposals for the sale or lease of property by the CDA to a person, firm or corporation are established as follows:

1. For proposals for purchase or lease of Calverton Enterprise Park properties only, the applicant must be processed by the Riverhead Development Corporation (RDC) according to the RDC Calverton Proposal Review Policy (copy attached);
2. If the RDC recommends a proposed purchase or lease of property at the Calverton Enterprise Park, or if the applicant proposes a purchase or lease of property in any other Urban Renewal Area in the Town of Riverhead, the CDA shall then ascertain whether the applicant is "qualified and eligible" pursuant to Section 507 (2) (c) of Article 15 of New York State General Municipal Law and in accordance with the following criteria:
 - a. experience of the individual, firm or corporation with development, construction, management and financing of similar projects in size and scope to the proposed project;
 - b. demonstrated ability to finance the acquisition and development of specific project proposed including the review by the CDA of pro forma financial statements for the proposed project, including sources and uses of funds, certified personal and corporate financial statements of the applicant sponsor, financial commitments of participating lenders, proposed security for the project, business plans and economic analysis of the project and past compliance with municipal laws, rules and regulations.
 - c. demonstrated integrity and responsibility of the applicant sponsor as determined by the CDA based upon appropriate investigation by the Town Attorney and consistent with case law as reiterated in the Memorandum to Supervisor Phil Cardinale and Town Attorney Dawn Thomas dated March 12, 2004 from Randolph Mayer, Willkie Farr & Gallagher, LLP;
 - d. presentation of the applicant sponsor to the public at the prescribed hearing upon due notice at a public meeting of the CDA providing an opportunity for the applicant sponsor to present its proposal and ability to meet the established criteria for designation by the CDA as a "qualified and eligible" sponsor pursuant to Section 507 (2) (c) of Article 15 of New York State General Municipal Law.

Upon satisfactory determination by the CDA that an applicant sponsor is, in fact, "qualified and eligible," a resolution shall be duly adopted and the obligation of the CDA under the statute shall be concluded. The negotiation of a contract of sale shall be authorized by resolution of the CDA.

Prior to the transfer of title from the CDA to the applicant sponsor or execution of a lease, a resolution authorizing the CDA Chairman to execute a deed or lease is required.

In the event that the ownership of the property shall revert to the Agency as a result of default by a qualified and eligible sponsor in completing the project approved by the governing body, the Agency shall dispose of the property in accordance with §507(c) and (d) of the General Municipal Law.

Date: May 18, 2004

RDC Calverton Proposal Review Policy

Whereas, pursuant to an Agreement by and between the Riverhead Community Development Agency and the RDC dated March 27, 1997, the Riverhead Town Board in its capacity as the Riverhead Community Development Agency (CDA) did authorize the RDC to market the property formerly known as the Naval Weapons Industrial Reserve Plant (NWIRP) and now known as the Calverton Enterprise Park for "the purposes of providing employment at Calverton, increasing the assessed valuation of property at Calverton, thereby increasing taxes, assessments or payments in lieu of taxes at Calverton for the benefit of the Town and the residents thereof, protecting the environment at Calverton and otherwise in the orderly and efficient marketing and redevelopment of Calverton for the health, safety and welfare of the residents of the Town, all in accordance with Town zoning, the "Comprehensive Use Strategy for the Naval Weapons Industrial Reserve Plant at Calverton and all Town Governing Requirements;" and

Whereas, the RDC remains generally the first level of review for proposals to the Town of Riverhead regarding the purchase of property at the Calverton Enterprise Park, while the CDA Board has consistently retained review authority for all short-term License Agreements, all Runway Use Agreements and several no-cost transfers of property.

Therefore, with regard to those proposals for purchase and redevelopment (ie: long-term lease) of land at Calverton Enterprise Park that are referred to the RDC for review and recommendation to the CDA Board, the RDC shall before consideration of such proposal require submission of the following documentation to the RDC Chairman:

1. Evidence of financial capability to acquire the property and to develop the site as proposed. A sources and uses of funds proforma must be provided. Personal and/or corporate financial statements must be provided. LLP and LLC structures will be considered only with appropriate guarantees provided by the principals;
2. Conformance with the applicable zoning statute as confirmed by the Town of Riverhead Planning Director;
3. Offering price consistent with the most recent land appraisal, Town Board determination and/or recommendation of the CDA's real estate broker for the subject land and proposed use(s);
4. Experience of the individuals and corporation with development construction, management and financing of similar projects in size and scope to the proposed project.

Note: Bank references, criminal background checks and similar evidence of credibility to confirm the character and ability of the applicant(s) are considered appropriate by the State of New York as are efforts to determine a potential sponsor's "responsibility,"

“reliability,” “accountability,” and the “possession of sufficient capital resources, skill, judgment, integrity and moral worth.”

Upon submission of the above materials and acceptable review, a prospective purchaser will be scheduled for presentations of the project to the RDC Board of Directors.

Upon its full review and discussion, the RDC will refer the project to the CDA Board with a positive or negative recommendation. Pursuant to Urban Renewal Law, it is incumbent on the CDA Board in its determination of a prospective sponsor to employ all resources available to it to ascertain whether an applicant is “responsible, reliable, accountable” and capable of successfully completing the proposed project.

Date: May 10, 2004

5/18/04

Adopted

TOWN OF RIVERHEAD

COMMUNITY DEVELOPMENT AGENCY

Resolution # 8

AUTHORIZES THE CHAIRMAN TO EXECUTE A CONTRACT WITH NF MANAGEMENT, INC.

COUNCILMAN DENSIESKI offered the following resolution, was seconded
by **COUNCILMAN BARTUNEK**:

WHEREAS, NF Management, Inc. has made an offer to purchase from the Town of Riverhead an 1800 square foot strip of Town land that fronts on Peconic Avenue in Downtown Riverhead that lies within the urban renewal area designated under the East Main Street Urban Renewal Map and Plan adopted by the Town Board on October 19, 1993 ; and

WHEREAS, NF Management, Inc. proposes to incorporate this 1800 square foot strip of land into its adjacent property on Peconic Avenue and develop and use the entire parcel in a manner consistent with the goals and objectives of said Urban Renewal Plan; and

WHEREAS, by Resolution # 400 dated May 18, 2004, the Town Board shall authorize the Supervisor to execute a Deed to convey the proposed portion of Town property as more particularly bounded and described on "Schedule A" annexed hereto to the Town of Riverhead Community Development Agency, the Urban Renewal Agency for the Town of Riverhead; and

WHEREAS, the Town of Riverhead Community Development Agency wishes to enter into an agreement to dispose of the subject property pursuant to Articles 15 and 15A of the General Municipal Law (Urban Renewal Law); **NOW, THEREFORE**

BE IT RESOLVED, that the Community Development Agency hereby authorizes the Chairman to execute a Contract of Sale, substantially in the form attached hereto, with NF Management, Inc., subject to the Purchaser being determined to be a Qualified and Eligible Sponsor pursuant to the requirements of Urban Renewal Law; and

BE IT FURTHER RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to NF Management, Inc., 60 Ida Lane, P.O. Box 696, Aquebogue, NY 11931, the Town Attorney and the CDA Director.

THE VOTE

Bartunek yes no Sanders yes no
Blass yes no Densieski yes no
Cardinale yes no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

CONTRACT OF SALE

THIS IS A LEGALLY BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, WE RECOMMEND ALL PARTIES TO THE CONTRACT CONSULT AN ATTORNEY BEFORE SIGNING.

NOTE: FIRE AND CASUALTY LOSSES AND CONDEMNATION

This contract form does not provide for what happens in the event of fire, or other casualty loss or condemnation before the title closing. Unless different provision is made in this contract, Section 5-1311 of the General Obligations Law will apply. One part of that law makes a Purchaser responsible for fire and casualty loss upon taking possession of the Premises before the title closing.

Contract of Sale made as of May _____, 2004 BETWEEN

THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY, an Urban Renewal Agency of the State of New York, 200 Howell Avenue, Riverhead, New York 11901

Social Security Number/Fed. I. D. No(s): hereinafter called "Seller" and

NF Management, Inc., a New York Corporation with a principal address at 60 Ida Lane, PO Box 696, Aquebogue, New York 11931

Social Security Number/Fed. I. D. No(s): hereinafter called "Purchaser."

The parties hereby agree as follows:

1. Premises. Seller shall sell and convey and Purchaser shall purchase the property, ~~together with all buildings and improvements thereon~~ (collectively the "Premises"), more fully described on a separate page marked "Schedule A," annexed hereto and made a part hereof and also known as:

Street Address: No Number Peconic Avenue, SCTM # 0600-128-6- p/o 86, Specifically an 1800 square foot strip of property running along southerly boundary of SCTM # 0600-128-6-83.

Tax Map Designation: 0600-128-6- p/o 86

2. Personal Property. The sale does not include any fixtures and articles of personal property that may exist upon the premises and Seller makes no representations or warranties of the existence or presence of same and Purchaser accepts said Premises "AS IS" as hereinafter provided in Section 10.

3. Purchase Price. The purchase price is \$10,000.00 payable as follows:

- (a) on the signing of this contract, by Purchaser's check payable to the Escrowee (as hereinafter defined), subject to collection, the receipt of which is hereby acknowledged, to be held in escrow pursuant to paragraph 6 of this contract (the "Downpayment"): \$1,000.00
- (b) by allowance for the principal amount unpaid on the existing mortgage on the date hereof, payment of which Purchaser shall assume by joinder in the deed: \$ 0
- (c) by a purchase money note and mortgage from Purchaser to Seller: \$ 0
- (d) balance at Closing in accordance with paragraph 7: \$ 9,000.00

4. Downpayment in Escrow. (a) The Financial Administrator of the Town of Riverhead ("Escrowee") shall hold the Downpayment for Seller's account in escrow in a segregated bank account at Suffolk County National Bank located on Second Street, Riverhead, New York until Closing or sooner termination of this contract and shall pay over or apply the Downpayment in accordance with the terms of this paragraph. Escrowee shall not hold the Downpayment in an interest-bearing account for the benefit of the parties but rather the Downpayment shall be placed in a Town of Riverhead Trust Account or as otherwise permitted or required by law. The Social Security or Federal Identification numbers of the parties shall be furnished to Escrowee upon request. At Closing, the Downpayment shall be paid by Escrowee to Seller. If for any reason Closing does not occur and either party gives Notice to Escrowee demanding payment of the Downpayment, Escrowee shall give prompt Notice to the other party of such demand. If Escrowee does not receive Notice of objection from such other party to the proposed payment within 10 business days after the giving of such Notice, Escrowee is hereby authorized and directed to make such payment. If Escrowee does receive such Notice of objection within such 10 day period or if for any other reason Escrowee in good faith shall elect not to make such payment, Escrowee shall continue to hold such amount until otherwise directed by Notice from the parties to this contract or a final, nonappealable judgment, order or decree of a court. However, Escrowee shall have the right at any time to deposit the Downpayment and the interest thereon with the clerk of a court in the county in which the Premises are located and shall give Notice of such deposit to Seller and Purchaser. Upon such deposit or other disbursement in accordance with the terms of this paragraph, Escrowee shall be relieved and discharged of all further obligations and responsibilities hereunder.

(b) The parties acknowledge that, although Escrowee is holding the Downpayment for Seller's account, for all other purposes Escrowee is acting solely as a stakeholder at their request and for their convenience and that Escrowee shall not be liable to either party for any act or omission on its part unless taken or suffered in bad faith or in willful disregard of this contract or involving gross negligence on the part of Escrowee. Seller and Purchaser jointly and severally agree to defend, indemnify and hold Escrowee harmless from and against all costs, claims and expenses (including reasonable attorneys' fees) incurred in connection with the performance of Escrowee's duties hereunder, except with respect to actions or omissions taken or suffered by Escrowee in bad faith or in willful disregard of this contract or involving gross negligence on the part of Escrowee.

(c) Escrowee may act or refrain from acting in respect of any matter referred to herein in full reliance upon and with the advice of counsel which may be selected by it (including any member of its firm) and shall be fully protected in so acting or refraining from acting upon the advice of such counsel.

(d) Escrowee acknowledges receipt of the Downpayment by check subject to collection and Escrowee's agreement to the provisions of this paragraph by signing in the place indicated on the signature page of this contract.

5. Acceptable Funds. All money payable under this contract, unless otherwise specified, shall be paid by:

(a) Cash, but not over \$1,000.00;

(b) Good certified check of Purchaser drawn on or official check issued by any bank, savings bank, trust company or savings and loan association having a banking office in the State of New York, unendorsed and payable to the order of Seller, or as Seller may otherwise direct upon not less than 3 business days notice (by telephone or otherwise) to Purchaser;

(c) As to money other than the purchase price payable to Seller at Closing, uncertified check of Purchaser up to the amount of \$500.00; and

(d) As otherwise agreed to in writing by Seller or Seller's attorney.

6. Permitted Exceptions. The Premises are sold and shall be conveyed subject to:

(a) Zoning and subdivision laws and regulations, and landmark, historic or wetlands designation, provided that they are not violated by the existing buildings and improvements erected on the property or their use;

(b) Consents for the erection of any structures on, under or above any streets on which the Premises abut;

(c) Encroachments of stoops, areas, cellar steps, trim and cornices, if any, upon any street or highway;

(d) Real estate taxes that are a lien, but are not yet due and payable; and

(e) The other matters, if any, including a survey exception, set forth in a Rider attached.

7. Governmental Violations and Orders. (a) Seller shall comply with all notes or notices of violations of law or municipal ordinances, orders or requirements noted or issued as of the date hereof by any governmental department having authority as to lands, housing, buildings, fire, health, environmental and labor conditions affecting the Premises. The Premises shall be conveyed free of them at Closing. Seller shall furnish Purchaser with any authorizations necessary to make the searches that could disclose these matters.

8. Seller's Representations. (a) Seller represents and warrants to Purchaser that:

(i) The Premises abut or have a right of access to a public road;

(ii) Seller is the sole owner of the Premises and has the full right, power and authority to sell, convey and transfer the same in accordance with the terms of this contract subject to all the requirements of Section 503-a(4) of the General Municipal Law of the State of New York as same may apply to the disposition of property by an urban renewal agency, including but not limited to the determination that Purchaser is a "Qualified and Eligible Sponsor" as required by Section 507 of the General Municipal Law of the State of New York;

(iii) Seller is not a "foreign person," as that term is defined for purposes of the Foreign Investment in Real Property Tax Act, Internal Revenue Code ("IRC") Section 1445, as amended, and the regulations promulgated thereunder (collectively "FIRPTA");

(iv) The Premises are currently wholly exempt from taxes; and

(v) Seller has been known by no other name for the past ten years.

(b) Seller covenants and warrants that all of the representations and warranties set forth in this contract shall be true and correct at Closing.

(c) Except as otherwise expressly set forth in this contract, none of Seller's covenants, representations, warranties or other obligations contained in this contract shall survive Closing.

9. Purchaser's Representations. (a) Purchaser represents and warrants the following to Seller, each of which is true and correct in all material respects as of the date of this Contract and shall be true and correct on the date of Closing as though such representations and warranties had been made at time:

(i) Purchaser is now and on the date of Closing shall be a valid legal entity duly authorized under the laws of the State of New York to conduct business and, by its organizational charter and purposes, to acquire the Property;

(ii) Purchaser has the right, power and legal authority to make and perform all of its obligations under this Contract and this Contract is a valid and binding obligation of Purchaser enforceable against Purchaser in accordance with its terms, subject to bankruptcy, reorganization and other similar laws affecting the enforcement of creditors' rights generally;

(iii) Purchaser shall redevelop the Property in a manner that shall effectuate and be consistent with the purposes of the urban renewal program and in accordance with the urban renewal plan adopted by the Urban Renewal Agency of the Town of Riverhead on October 19, 1993;

(iv) Purchaser does not have any knowledge of the existence of any facts or circumstances that would preclude it from or impair its ability to be determined to be a "qualified and eligible sponsor" by the governing body of the Urban Renewal Agency of the Town of Riverhead as provided in Section 507 of General Municipal Law of the State of New York and has the financial wherewithal to complete the redevelopment of the Property as contemplated by the parties and as depicted on the Elevation Plan of NF Management prepared by Martin F. Sendlewski, AIA dated 8-05-03, revised 9-04-03 and submitted for review by the Architectural Review Board of the Town of Riverhead;

(b) Purchaser acknowledges that the execution of this Contract by Seller has been made, and the sale and transfer of the Property by Seller to Purchaser shall be made, in material reliance by Seller upon such representations and warranties made by Purchaser herein.

(c) The representations, warranties and covenants of Purchaser contained in this Contract shall survive the Closing Date and the recording of the Deed.

10. Condition of Property. (a) As-Is. Purchaser acknowledges that Seller is transferring, and Purchaser shall accept, the Property in "AS IS" condition WITHOUT ANY REPRESENTATION OR WARRANTY, STATED OR IMPLIED, WHATSOEVER BY SELLER OR ANY EMPLOYEES, REPRESENTATIVES OR AGENTS OF SELLER RELATING TO THE PROPERTY, INCLUDING BUT NOT LIMITED TO THE EXPRESS WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

(b) Release. On Closing, and subject to Section 11 of this contract, Purchaser, on behalf of itself, its trustees, officers, directors, shareholders, partners (limited and general), members, joint venturers and principals and its and their respective successors and assigns, does hereby forever release Seller, its parent, subsidiaries and affiliates and their respective officers, directors, shareholders, partners (limited and general), members, joint venturers, principals, agents, managing agent and employees, and its and their respective successors and assigns, of and from any and all losses, liabilities, damages, claims, demands, causes of action, costs and expenses, whether known or unknown, arising out of or in any way connected with the Property, including, without limitation, the condition of title to the Property and the environmental condition of the Property. Further, by the execution of this Agreement, Purchaser does hereby forever release Seller of and from any environmental claims and causes of action existing now or hereafter created or enacted, whether at common law or by federal, state, county, or municipal law or ordinance. Purchaser agrees never to commence, aid in any way, or prosecute against Seller, its parent, subsidiaries and affiliates and their respective officers, directors, shareholders, partners (limited and general), members, joint venturers, principals, agents and employees and its and their respective successors and assigns, any action or other proceeding based upon any losses, liabilities, damages, environmental claims, demands, causes of action, costs and expenses, covered in this paragraph.

(c) Waiver. Purchaser expressly waives any rights or benefits available to it with respect to the foregoing release under any provision of applicable law which generally provides that a general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time the release is agreed to, which, if known to such creditor, would materially affect a settlement. Purchaser, by the execution of this Agreement, acknowledges that Purchaser fully understands the foregoing, and with this understanding, nonetheless elects to and does assume all risk for claims known or unknown, described in this Section 12. Purchaser acknowledges and represents that Purchaser is fully aware of the physical condition and state of repair of the Premises and of all other

property included in this sale, based on Purchaser's own inspection and investigation thereof, and that Purchaser is entering into this contract based solely upon such inspection and investigation and not upon any information, data, statements or representations, written or oral, as to the physical condition, state of repair, use, cost of operation or any other matter related to the Premises or the other property included in the sale, given or made by Seller or its representatives and shall accept the same "AS IS" in their present condition and state of repair, subject to reasonable use, wear, tear and natural deterioration between the date hereof and the date of closing without any reduction in the purchase price or claim of any kind for any change in such condition by reason thereof subsequent to the date of this contract. Purchaser and its authorized representatives shall have the right, at reasonable times and upon reasonable notice (by telephone or otherwise) to Seller, to inspect the Premises before Closing.

11. Environmental Remediation. (a) Indemnification. Purchaser hereby agrees to defend, indemnify and hold Seller, Seller's agents, affiliates and subsidiaries harmless from and against any and all losses, liabilities, damages, liens, claims, demands, causes of action costs and expenses arising out of or related to the Release of Hazardous Substances or Hazardous Materials arising out of Purchaser's activities on the Property occurring prior to the Closing, or arising out of Purchaser's ownership of and/or activities on or after the Closing Date. This indemnification includes, without limitation, any and all costs incurred because of any investigation, review or testing of the Property or any cleanup, removal of structures, or restoration required or requested by a federal, state or local agency or political subdivision, including, without limitation, any such costs associated with the contamination of adjacent property or ground water caused by Purchaser or arising out of Purchaser's ownership and/or Purchaser's activities prior to and after the Closing Date. Subject to the qualifications contained in this Section 11, this indemnification shall include all third party claims related to, or arising out of a Release of Hazardous Substances or Hazardous Materials on or below the Property. Notwithstanding the foregoing, Purchaser's obligations under this Section 11 shall not be applicable to (i) any third party claim related to, or arising out of, the Release of Hazardous Substances or Hazardous Materials that affects or impacts Persons or property outside the boundaries of the Property due to Releases occurring prior to the Closing, which was not the result of Purchaser's activities on the Property, and/or (ii) any claim made by employees of Seller and Seller's contractors or any other third party for injuries sustained arising out of, or related to, the Release of Hazardous Substances or Hazardous Materials, prior to Closing, on or below the Property, which was not the result of Purchaser's activities on the Property. The Purchaser shall have the burden of establishing that it is not obligated to defend, indemnify and hold Seller harmless for environmental liabilities under this Section 11. For purposes of this Section 11(a), "Purchaser's activities" shall be deemed to mean and include the activities of the following entities: Purchaser's affiliates, contractors, subcontractors, engineers, agents, consultants and tenants, as well as any third party acting for, or on behalf of, or at the direction of the aforesaid entities.

(b) Definitions. For the purposes of this Section 11, the following definitions shall apply:

(1) "Hazardous Substance" or "Hazardous Material" shall mean (i) any solid, liquid, or gaseous chemical, material, or substance that is regulated by any present or future federal, state, regional, or local law, ordinance, rule, regulation, notice, order, or guidance, including but not limited to any chemical, material, or substance that is designated or regulated as a hazardous or toxic chemical, material or substance, or (ii) any chemical, material or substance the presence of which could be detrimental to the Property or hazardous to human health or safety or the environment, including but not limited to radioactive materials, including radon, natural gas, natural gas liquids (all of the foregoing gas called "Natural Gas Products"), liquefied natural gas, synthetic gas, or mixtures of Natural Gas Products and synthetic gas, lead, asbestos containing materials, polychlorinated biphenyls, urea formaldehyde, and petroleum products.

(2) "Release" shall mean any release, spill, leak, discharge, disposal, pumping, pouring, emitting, employing, injecting, leaching, dumping, or allow to escape or migrate into or through the environment.

(3) "Remediation" or "Remediate" means all work performed or to be performed to investigate, characterize and remove, contain, dispose, treat, or otherwise deal with the presence on, in, at or under the Property of Hazardous Materials at levels of contamination that require remediation under Environmental Laws, or any spilling, leaking, pumping, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing (including the abandonment or discarding of barrels, containers or other closed receptacles containing Hazardous Materials) of Hazardous Materials on or into the Property, in order to render the Property in compliance with applicable Environmental Laws.

(4) "Environmental Laws" means the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 et seq., as amended; the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 et seq., as amended; the Clean Air Act ("CAA"), 42 U.S.C. 7401 et seq., as amended; the Clean Water Act ("CWA"), 33 U.S.C. 1251 et seq., as amended; and any other federal, state, local or municipal laws, statutes, regulations, rules or ordinances imposing liability or establishing standards for protection of the environment.

(c) Remediation. The Purchaser covenants and agrees to Remediate, at its sole cost and expense, the Property when, if and to the extent Remediation is required by Environmental Laws or governmental authority having jurisdiction over the Property (the "Remediation Obligation"), provided that the Remediation Obligation shall not include any obligation by Purchaser to indemnify or defend or hold harmless Seller against (i) any fine, penalty or claim by a non-governmental third party, (ii) any fine or penalty by a governmental authority or (iii) any claim by a governmental authority other than a claim to Remediate the Property, provided in each instance, which such non-governmental third party or governmental authority may or could have asserted against Seller on or before the Closing Date.

(d) Indemnification. Except as limited by Section 11(c) above, Purchaser shall indemnify, defend and hold Seller harmless from and against: (i) all losses incurred by Seller arising out of Purchaser's breach of its covenants and obligations as provided herein; (ii) Purchaser's breach of the Remediation Obligation; and (iii) any claim by any subsequent owner of the Property for reimbursement for any costs of Remediation of the Property.

(e) Purchaser acknowledges that Seller is expressly relying on the provisions contained in this Section 11, which are a material inducement for Seller to enter into the transaction contemplated by this Agreement. Purchaser's obligations under this Section 11 shall, without limitation, survive the Closing.

12. Insurable Title. Seller shall give and Purchaser shall accept such title as as any reputable title company doing business in Suffolk County shall be willing to approve and insure in accordance with its standard form of title policy approved by the New York State Insurance Department, subject only to the matters provided for in this contract.

13. Closing, Deed and Title. (a) "Closing" means the settlement of the obligations of Seller and Purchaser to each other under this contract, including the payment of the purchase price to Seller, and the delivery to Purchaser of a bargain and sale deed with covenants against grantor's acts in proper statutory

short form for recording, duly executed and acknowledged, so as to convey to Purchaser fee simple title to the Premises, free of all encumbrances, except as otherwise herein stated. The deed shall contain a covenant by Seller as required by subd. 5 of Section 13 of the Lien Law.

(b) At the time of Closing and as explicit additional consideration for the transfer of title to the subject premises from Seller to Purchaser, Purchaser shall grant Seller, by deed and covenant that shall run with the land, an unobstructed perpetual easement for a handicapped accessible pedestrian walkway, over the area of the existing concrete sidewalk on the premises, that shall connect Peconic Avenue to the Town's property currently utilized as a parking area or, upon subsequent application by Purchaser subject to the approval of the Town, over an alternate and substitute unobstructed handicapped accessible pedestrian walkway of like area and dimension. The Purchaser and all its successors in interest shall be obligated to maintain said easement in perpetuity for the benefit of the Seller or its assigns. In addition to the foregoing, the Deed shall contain a reverter clause whereby the property would revert back to the Seller in the event Purchaser shall breach any of its representations and/or warranties or shall fail to satisfy any of its obligations under this or any other Agreement with the Town of Riverhead.

14. Closing Date and Place. Closing shall take place at the office of Riverhead Town Attorney, 200 Howell Avenue, Riverhead, New York 11901, at 10:00 o'clock on or about June 21, 2004 or, upon the satisfaction of all parties' requirements as provided herein.

15. Conditions to Closing. This contract and Purchaser's obligation to purchase the Premises are also subject to and conditioned upon the fulfillment of the following conditions precedent:

(a) The accuracy, as of the date of Closing, of the representations and warranties of Seller made in this contract.

~~(b) The delivery by Seller to Purchaser of a valid and subsisting Certificate of Occupancy or other required certificate of compliance, or evidence that none was required, covering the building(s) and all of the other improvements located on the property authorizing their use as a family dwelling at the date of Closing.~~

(c) The delivery by Seller to Purchaser of a duly executed and sworn affidavit (in form prescribed by law) claiming exemption of the sale contemplated hereby, if such be the case, under Article 31-B of the Tax Law of the State of New York and the Regulations promulgated thereunder, as the same may be amended from time to time (collectively the "Gains Tax Law"); or if such sale shall not be exempt under the Gains Tax Law, Seller and Purchaser agree to comply in a timely manner with the requirements of the Gains Tax Law and, at Closing, Seller shall deliver to Purchaser (i) an official return showing no tax due, or (ii) an official return accompanied by a certified or official bank check drawn on a New York State banking institution payable to the order of the New York State Department of Taxation and Finance in the amount of the tax shown to be due thereon. Seller shall (x) pay promptly any additional tax that may become due under the Gains Tax Law, together with interest and penalties thereon, if any, which may be assessed or become due after Closing, and/or execute any other documents that may be required in respect thereof, and (y) indemnify, defend and save Purchaser harmless from and against any of the foregoing and any damage, liability, cost or expense (including reasonable attorneys' fees) which may be suffered or incurred by Purchaser by reason of the nonpayment thereof. The provisions of this subparagraph (c) shall survive Closing.

(d) The delivery by Seller to Purchaser of a certification stating that Seller is not a foreign person, which certification shall be in the form then required by FIRPTA. If Seller fails to deliver the aforesaid certification or if Purchaser is not entitled under FIRPTA to rely on such certification, Purchaser shall deduct and withhold from the purchase price a sum equal to 10% thereof (or any lesser amount permitted

by law) and shall at Closing remit the withheld amount with the required forms to the Internal Revenue Service.

~~(c) The delivery of the Premises and all buildings(s) and improvements comprising a part thereof in broom clean condition, vacant and free of leases or tenancies, together with keys to the Premises.~~

~~(f) All plumbing (including water supply and septic systems, if any), heating and air conditioning, if any, electrical and mechanical systems, equipment and machinery in the buildings(s) located on the property and all appliances which are included in this sale being in working order as of the date of Closing.~~

~~(g) If the Premises are a one or two family house, delivery by the parties at Closing of affidavits in compliance with state and local law requirements to the effect that there is installed in the Premises a smoke detecting alarm device or devices.~~

(h) The delivery by the parties of any other affidavits required as a condition of recording the deed.

(i) A determination from the governing body of the Urban Renewal Agency that Purchaser is a "Qualified and Eligible Sponsor" as required by Section 507 of the General Municipal Law.

(j) Upon Purchaser's application and at its sole expense, Purchaser shall, within ninety (90) days from the date hereof, secure any and all required approvals from the Riverhead Town Planning Board to effectuate the lot line amendment necessary to incorporate the subject premises into Purchaser's parcel directly adjacent to the premises. It is the explicit intent and agreement of the parties that the subject premises shall be incorporated into and made a part of Purchaser's adjacent premises and not to create a separate parcel that shall have been subdivided from the land owned by Seller.

16. Deed Transfer and Recording Taxes. At Closing, certified or official bank checks payable to the order of the appropriate State, City or County officer in the amount of any applicable transfer and/or recording tax payable by reason of the delivery or recording of the deed or mortgage, if any, shall be delivered by the *purchaser* to pay such transfer and/or recording tax, together with any required tax returns duly executed and sworn to, and such party shall cause any such checks and returns to be delivered to the appropriate officer promptly after Closing. The obligation to pay any additional tax or deficiency and any interest or penalties thereon shall survive Closing.

17. Apportionments and Other Adjustments; Water Meter and Installment Assessments. (a) To the extent applicable, the following shall be apportioned as of midnight of the day before the day of Closing:

(i) taxes, all applicable special district fees and assessments, water charges and sewer rents, on the basis of the fiscal period for which assessed.

(b) If Closing shall occur before a new tax rate is fixed, the apportionment of taxes shall be upon the basis of the tax rate for the immediately preceding fiscal period applied to the latest assessed valuation.

(c) If there is a water meter on the Premises, Seller shall furnish a reading to a date not more than 30 days before Closing and the unfixed meter charge and sewer rent, if any, shall be apportioned on the basis of such last reading.

(d) If at the date of Closing the premises are affected by an assessment which is or may become payable in annual installments, and the first installment is then a lien, or has been paid, then for the purposes of this contract all the unpaid installments shall be considered due and shall be paid by Seller at or prior to Closing.

(e) Any errors or omissions in computing apportionments or other adjustments at Closing shall be corrected within a reasonable time following Closing. This subparagraph shall survive Closing.

18. Allowance for Unpaid Taxes, etc. Seller has the option to credit Purchaser as an adjustment to the purchase price with the amount of any unpaid taxes, assessments, water charges and sewer rents, together with any interest and penalties thereon to a date not less than five business days after Closing, provided that official bills therefor computed to said date are produced at Closing.

19. Use of Purchase Price to Remove Encumbrances. If at Closing there are other liens or encumbrances that Seller is obligated to pay or discharge, Seller may use any portion of the cash balance of the purchase price to pay or discharge them, provided Seller shall simultaneously deliver to Purchaser at Closing instruments in recordable form and sufficient to satisfy such liens or encumbrances of record, together with the cost of recording or filing said instruments. As an alternative Seller may deposit sufficient moneys with the title insurance company employed by Purchaser acceptable to and required by it to assure their discharge, but only if the title insurance company will insure Purchaser's title clear of the matters or insure against their enforcement out of the Premises and will insure Purchaser's Institutional Lender clear of such matters. Upon notice (by telephone or otherwise), given not less than 3 business days before Closing, Purchaser shall provide separate certified or official bank checks as requested to assist in clearing up these matters.

20. Title Examination; Seller's Inability to Convey; Limitations of Liability. (a) Purchaser shall order an examination of title in respect of the Premises from a title company licensed or authorized to issue title insurance by the New York State Insurance Department or any agent for such title company promptly after the execution of this contract or, if this contract is subject to the mortgage contingency set forth in paragraph 8, after a mortgage commitment has been accepted by Purchaser. Purchaser shall cause a copy of the title report and of any additions thereto to be delivered to the attorney(s) for Seller promptly after receipt thereof.

(b)(i) If at the date of Closing Seller is unable to transfer title to Purchaser in accordance with this contract, or Purchaser has other valid grounds for refusing to close, whether by reason of liens, encumbrances or other objections to title or otherwise (herein collectively called "Defects"), other than those subject to which Purchaser is obligated to accept title hereunder or which Purchaser may have waived and other than those which Seller has herein expressly agreed to remove, remedy or discharge and if Purchaser shall be unwilling to waive the same and to close title without abatement of the purchase price, then, except as hereinafter set forth, Seller shall have the right, at Seller's sole election, either to take such action as Seller may deem advisable to remove, remedy, discharge or comply with such Defects or to cancel this contract; (ii) if Seller elects to take action to remove, remedy or comply with such Defects, Seller shall be entitled from time to time, upon Notice to Purchaser, to adjourn the date for Closing hereunder for a period or periods not exceeding 60 days in the aggregate (but not extending beyond the date upon which Purchaser's mortgage commitment, if any, shall expire), and the date for Closing shall be adjourned to a date specified by Seller not beyond such period. If for any reason whatsoever, Seller shall not have succeeded in removing, remedying or complying with such Defects at the expiration of such adjournment(s), and if Purchaser shall still be unwilling to waive the same and to close title without abatement of the purchase price, then either party may cancel this contract by Notice to the other given within 10 days after such adjourned date; (iii) notwithstanding the foregoing, the existing mortgage (unless this sale is subject to the same) and any matter created by Seller after the date hereof shall be released, discharged or otherwise cured by Seller at or prior to Closing.

(c) If this contract is cancelled pursuant to its terms, other than as a result of Purchaser's default, this contract shall terminate and come to an end, and neither party shall have any further rights, obligations or liabilities against or to the other hereunder or otherwise, except that: (i) Seller shall

promptly refund or cause the Escrowee to refund the Downpayment to Purchaser and, unless cancelled as a result of Purchaser's default or pursuant to paragraph 8, to reimburse Purchaser for the net cost of examination of title, including any appropriate additional charges related thereto, and the net cost, if actually paid or incurred by Purchaser, for updating the existing survey of the Premises or of a new survey, and (ii) the obligations under paragraph 27 shall survive the termination of this contract.

21. Affidavit as to Judgments, Bankruptcies, etc. If a title examination discloses judgments, bankruptcies or other returns against persons having names the same as or similar to that of Seller, Seller shall deliver an affidavit at Closing showing that they are not against Seller.

22. Defaults and Remedies. (a) If Purchaser defaults hereunder, Seller's sole remedy shall be to receive and retain the Downpayment as liquidated damages, it being agreed that Seller's damages in case of Purchaser's default might be impossible to ascertain and that the Downpayment constitutes a fair and reasonable amount of damages under the circumstances and retention of same is not a penalty.

(b) If Seller defaults hereunder, Purchaser shall have such remedies as Purchaser shall be entitled to at law or in equity, including, but not limited to, specific performance.

23. Purchaser's Lien. All money paid on account of this contract, and the reasonable expenses of examination of title to the Premises and of any survey and survey inspection charges, are hereby made liens on the Premises, but such liens shall not continue after default by Purchaser under this contract.

24. Notices. Any notice or other communication ("Notice") shall be in writing and either (a) sent by either of the parties hereto or by their respective attorneys who are hereby authorized to do so on their behalf or by the Escrowee, by registered or certified mail, postage prepaid, or

(b) delivered in person or by overnight courier, with receipt acknowledged, to the respective addresses given in this contract for the party and the Escrowee, to whom the Notice is to be given, or to such other address as such party or Escrowee shall hereafter designate by Notice given to the other party or parties and the Escrowee pursuant to this paragraph. Each Notice mailed shall be deemed given on the third business day following the date of mailing the same, except that any notice to Escrowee shall be deemed given only upon receipt by Escrowee and each Notice delivered in person or by overnight courier shall be deemed given when delivered.

25. Assignment. This contract shall not be assigned by Purchaser. Seller may assign this contract to the duly authorized Urban Renewal Agency for the Town of Riverhead.

26. Broker. Seller and Purchaser each represents and warrants to the other that it has not dealt with any real estate broker in connection with this sale.

27. Miscellaneous. (a) All prior understandings, agreements, representations and warranties, oral or written, between Seller and Purchaser are merged in this contract; it completely expresses their full agreement and has been entered into after full investigation, neither party relying upon any statement made by anyone else that is not set forth in this contract.

(b) Neither this contract nor any provision thereof may be waived, changed or cancelled except in writing. This contract shall also apply to and bind the heirs, distributees, legal representatives, successors and permitted assigns of the respective parties. The parties hereby authorize their respective attorneys to agree in writing to any changes in dates and time periods provided for in this contract.

(c) Any singular word or term herein shall also be read as in the plural and the neuter shall include the masculine and feminine gender, whenever the sense of this contract may require it.

(d) The captions in this contract are for convenience of reference only and in no way define, limit or describe the scope of this contract and shall not be considered in the interpretation of this contract or any provision hereof.

(e) This contract shall not be binding or effective until duly executed and delivered by Seller and Purchaser.

(f) Seller and Purchaser shall comply with IRC reporting requirements, if applicable. This subparagraph shall survive Closing.

(g) Each party shall, at any time and from time to time, execute, acknowledge where appropriate and deliver such further instruments and documents and take such other action as may be reasonably requested by the other in order to carry out the intent and purpose of this contract. This subparagraph shall survive Closing.

(h) This contract is intended for the exclusive benefit of the parties hereto and, except as otherwise expressly provided herein, shall not be for the benefit of, and shall not create any rights in, or be enforceable by, any other person or entity.

IN WITNESS WHEREOF, this contract has been duly executed by the parties hereto.

Philip J. Cardinale, Town Supervisor *Seller*

Raymond Dickhoff, President of NF Management
Purchaser

Attorney for Seller:

Christopher Kent, Deputy Town Attorney
Address: 200 Howell Avenue
Riverhead, NY 11901

Tel.: (631) 727-3200 Fax: (631) 727-6152

Attorney for Purchaser:

Deborah Doty
Address: 670 West Creek Avenue
PO Box 1181
Cutchogue, NY 11935

Tel.: (631) 734-6648 Fax: (631) 734-7702

~~Receipt of the Downpayment is acknowledged and the undersigned agrees to act in accordance with the provisions of paragraph 6 above.~~

Eserowee

Contract of Sale

PREMISES

Title No.

Dist: 0600

Section 128

Block 6

Lot p/o 86

County or Town Riverhead

Address No number Peconic Avenue
Riverhead, NY

TO

EPA AND HUD Lead Paint Regulations: Owners of pre-1978 housing must disclose known lead-based paint hazards to purchasers.

Minutes of a Community Development Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, June 1, 2004, at 7:00 p.m.

Present:

Philip Cardinale,	Chairman
Edward Densieski,	Member
Barbara Blass,	Member
Rose Sanders,	Member
George Bartunek,	Member

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney
Andrea Lohneiss,	Director

Chairman Cardinale called the meeting to order at 9:01 p.m.

Chairman Cardinale: "So I'm going to open the CDA meeting, and, Andrea, would you give us the resolution."

Resolution #9

Andrea Lohneiss: "Right Resolution 9 is calling for a public hearing under the town's Urban Renewal Law for a firm called NF Management, Inc. who desires to purchase a small piece of property in the East Main Street Urban Renewal area in downtown Riverhead."

Member Densieski: "I'd like to move resolution- CDA Resolution #9. So moved."

Member Bartunek: "And I'll second it."

Chairman Cardinale: "Moved and seconded. May we have a vote?"

The Vote: "Member Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes."

Andrea Lohneiss: "The resolution is adopted. That calls a hearing for June 15th at 2:10 p.m. here at Riverhead Town Hall."

Chairman Cardinale: "The June 15th meeting is at 2:00?"

Andrea Lohneiss: "2:10."

Chairman Cardinale: "I mean the meeting itself."

Andrea Lohneiss: "That would be indicated, yes."

Chairman Cardinale: "I want to make sure of that so that will be 2:00 on the 15th the next meeting. Okay. And this is 2:10, this hearing."

Andrea Lohneiss: "Yes."

Meeting adjourned: 9:02 p.m.

Barbara Gutton

05/18/04

Town of Riverhead

AdoptedResolution # 400

**AUTHORIZES THE SUPERVISOR TO EXECUTE A DEED TO PROPERTY
ALONG PECONIC AVENUE TO THE TOWN OF RIVERHEAD COMMUNITY
DEVELOPMENT AGENCY**

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded
by COUNCILMAN DENSIESKI :

WHEREAS, NF Management, Inc. has made an offer to purchase from the Town of Riverhead an 1800 square foot strip of Town land that fronts on Peconic Avenue in Downtown Riverhead that lies within the urban renewal area designated under the East Main Street Urban Renewal Map and Plan adopted by the Town Board on October 19, 1993; and

WHEREAS, NF Management, Inc. proposes to incorporate said Town land into its adjacent property on Peconic Avenue and develop and use said parcel in a manner consistent with the goals and objectives of said Urban Renewal Plan; and

WHEREAS, the Town Board has considered this proposal and desires to enter into a contract with NF Management, Inc. similar in form to the proposed contract annexed hereto for the sale of said 1800 square foot strip of land for urban renewal which contract shall be subject to the Purchaser being determined to be a qualified and eligible sponsor as required by Urban Renewal Law; and

WHEREAS, in order to allow the proposal to proceed as an urban renewal Project, the Town of Riverhead must transfer title to the premises to the Town of Riverhead Community Development Agency, the Urban Renewal Agency for the Town;

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute a Deed transferring ownership of the parcel of land more particularly described on "Schedule A" annexed to the proposed Contract of Sale and known as SCTM No. 0600-128-6-p/o86 from the Town of Riverhead to the Town of Riverhead Community Development Agency; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a Certified copy of this resolution to the Office of the Town Attorney, the Community Development Agency, the Supervisor and the Town Board.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

SCHEDULE A

ALL that certain plot, piece or parcel of land, with buildings and improvements thereon erected, situate, lying and being in the hamlet of Riverhead, Town of Riverhead, County of Suffolk and State of New York, known and more particularly bound and described as follows:

BEGINNING at a point at the southeast corner of the intersection of the southerly side of East Main Street (NYS Route 25) and the easterly side of Peconic Avenue and proceeding in a southerly direction along the easterly side of a concrete sidewalk that runs along the easterly side of Peconic Avenue South 15 Degrees 27 Minutes 30 Seconds West for a distance of 195.92 feet to the true point or place of BEGINNING.

RUNNING THENCE South 73 Degrees 51 Minutes 00 Seconds East 172.23 feet;

RUNNING THENCE South 08 Degrees 07 Minutes 00 Seconds East 12.68 feet;

RUNNING THENCE North 73 Degrees 02 Minutes 40 Seconds West along the southerly side of a concrete sidewalk 177.34 feet to the easterly side of a concrete sidewalk that runs along the easterly side of Peconic Avenue;

RUNNING THENCE along the easterly side of said concrete sidewalk that runs along the easterly side of Peconic Avenue North 15 Degrees 27 Minutes 30 Seconds East 9.08 feet to the point or place of BEGINNING.

5/18/04

8
Adopted

Town of Riverhead

Resolution # 401

Authorizes Supervisor to Execute Contract for the Design and Engineering of Public Recreational Facility at the Calverton Enterprise Park

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS :

WHEREAS, the Town of Riverhead has acquired property from the U.S. Navy and has designated, by CDA Resolution #9 on April 1, 2003, a 62-acre portion to be planned and developed as a public park providing recreational opportunities for residents of the Town of Riverhead; and

WHEREAS, the Town of Riverhead received a state grant in the amount of \$350,000 from the Office of Parks, Recreation and Historic Preservation for the planning and development of active and passive recreational components and infrastructure to support the facility; and

WHEREAS, the Town Board has allocated a match of \$350,000 from the Recreation Development Fees upon recommendation of the Recreation Advisory Committee.

WHEREAS, the Town of Riverhead solicited proposals for the design and engineering of this 62-acre park space per Town Board resolution #1390 dated December 29, 2003, which authorized the publication of a public notice on January 8, 2004; and

WHEREAS, five proposals were received; and

WHEREAS, an ad-hoc committee involving town personnel and members of the Recreation Advisory Committee thoroughly reviewed all proposals and interviewed two firms; and

WHEREAS, it is the unanimous recommendation of the ad-hoc committee that the Town Board select Araiys Design to conduct the required tasks; and

THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract with Araiys Design for the design and engineering of the Town of Riverhead Calverton Park Recreational Facilities Project.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Community Development Agency Director Andrea Lohneiss, the Engineering Department and the Recreation Department.

THE VOTE					
Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
			Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

THE RESOLUTION WAS WAS NOT

MAY 18, 2004

Adopted

TOWN OF RIVERHEAD

AUTHORIZES RELEASE OF BID SECURITY FOR FUEL DISPENSING SYSTEM UPGRADE

RESOLUTION # 402

COUNCILWOMAN BLASS

_____ offered the following resolution,

COUNCILMAN DENSIESKI

which was seconded by _____.

WHEREAS, the Town of Riverhead advertised for bids to replace the existing fuel dispensing system due to the new requirements of the NYS DEC and the Suffolk County Sanitary Code – Article 12 Regulations for storage of fuels; and

WHEREAS, the Town received two bids and the bid was awarded on April 22, 2004 as per TBR #316; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and is hereby, authorized to return to all the unsuccessful original bidders their respective bid security.

BE IT FURTHER, RESOLVED, upon completion of fully executed contracts and the filing of said contract with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidder the bidders' bid security.

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Bartunek Yes No

Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

HARTILL WATER EXT. PROJECT

BUDGET ADOPTION

RESOLUTION # 403

COUNCILWOMAN SANDERS

_____ offered the following resolution, which
was seconded by **COUNCILMAN BARTUNEK** _____.

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

		<u>FROM</u>	<u>TO</u>
406.092705.421050.30076	DEVELOPER FEES	\$4,000	
406.083200.543501.30076	ENGINEERING EXPENSE		\$4,000

THE VOTE

Bartunek Yes No Sanders Yes No
 Blass Yes No Densieski Yes No
 Cardinale Yes No

TOWN OF RIVERHEAD

MOUNTAIN BROOK HOMES WATER IMPROVEMENT PROJECT

BUDGET ADOPTION

RESOLUTION # 404

COUNCILMAN DENSIESKI

_____ offered the following resolution, which

was seconded by COUNCILMAN BARTUNEK

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

		<u>FROM</u>	<u>TO</u>
406.092705.421050.30074	DEVELOPER FEES	\$5,000	
406.083200.543501.30074	ENGINEERING EXPENSE		\$5,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

HOUNDS GATE WATER IMPROVEMENT PROJECT

BUDGET ADOPTION

RESOLUTION # 405

COUNCILWOMAN SANDERS

_____ offered the following resolution, which
was seconded by _____
COUNCILWOMAN BLASS

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

	<u>FROM</u>	<u>TO</u>
406.092705.421050.30075 DEVELOPER FEES	\$4,000	
406.083200.543501.30075 ENGINEERING EXPENSE		\$4,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

MAY 18, 2004

8:
Adopted

TOWN OF RIVERHEAD

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST
A HELP WANTED AD FOR A MAINTENANCE MECHANIC II**

RESOLUTION # 406

COUNCILMAN BARTUNEK

_____ offered the following
COUNCILWOMAN BLASS
resolution, which was seconded by _____.

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the May 27, 2004 issue of The News Review

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

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Maintenance Mechanic II. Based on the nature of this position Federal and State laws require that all applicants must be at least 18 years of age. Applicants must also have a minimum of two years experience in a major craft or specialty trade such as carpentry, plumbing, electrical, mechanical or welding and a clean, current CDL. Applications are to be submitted to the Accounting Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on Friday, June 4, 2004. EOE

BY ORDER OF:

THE RIVERHEAD TOWN BOARD

BARBARA GRATTAN, TOWN CLERK

MAY 18, 2004

Adopted

TOWN OF RIVERHEAD

'02 MIDDLE ROAD PUMP STATION

BUDGET ADJUSTMENT

RESOLUTION # 407

COUNCILMAN DENSIESKI

_____ offered the following resolution,
COUNCILWOMAN SANDERS
which was seconded by _____.

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

		<u>FROM</u>	<u>TO</u>
406.081300.523016.20014	PUMP STATION CONSTRUCTION	\$5,000	
406.081300.543504.20014	ENGINEERING EXPENSE		\$5,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

MAY 18, 2004

8:
Adopted

TOWN OF RIVERHEAD

NORTH FORK RESORTS PHASE I

BUDGET ADJUSTMENT

RESOLUTION # 408

COUNCILWOMAN BLASS

_____ offered the following resolution,
which was seconded by _____
COUNCILMAN BARTUNEK

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

	<u>FROM</u>	<u>TO</u>
406.092705.421050.60078 DEVELOPER FEES	\$57,230	
406.083200.523002.60078 CONSTRUCTION		\$53,110
406.083200.543501.60078 ENGINEERING EXPENSE		120
406.083200.547900.60078 CONTINGENCY		1,000
406.083200.543315.60078 LEGAL		3,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

MAY 18, 2004

8:
Adopted

TOWN OF RIVERHEAD

AQUEBOGUE GOLF RESORT WATER EXT.

BUDGET ADJUSTMENT

RESOLUTION # 409

COUNCILMAN BARTUNEK

_____ offered the following resolution,
COUNCILMAN DENSIESKI
which was seconded by _____.

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

		<u>FROM</u>	<u>TO</u>
406.092705.421050.60079	DEVELOPER FEES	\$23,780	
406.093200.547900.60079	CONTINGENCY	70	
406.083200.523002.60079	WATER CONSTRUCTION		\$21,050
406.083200.543501.60079	ENGINEERING EXPENSE		2,800

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

MAY 18, 2004

TOWN OF RIVERHEAD

APPOINTS STUDENT INTERN IN THE ACCOUNTING DEPARTMENT

RESOLUTION # 410

COUNCILWOMAN BLASS

_____ offered the following
COUNCILWOMAN SANDERS
resolution, which was seconded by _____.

WHEREAS, it is beneficial to the Town to hire student interns to work cooperatively with individual Departments; and

WHEREAS, it is the desire of the Accounting Department to have a student intern appointed to work during the summer months to complete various annual projects.

WHEREAS, the funding of this position was provided in the 2004 Adopted Budget.

NOW, THEREFORE, BE IT RESOLVED, that effective May 24, 2004, the Town Board hereby appoints Anthony Pendzick to the position of Student Intern in the Accounting Department at the hourly rate of pay of \$10.00.

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

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

MAY 18, 2004

Adopted

TOWN OF RIVERHEAD

APPOINTS STUDENT INTERN IN THE ACCOUNTING DEPARTMENT

RESOLUTION # 411

COUNCILWOMAN BLASS

_____ offered the following
resolution, which was seconded by **COUNCILWOMAN SANDERS**_____.

WHEREAS, it is beneficial to the Town to hire student interns to work cooperatively with individual Departments; and

WHEREAS, it is the desire of the Accounting Department to have a student intern appointed to work during the summer months to complete various annual projects.

WHEREAS, the funding of this position was provided in the 2004 Adopted Budget.

NOW, THEREFORE, BE IT RESOLVED, that effective May 24, 2004, the Town Board hereby appoints Victoria Morrissey to the position of Student Intern in the Accounting Department at the hourly rate of pay of \$9.50.

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

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

MAY 18, 2004

TOWN OF RIVERHEAD

APPROVES CONTINUED SUPPORT TO THE EAST END TRANSPORTATION COUNCIL'S "SEEDS" STUDY

RESOLUTION # 412

COUNCILMAN DENSIESKI

_____ offered the following resolution,
COUNCILWOMAN SANDERS
which was seconded by _____.

WHEREAS, the five East End Towns and the Villages of Greenport, Sag Harbor, Dering Harbor, East Hampton, Southampton, North Haven and Westhampton Beach have agreed to continue their efforts with the Long Island Transportation Plan 2000 to manage overall traffic congestion problems; and

WHEREAS, the five East End Towns and these East End Villages have established the East End Transportation Council (EETC) in order to address the traffic issues of the East End; and

WHEREAS, each of the five East End Towns has pledged to contribute \$8,500 for 2003 to cover an Executive Assistant, clerical assistance and supplies for the EETC's Sustainable East End Development Strategy (SEEDS) study; and

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead will continue its support by providing \$8,500/yr. from the fiscal years 2003 to the EETC through Southold Town; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the East End Transportation Council c/o Valerie Scopaz, Planner, Town of Southold, 53095 Main Road, Southold, NY 11971, the Riverhead Accounting Department and the Riverhead Planning Department.

THE VOTE

Sanders Yes No

Blass Yes No

Denisieski Yes No

Bartunek Yes No

Cardinale Yes No

05/18/04

STATUS **Adopted**

TOWN OF RIVERHEAD

Resolution # 413

AUTHORIZES ATTENDANCE OF TWO PUBLIC SAFETY DISPATCHERS TO
ATTEND A DOMESTIC VIOLENCE CALL HANDLING SEMINAR
~~COUNCILWOMAN BLASS~~

_____ offered the following resolution, which was
COUNCILMAN DENSIESKI
seconded by _____

WHEREAS, Police Chief Hegermiller has requested authorization from the Riverhead Town Board for the attendance of two public safety dispatchers to a Domestic Violence Call Handling Seminar; and,

WHEREAS, the seminar will be held at the Sussex County Fire Academy, Frankford, New Jersey, August 2 – 3, 2004.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the attendance of two public safety dispatchers at the aforementioned seminar; and,

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes reimbursement of expenses, not to exceed \$1,200.00 (registration, food, lodging, tolls & miscellaneous expenses for two (2) nights) upon proper submission of receipts; and,

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

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Bartunek Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

MAY 18, 2004

Adopted

TOWN OF RIVERHEAD

AUTHORIZES SUPERVISOR TO ENTER INTO AN

AGREEMENT WITH TOM LASSANDRO

RESOLUTION # 414

COUNCILMAN BARTUNEK

_____ offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

WHEREAS, the public has indicated enthusiasm for the filming of Town Board Work Sessions on the Government and Education Channel.

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to enter into an agreement (copy attached) with Tom Lassandro to provide video services to the Town of Riverhead; and

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

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

AGREEMENT FOR SERVICES

Agreement made this _____ day of May, 2004, by and between the Town of Riverhead, a Municipal Corporation, having its principal place of business at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter "TOWN") and Tom Lassandro, residing at 128 East Meadow Road, Baiting Hollow, New York 11933 (hereinafter "LASSANDRO").

WITNESSETH

WHEREAS, the Town is in need of an individual who can provide the video services necessary to film the Town Board Work Sessions and format the video so that they can be televised on the local Government Access Channel; and

WHEREAS, Lassandro has the expertise necessary to render such services and the Town Board wishes to enter into a contract with him to provide these services;

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. Lassandro, with his own equipment, shall video the Town Board Work Sessions and shall format the tapes so that they may be ready to be televised on Cablevision's Local Government Access Channel.
2. In consideration for the services rendered by Lassandro under this Agreement, the Town agrees to pay Lassandro at the hourly rate of Twenty Dollars (\$20.00) per hour plus disbursements for supplies.

3. Lassandro shall submit monthly vouchers to the Town for services rendered under this Agreement with payment due within ten (10) business days.

4. The Town and Lassandro shall have the right to terminate this Agreement upon notice to the other party at any time and for any reason. If this Agreement is terminated, Lassandro shall be entitled to compensation for any time expended and services provided under this Agreement.

5. Lassandro shall indemnify and hold the Town harmless from and against any and all claims, actions, liabilities, losses (including, without limitation, consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorney fees and expenses), arising out of his negligence either by omission or commission in providing the services intended under this Agreement.

6. Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to the Town, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue, Riverhead, New York. If such notice is directed to Lassandro, it shall be addressed to 128 East Meadow Road, Baiting Hollow, New York 11933.

7. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this

agreement, which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof.

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

TOWN OF RIVERHEAD

By: _____
PHILIP CARDINALE, Supervisor

TOM LASSANDRO

Adopted

MAY 18, 2004

TOWN OF RIVERHEAD

TOWN BOARD SPECIAL PROGRAM FUND

BUDGET ADJUSTMENT

RESOLUTION # 415

COUNCILMAN DENSIESKI

_____ offered the following resolution,
which was seconded by **COUNCILMAN BARTUNEK** _____.

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

	SPECIAL PROGRAM FUND	FROM	TO
024.000000.390599	APPROPRIATED FUND BALANCE	\$20,000	
024.012200.543925	VIDEO PRODUCTION SERVICE		\$20,000

THE VOTE

Bartunek Yes No Sanders Yes No
 Blass Yes No Densieski Yes No
 Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

Resolution # 416

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR REBID OF WATER METERS

COUNCILMAN BARTUNEK

_____ offered the following resolution, which was seconded
by COUNCILWOMAN SANDERS.

WHEREAS, the Town of Riverhead Water Department has requested that bids be received for Water Meters;

NOW, THEREFORE, BE IT

RESOLVED, the Town Clerk be, and hereby is, authorized to publish and post the following public notice in the May 27, 2004 issue of the News Review.

BE IT FURTHER RESOLVED, that the Town Clerk is authorized to forward a copy of this resolution to the Water Department and the Purchasing Department.

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Bartunek Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

899

Sealed bids for the purchase of **WATER METERS** for use by the **RIVERHEAD WATER DISTRICT** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 a.m.** on **JUNE 4TH, 2004.**

Bid packets, including Specifications, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

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

All bids are to be submitted in a sealed envelope bearing the designation **BID FOR WATER METERS.**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

05/18/04

STATUS **Adopted**⁹⁰⁰

TOWN OF RIVERHEAD

Resolution # 417

RATIFIES THE ATTENDANCE OF ONE POLICE OFFICER TO THE
ADVANCED TRACK OF THE NATIONAL YOUTH COURT CENTER'S
IMPLEMENTING AND ENHANCING YOUTH COURT PROGRAMS TRAINING
SEMINAR

COUNCILWOMAN BLASS

_____ offered the following resolution, which was
COUNCILMAN DENSIESKI
seconded by _____

WHEREAS, Police Chief Hegermiller has requested authorization from the Riverhead Town Board for the attendance of one police officer to attend the Advanced Track of the National Youth Court Center's Implementing and Enhancing Youth Court Programs Training Seminar; and,

WHEREAS, the seminar will be held at the Raddison Warwick Plaza in Philadelphia, Pennsylvania, May 17 – 19, 2004.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby ratifies the attendance of one police officer at the aforementioned seminar; and,

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes reimbursement of expenses, not to exceed \$800.00 (registration, food, lodging, tolls & miscellaneous expenses for four (4) nights) upon proper submission of receipts; and,

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

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Bartunek Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

RESOLUTION # 418

AUTHORIZES ATTENDANCE OF ASSESSOR AT SEMINAR

COUNCILMAN BARTUNEK

_____ offered the following resolution which was seconded by
COUNCILWOMAN SANDERS

WHEREAS, a seminar for assessors is being held at Cornell University, Ithaca, New York, on July 18 through July 23, 2004 and,

WHEREAS, 1 member of the Board of Assessors has expressed a desire to attend the seminar.

NOW, THEREFORE, BE IT RESOLVED, that 1 assessor is hereby authorized to attend said seminar, and

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

BE IT FURTHER RESOLVED, that the amount of \$1,400.00 shall cover tuition, lodging, meals, materials, and travel expenses, and

BE IT FURTHER RESOLVED, that all expenses shall be reimbursed by the Town upon submission of receipts, and

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

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

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Bartunek Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

AdoptedMay 18th, 2004

TOWN OF RIVERHEAD

Resolution # 419**APPROVES SITE PLAN OF WILLIAM DRIES****COUNCILWOMAN SANDERS**

_____ offered the following resolution,
COUNCILWOMAN BLASS
 which was seconded by _____:

WHEREAS, a site plan was submitted by William Dries, to allow construction of a manufacturers outlet and related site improvements upon real property located at Tanger Drive, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-118-3-87; and

WHEREAS, the premises are currently regulated by the provisions of the Industrial A Zoning Use District; and

WHEREAS, the premises are to be regulated by the Manufacturer's Outlet Center Zoning Use District pursuant to the Town of Riverhead Comprehensive Plan adopted by the Riverhead Town Board on November 3, 2003; and

WHEREAS, the Planning Department has reviewed the site plan dated April 21, 2004 and prepared by Martin Sendlewski, R.A. and elevations prepared by Martin Sendlewski, R.A., dated April 22, 2004 and has recommended to the Town Board that the site plan be approved ;and

WHEREAS, the Town Board, has carefully considered the merits of the petition, the SEQRA record created to date, the report of the Planning Department, the report of the Planning Board, the commentary offered at the relevant public hearing as well as all other pertinent planning, zoning and environmental information; and

WHEREAS, a copy of the site plan has been marked and initialed by the Town Board to show changes that are further set forth in this resolution, which site plan shall be on record with the Town Clerk; and

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per check number 1276 & 517 of the Office of Accounting; and

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

THEREFORE, BE IT

RESOLVED, that in the matter of the site plan application of William Dries, the Riverhead Town Board hereby declares itself to be the lead agency pursuant to 6NYCRR Part 617 and further determines the action to be Unlisted pursuant to 6NYCRR Part 617; and that an Environmental Impact Statement need not be prepared.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan submitted by William Dries, to allow the construction of a manufacturers outlet and related site improvements upon real property located at Tanger Drive, Riverhead, New York, site plan dated April 21, 2004 as prepared by Martin Sendlewski, R.A. and elevations dated April 22, 2004 as prepared by Martin F. Sendlewski, A.I.A., be and is hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan proves and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, William Dries hereby authorizes and consents to the Town of Riverhead to enter premises at Tanger Drive, New York, to enforce said handicapped parking regulations;
10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all utilities shall be constructed underground;
12. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
15. That no Building or Use Permit for the proposed Manufacturer's Outlet Use shall issue prior the amendment of the Zoning Use District Map of the Town of Riverhead providing for the Manufacturer's Outlet Center Zoning Use District upon the premises; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to William Dries, 6 Ring Neck Court, Wading River, New York 11792, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass ___ yes ___ no Densieski yes ___ no
Cardinale yes ___ no

**THE RESOLUTION ~~WAS~~ ___ WAS NOT
THEREFORE DULY ADOPTED**

DECLARATION AND COVENANTS

THIS DECLARATION, made the ____ day of _____, 2004, made by William Dreis, Declarant:

WITNESSETH:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
3. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, William Dries, hereby authorizes and consents to the Town of Riverhead to enter premises at Tanger Drive, Riverhead, New York 11901, to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all utilities shall be constructed underground;
11. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall pose a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

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

William Dries

On the _____ day of _____, 2004, before me personally came _____, to me known and known to be the individual who executed the foregoing instrument; that (s) he is the _____ of certain real property located at Tanger Drive, Riverhead, New York, subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

NOTARY PUBLIC

Adopted

May 18th, 2004

TOWN OF RIVERHEAD

Resolution # 420**APPROVES AMENDED SITE PLAN OF TWOMEY, LATHAM, SHEA & KELLEY**
COUNCILMAN BARTONEK

_____ offered the following resolution,
 which was seconded by **COUNCILMAN DENSIESKI** _____:

WHEREAS, a site plan was submitted by Twomey, Latham, Shea & Kelley, to expand an existing professional office building and make related site improvements, upon real property located at 23 West Second Street, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-128-6-3.1 & 4.1; and

WHEREAS, by Resolution Number 1339, the Riverhead Town Board did grant a special permit for the premises allowing relief from setback and building coverage; and

WHEREAS, the Planning Department has reviewed the site plan dated March, 2004 as prepared by Michael Morbello, R.A. and elevations dated March 3rd, 2004 as prepared by Michael Morbello, R.A., has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, the Town Board has carefully considered the merits of the site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information; and

WHEREAS, a copy of the site plan has been marked and initialed by the Town Board to show changes that are further set forth in this resolution, which site plan shall be on record with the Town Clerk; and

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Check Number 2004-55782 of the Office of Accounting of the Town of Riverhead; and;

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

NOW, THEREFORE, BE IT

RESOLVED, that in the matter of the site plan application of Twomey, Latham, Shea & Kelley, the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the action to be Unlisted pursuant to 6NYCRR Part 617 and that an Environmental Impact Statement need not be prepared.

BE IT FURTHER

RESOLVED, that the site plan submitted by Twomey, Latham, Shea & Kelley, to expand an existing professional office building with related site improvements, upon real property located at 23 West Second Street, Riverhead, New York, site plan dated March 2004, as prepared by Michael Morbello, R.A. and elevations dated March 3rd, 2004, as prepared by Michael Morbello, R.A., be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan approval and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking,

Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, 23 West Second Street Associates, LLC and 33 West Second Street Associates, hereby authorizes and consents to the Town of Riverhead to enter premises at 23 West Second Street, Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all new utilities shall be constructed underground;
12. That pursuant to Section 108-133(I) of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing and/or building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to 23 West Second Street Associates, LLC, 33 West Second Street, Riverhead, New York 11901, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

eroman/planning

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Deñsieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

**THE RESOLUTION ~~WAS~~ WAS NOT
THEREFORE DULY ADOPTED**

DECLARATION AND COVENANTS

THIS DECLARATION, made the ____ day of _____, 2004, made by 33 West Second Street Associates, LLC, 33 West Second Street, Riverhead, Declarant:

WITNESSETH:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
3. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, 33 West Second Street Associates, LLC and 33 West Second Street Associates, LLC hereby authorizes and consents to the Town of Riverhead to enter premises at 23 West Second Street, Riverhead New York, to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all new utilities shall be constructed underground;
11. That pursuant to Section 108-133(I) of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing and/or building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

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

33 West Second Street
Associates, LLC.

STATE OF NEW YORK)

: ss.:

COUNTY OF SUFFOLK)

On the _____ day of _____, in the year _____ before me, the undersigned, _____ personally _____ appeared

_____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

Planning/egr

5/18/04

Adopted

TOWN OF RIVERHEAD

Resolution # 421

APPOINTS A BEACH ATTENDANT / CONCESSION STAND OPERATOR I TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN BARTUNEK

_____ offered the following resolution,

COUNCILWOMAN BLASS

which was seconded by _____

RESOLVED, that Cary Tilton is hereby appointed to serve as a Beach Attendant/ Concession Stand Operator I effective May 25, 2004 to and including September 6, 2004, to be paid at the rate of \$7.50 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

1

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Derisieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

¹ Rec. Doris/ Res Beach Attnd. Concess Cary Tilton 2004

5/18/04

Adopted

TOWN OF RIVERHEAD

Resolution # 422

AUTHORIZES ATTENDANCE TO PARENTS OF MEGHAN'S LAW "APPLE OF MY EYE SEMINAR"

COUNCILWOMAN BLASS

_____ offered the following resolution,
which was seconded by **COUNCILMAN DENSIESKI** _____

WHEREAS, the Parents for Meghan's Law will be to conducting an educational conference on June 14th, 2004 at the Riverhead Library.

WHEREAS, it is necessary and appropriate for all Summer Recreation Program personnel who work with children.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Riverhead hereby authorizes the attendance of all Summer Recreation Personnel

BE IT FURTHUR, RESOLVED, that the all related expenses will be fully receipted and reimbursed upon their return, not to exceed \$150.00; and

BE IT FURTHUR, RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Parents for Meghan's Law, the Recreation Department and the Office of Accounting.¹

THE VOTE

Bartunek	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Sanders	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no
Blass	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Densieski	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no
Cardinale	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no					

**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

¹ Recreation. Doris. Resolution: Meghan's Law.

Adopted

5/18/04

TOWN OF RIVERHEAD

Resolution # 423

APPOINTS SUMMER PROGAM LEADERS TO THE RECREATION DEPARTMENT

COUNCILWOMAN SANDERS

_____ offered the following resolution,

which was seconded by **COUNCILMAN BARTUNEK** _____

RESOLVED, that the Town Board appoints the attached list of Summer Program Leaders to the Recreation Department effective May 24, 2004 to and including August 27, 2004 to serve as needed on an at will basis and to serve at the pleasure of the Town Board and

BE IT FURTHER, RESOLVED, that the Town Board hereby authorize the Town clerk to forward this resolution to the Recreation Department and the Office of Accounting.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION ~~WAS~~ WAS NOT
THEREFORE DULY ADOPTED

**RECREATION DEPARTMENT APPOINTMENTS
5/18/04 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Hynds	Cynthia	Summer Program Leader	VIII	5/24/04	8/27/04	\$16.00
Kowalsick	Christopher	Summer Program Leader	III	5/24/04	8/27/04	\$13.00
Lindsay	Lisa	Summer Program Leader	IV	5/24/04	8/27/04	\$14.00
MacLeod	James	Summer Program Leader	V	5/24/04	8/27/04	\$14.50
Pantaleo	Kathleen	Summer Program Leader	III	5/24/04	8/27/04	\$13.00

All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start

Adopted

5/18/04

TOWN OF RIVERHEAD

Resolution # 424

APPOINTS SUMMER RECREATION AIDES TO THE RECREATION DEPARTMENT

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

RESOLVED, that the Town Board appoints the attached list of Summer Recreation Aides to the Recreation Department effective May 24, 2004 to and including August 27, 2004 to serve as needed on an at will basis and to serve at the pleasure of the Town Board and

BE IT FURTHER, RESOLVED, that the Town Board hereby authorize the Town clerk to forward this resolution to the Recreation Department and the Office of Accounting.

THE VOTE

Bartunek yes no Sanders yes no
 Blass yes no Densieski yes no
 Cardinale yes no

THE RESOLUTION WAS WAS NOT
 THEREFORE DULY ADOPTED

**RECREATION DEPARTMENT APPOINTMENTS
5/18/04 TOWN BOARD MEETING**

*

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Bentsen	Patrick	Summer Rec. Aide	II	5/24/04	8/27/04	\$8.50
Brown	Jennifer	Summer Rec. Aide	II	5/24/04	8/27/04	\$8.50
Cook	Jennifer	Summer Rec. Aide	IV	5/24/04	8/27/04	\$9.50
D'Alsace	Richard	Summer Rec. Aide	II	5/24/04	8/27/04	\$8.50
Donoghue	Timothy	Summer Rec. Aide	V	5/24/04	8/27/04	\$10.00
Fuhlbrugge	Leah	Summer Rec. Aide	II	5/24/04	8/27/04	\$8.50
Guadalupi	Jennifer	Summer Rec. Aide	IV	5/24/04	8/27/04	\$9.50
Koroleski	Cori	Summer Rec. Aide	V	5/24/04	8/27/04	\$10.00
Kwasna	Amanda	Summer Rec. Aide	III	5/24/04	8/27/04	\$9.00
Luika-MacLellan	Caitlin	Summer Rec. Aide	II	5/24/04	8/27/04	\$8.50
McCafferty	Ashley	Summer Rec. Aide	III	5/24/04	8/27/04	\$9.00
Miller	Leslie	Summer Rec. Aide	IV	5/24/04	8/27/04	\$9.50
Rollins	Dana	Summer Rec. Aide	III	5/24/04	8/27/04	\$9.00
Sendlewski	Jennifer	Summer Rec. Aide	I	5/24/04	8/27/04	\$7.50
Sheehan	Anna	Summer Rec. Aide	V	5/24/04	8/27/04	\$10.00
Stefans	Alexandra	Summer Rec. Aide	II	5/24/04	8/27/04	\$8.50
Warner	Jackie	Summer Rec. Aide	IV	5/24/04	8/27/04	\$9.50
Warner	Naomi	Summer Rec. Aide	II	5/24/04	8/27/04	\$8.50

All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start

5/18/04

TOWN OF RIVERHEAD

Resolution # 425

APPOINTS A BEACH ATTENDANT / CONCESSION STAND OPERATOR I TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN SANDERS offered the following resolution,
which was seconded by **COUNCILMAN BARTUNEK**

RESOLVED, that Kelsey McCafferty is hereby appointed to serve as a Beach Attendant / Concession Stand Operator I effective May 21th, 2004 to and including September 6, 2004, to be paid at the rate of \$7.50 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

1

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Doris/ Res Beach Attnd. Concess Kelsey McCafferty 2004

5/18/04

TOWN OF RIVERHEAD

Resolution # 426

**APPOINTS A BEACH ATTENDANT / CONCESSION STAND OPERATOR III
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILMAN BARTUNEK

_____ offered the following resolution,

COUNCILWOMAN BLASS

which was seconded by _____

RESOLVED, that Frank Villanell is hereby appointed to serve as a Beach Attendant / Concession Stand Operator III, effective May 19, 2004 to and including September 6, 2004, to serve as needed on an at will basis and to be paid at the rate of \$9.00 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

1

THE VOTE

Bartunek ___ yes ___ no Sanders ___ yes ___ no
Blass ___ yes ___ no Densieski ___ yes ___ no
Cardinale ___ yes ___ no

THE RESOLUTION ___ WAS ___ WAS NOT
THEREFORE DULY ADOPTED

¹ Rec./ Doris:Res Beach Atnd Frank Villanell

5/1804

TOWN OF RIVERHEAD

Adopted

Resolution # 427

APPOINTS A PARK ATTENDANT III TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

RESOLVED, that Steve Bartunek is hereby appointed as a Park Attendant III effective, May 12th, 2004 to serve as needed on an at will basis to be paid at the rate of \$10.00 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

All applications and appropriate forms are to be completed (in the Office of Accounting) PRIOR to start date; and

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.¹

THE VOTE

Bartunek abs yes no Sanders yes no

Blass yes no Densieski yes no

Cardinale yes no

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

¹ Rec. Doris/ Resolution. Park Attend III Bartunek

5/18/04

Adopted

TOWN OF RIVERHEAD

Resolution # 428

RE-APPOINTS A P/T RECREATION LEADER (SPORTS INSTRUCTOR) TO THE RIVERHEAD RECREATION DEPARTMENT COUNCILWOMAN BLASS

_____ offered the following resolution,
COUNCILMAN BARTUNEK
which was seconded by _____

RESOLVED, that Edward Kneski is hereby re-appointed to serve as a P/T Recreation Leader (Sports Instructor), effective June 21st, 2004, to serve as needed on an at will basis and to be paid at the rate of \$20.00 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

1

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

¹ Rec./ Doris:Res p/tRec Leader Sports Kneski

5/18/04

TOWN OF RIVERHEAD

Resolution # 429

**APPOINTS A P/T RECREATION AIDE
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILMAN DENSIESKI offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____

RESOLVED, that Joseph Baker is hereby appointed to serve as a P/T Recreation Aide, effective June 21st, 2004, to serve as needed on an at will basis and to be paid at the rate of \$7.50 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

1

THE VOTE
Bartunek ___ yes ___ no Sanders ___ yes ___ no
Blass ___ yes ___ no Densieski ___ yes ___ no
Cardinale ___ yes ___ no
**THE RESOLUTION ___ WAS ___ WAS NOT
THEREFORE DULY ADOPTED**

¹ Rec./ Doris:Res p/tRec Aide Joseph Baker

7/18/04

TOWN OF RIVERHEAD

Resolution # 430

RE-APPOINTS
CHAPERONES
TO THE
RECREATION DEPARTMENT

~~COUNCILWOMAN SANDERS~~

~~COUNCILWOMAN BLASS~~ offered the following resolution,

which was seconded by ~~COUNCILMAN BARTUNEK~~ ~~COUNCILWOMAN BLASS~~

RESOLVED, that the Town Board re-appoints the attached list of Chaperones to the Recreation Department effective January 2, 2004 to serve as needed on an at will basis and to serve at the pleasure of the Town Board and

BE IT FURTHER, RESOLVED, that the Town Board hereby authorize the Town clerk to forward this resolution to the Recreation Department and the Office of Accounting.

THE VOTE
Bartunek yes no Sanders yes no
Blass yes no Densieski yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

**RECREATION DEPARTMENT APPOINTMENTS
5/18/04 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Start Date</u>	<u>Salary</u>	<u>Note</u>
Aug	Matthew	Chaperone	1/02/04	\$8.50	1
Hardin	Darryn	Chaperone	1/02/04	\$8.50	1
Hynds	Cynthia	Chaperone	1/02/04	\$8.50	1
Janecek	Carol	Chaperone	1/02/04	\$8.50	1
Segal	Corrine	Chaperone	1/02/04	\$8.50	1
Sumperl	William	Chaperone	1/02/04	\$8.50	1
Villanell	Frank	Chaperone	1/02/04	\$8.50	1

*Special

1: All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start

5/18/04

Resolution #431
AWARDS BID
RIVERHEAD SCAVENGER WASTE DISTRICT
GRIT AND SCREEN REMOVAL

Adopted _____

COUNCILWOMAN BLASS

_____ offered the following resolution
which was seconded by **COUNCILMAN DENSIESKI**

WHEREAS, this Town Board did authorize the advertisement for bids for the removal of Grit and Screen for the Riverhead Scavenger Waste District, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, only one bid was received,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Riverhead Scavenger Waste District removal of Grit and Screen be and is hereby awarded to North Star Waste LLC d/b/a RGM/Earth Care of NY, 972 Nicolls Road, Deer Park, NY 11729

and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq.; H2M, Riverhead Scavenger Waste District, and the Accounting Department, be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security and it is further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidder the bidder's bid security.

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD SCAVENGER WASTE DISTRICT

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

RIVERHEAD SCAVENGER WASTE DIST.

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Adopted

May 18, 2004

TOWN OF RIVERHEAD

Resolution # 432

APPROVES THE SEWER CONNECTION OF 65 EAST MAIN STREET CORPORATION

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI:

WHEREAS, 65 East Main Street Corporation has requested an approval by the Superintendent of the Riverhead Sewer District for a connection to the Town of Riverhead Sewer District for its premises located at 65 East Main Street, and

WHEREAS, the current connection utilized by the premises is shared with the adjoining property to the west, and

WHEREAS, such connection does not comply with §88-11 of the Town Code of the Town of Riverhead which requires that each building served by the sewer district much be separately connected to the system, "save by special act of and by the Town Board and for good sanitary reasons, and

WHEREAS, the applicant has presented a copy of an agreement between it and the adjoining property owner to the west whereby the parties agree to jointly maintain the sewer connection and hold the Town of Riverhead harmless from any claim(s) arising by reason of said connection, and

WHEREAS, the Michael Reichel, Superintendent of the Town of Riverhead Sewer District has reviewed the situation and has advised that same meets with his approval,

NOW, THEREFORE, BE IT

RESOLVED, pursuant to Riverhead Town Code §88-11, the Town Board hereby determines that the existing sewer connection serving the premises located at 65 East Main Street, Riverhead, New York complies with good sanitary practice and may remain in its present condition so long as the hold harmless agreement between the property owners remains in full force and effect,

BE IT FURTHER

RESOLVED, that the proposed Local Law is a Type II action and is not subject to review under 6 NYCRR Part 617.5 (C)(27), and be it further

RESOLVED, that the Town Clerk deliver a copy of this resolution to 65 East Main Street Corp, Michael Reichel, Superintendent and Richard Ehlers, Esq.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

05/18/04

TOWN OF RIVERHEAD

Adopted

Resolution 433

OFFERS SUPPORT TO NEW YORK STATE LEGISLATURE FOR AN INCREASE IN THE LIMITATIONS PLACED UPON THE PURCHASE OF CERTAIN HIGHWAY EQUIPMENT

The Town Board of the Town of Riverhead offered the following resolution by acclamation: COUNCILMAN DENSIESKI offered the resolution, seconded by COUNCILMAN BARTUNEK.

WHEREAS, Bill S.2479/A.5423 has been introduced in the New York State Legislature to amend the Highway Law of the State of New York to increase the limitation on the amounts to be raised by taxes for the purchase of certain highway equipment in Riverhead Town from the current limit of \$200,000.00 to \$300,000.00; and

WHEREAS, the Town has determined that the current limit is insufficient to properly fund the purchase and repair of highway equipment by the Riverhead Town Highway Department and that increasing the limitation on amounts to be raised by taxes for the purchase of certain highway equipment will allow the Town to be better able to maintain the safety and integrity of our Town highways;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby supports the efforts of the New York State Legislature in increasing the current limitation on the amounts to be raised by taxes for the purchase of certain highway equipment;

AND BE IT FURTHER

RESOLVED, that the Town Board authorizes the Supervisor to execute a Home Rule Request supporting this State legislation;

AND BE IT FURTHER,

RESOLVED, that a copy of this resolution be forwarded to Senator Kenneth P. LaValle, 325 Middle Country Road, Selden, New York 11784 and the Riverhead Town Highway Department.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT THEREFORE DULY ADOPTED

May 6, 2004

TOWN OF RIVERHEAD

Not Adopted

Resolution No. 434

IMPLEMENTS TEMPORARY CLOSURE
OF THROUGH TRAFFIC
FOR THE PURPOSE OF
CREATING A WALKABLE
TOURIST-FRIENDLY RIVERFRONT.

Councilman Densieski offered the following resolution which was seconded by
COUNCILMAN BARTUNEK

WHEREAS, a Public Hearing was held to ascertain comment, and

WHEREAS, the Parking District passed a Resolution in support of the proposal, and

WHEREAS, the BID District passed a Resolution in support of the proposal, and

WHEREAS, the Highway Department will install proper signage, and

WHEREAS, there is wisdom in trying to improve the waterfront on a trial basis without a large financial commitment in conducting studies, and

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead will TEMPORARILY close the Town's parking lot to bypass traffic and expand a walk able tourist-friendly area behind the East Ends Arts Council, commencing at the start of the East End Arts Community Mosaic Festival and continuing at the discretion of the Town Board.

THE VOTE

Bartunek ___ yes ___ no Sanders ___ yes ___ no
Blass ___ yes ___ no Densieski ___ yes ___ no
Cardinale ___ yes ___ no *abstain*

THE RESOLUTION WAS ~~NOT~~ THEREFORE DULY ADOPTED

May 3, 2004

TOWN OF RIVERHEAD

Resolution No. 435

CREATES RIVERHEAD TOWN POLICY FOR
MUNICIPALLY-OWNED TAXPAYER FUNDED SIGNAGE

Councilman ~~Densieski~~ offered the following resolution which was seconded by
COUNCILMAN BARTUNEK

WHEREAS, the Riverhead Town Board decided at a work session to authorize the creation of municipal signage with text in both English and Spanish on the same sign to address the increasing needs of Hispanic population within the Town, and

WHEREAS, it may be discriminatory to have signage in only one foreign language, and

WHEREAS, members of the community have expressed serious objections to signs being erected in only one foreign language at taxpayer expense, and

WHEREAS, not all foreign languages spoken by residents and tourists of the Town of Riverhead would be represented on said signs, and

NOW THEREFORE, BE IT

RESOLVED, that all municipal signage will be in either English only or use "INTERNATIONAL SYMBOLS" or both.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input checked="" type="checkbox"/> no	Sanders	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Blass	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

(townboardshares)
resolutionfunded signage

Adopted

5/18/04

Resolution # 436

AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS
BAITING HOLLOW FARMS, EXT. 78
RIVERHEAD WATER DISTRICT

Adopted _____

COUNCILWOMAN BLASS

_____ offered the following
resolution which was seconded by **COUNCILMAN BARTUNEK**,

RESOLVED, that the Town Clerk be and is authorized to publish in the May 27, 2004, edition of The News Review and post the attached Notice to Bidders with regard to receiving bids for the installation of water mains and appurtenances for Extension No. 78 of the Riverhead Water District known as Baiting Hollow Farms, and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Frank Isler, Esq., H2M, and Gary Pendzick.

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR RIVERHEAD WATER DISTRICT

RIVERHEAD WATER DISTRICT

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Denisieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

The Town Board of Riverhead will receive bids for the following contract:

Installation of Water Mains and Appurtenances
Extension No. 78, Baiting Hollow Farms – RDWD 02-61

for the Riverhead Water District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, until **11:00 AM**, prevailing time, on **Tuesday, June 8, 2004**, at which time and place all bids will be publicly opened and read.

Contract documents, including drawings and technical specifications, are on file at the following offices:

Town Clerk, Town of Riverhead
Town Hall, 200 Howell Avenue
Riverhead, New York 11901

Holzmacher, McLendon & Murrell, P.C.
575 Broad Hollow Road
Melville, New York 11747

Copies of the contract documents may be obtained at the above locations *on or after May 27, 2004* upon deposit of Fifty Dollars (\$50.00) in cash, certified check, bank money order or postal money order, made payable to the TOWN OF RIVERHEAD for each set furnished.

Deposits for Plans and Specifications will be refunded to Bidders who return same in good condition within ten (10) days. Other deposits will either be partially or not refunded if the Plans and Specifications have not been returned in good condition within thirty (30) days after bids have been opened.

Each proposal must be accompanied by a bid bond in the amount of five percent (5%) of the total bid, or a certified check made payable to the TOWN OF RIVERHEAD as assurance that the bid is made in good faith.

The right is reserved to reject any or all bids, to waive any informalities, and to accept the lowest responsible bid.

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

ACTING AS THE GOVERNING BODY
OF THE RIVERHEAD WATER DISTRICT

BARBARA GRATTAN, TOWN CLERK

DATED: May 27, 2004

5/18/04

Resolution #437

Adopted

AWARDS BID
RIVERHEAD WATER DISTRICT
NF GOLF RESORTS, PHASE I

Adopted _____

COUNCILMAN DENSIESKI

_____ offered the following resolution

which was seconded by **COUNCILWOMAN SANDERS**

WHEREAS, this Town Board did authorize the advertisement for bids for NF Golf Resorts, Phase I, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, by letter dated May 10, 2004, H2M, consulting engineers to the Riverhead Water District, did recommend that the bid be awarded to Grimes Contracting Co, Inc. of Montauk, New York, in the amount of \$339,810,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for NF Golf Resorts, Phase I be and is hereby awarded to Grimes Contracting Co., Inc. of Montauk, New York, in the amount of \$339,810,

and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq.; H2M, Riverhead Water District, and the Accounting Department, be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security and it is further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidder the bidder's bid security.

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD WATER DISTRICT

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

RIVERHEAD WATER DISTRICT

THE RESOLUTION WAS ___ WAS NOT

THEREFORE DULY ADOPTED

5/18/04

Resolution #438

Adopted

AWARDS BID
RIVERHEAD WATER DISTRICT
AQUEBOGUE GOLF RESORTS, PHASE I

Adopted _____

COUNCILWOMAN SANDERS

_____ offered the following resolution
which was seconded by **COUNCILMAN DENSIESKI**,

WHEREAS, this Town Board did authorize the advertisement for bids for Aquebogue Golf Resorts, Phase I, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, by letter dated May 10, 2004, H2M, consulting engineers to the Riverhead Water District, did recommend that the bid be awarded to Grimes Contracting Co, Inc. of Montauk, New York, in the amount of \$168,700,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for Aquebogue Golf Resorts, Phase I be and is hereby awarded to Grimes Contracting Co., Inc. of Montauk, New York, in the amount of \$168,700,

and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq.; H2M, Riverhead Water District, and the Accounting Department, be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security and it is further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidder the bidder's bid security.

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD WATER DISTRICT

RIVERHEAD WATER DISTRICT

THE VOTE

Bartunek yes no Sanders yes no
Blass yes no Densieski yes no
Cardinale yes no

THE RESOLUTION WAS WAS NOT

5/18/04

Resolution #439

AWARDS BID
RIVERHEAD WATER DISTRICT
BIRCHWOOD AT WADING RIVER, SECTIONS 3 & 4

Adopted _____

COUNCILMAN BARTUNEK

offered the following resolution

COUNCILWOMAN SANDERS

which was seconded by _____,

WHEREAS, this Town Board did authorize the advertisement for bids for Birchwood at Wading River, Sections 3 & 4, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, by letter dated April 30, 2004, H2M, consulting engineers to the Riverhead Water District, did recommend that the bid be awarded to Alessio Pipe & Construction Co. in the amount of \$163,481.00,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for Birchwood at Wading River, Sections 3 & 4 be and is hereby awarded to Alessio Pipe & Construction Co. in the amount of \$163,481.00,

and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq.; H2M, Riverhead Water District, and the Accounting Department, be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security and it is further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidder the bidder's bid security.

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD WATER DISTRICT

THE VOTE

RIVERHEAD WATER DISTRICT

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Darsieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS WAS NOT

Adopted

5/18/04

Resolution #440

TOWN OF RIVERHEAD

ORDER ESTABLISHING LATERAL WATER MAIN
MILLBROOK GABLES DEVELOPMENT
LATERAL WATER MAIN
RIVERHEAD WATER DISTRICT

Adopted _____

COUNCILWOMAN SANDERS

_____ offered the following resolution which
was seconded by **COUNCILWOMAN BLASS**,

WHEREAS, petition has been filed by the developer of Millbrook Gables, the Long Island Housing Partnership Housing Development Funding Co., Inc., for the installation of a lateral water main of the Riverhead Water District to serve the area known as Millbrook Gables, and

WHEREAS, said plan provides for the installation of approximately 750 linear feet of 8 inch water main at a total cost of \$36,000, with all costs associated with this lateral shall be borne by the petitioner, and

WHEREAS, the petitioner will be required to pay key money in the amount of \$2,500 for each proposed dwelling unit for a total cost of \$32,500, and

WHEREAS, after bid, it has been determined by H2M, consulting engineers to the Riverhead Water District, by letter dated April 1, 2004, that the actual cost of construction is \$47,950 with the total project cost to be \$64,350, and

WHEREAS, a further public hearing was held May 4, 2004, and all those wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead, as governing body of the Riverhead Water District, hereby amends the prior order adopted by this Board approving the lateral water main of Millbrook Gables, as follows:

1. The applicant has posted a bond or secured a letter of credit issued by a commercial banking institution, doing business in the Town of Riverhead, in the form satisfactory to counsel to the Water District, in the amount of \$64,350;

2. All of the terms and conditions contained in the RIVERHEAD WATER DISTRICT

THE VOTE

Bartunek yes no Sanders yes no
Blass yes no Densieski yes no
Cardinale yes no

prior order adopted by this Board shall remain in full force and effect.

and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to H2M Group, Frank Isler, Esq., Gary Pendzick, Andrea Lohneiss, Accounting Department, and the applicant.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
 Blass yes ___ no Denieski yes ___ no
 Cardinale ___ yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

5/18/04

Resolution #441

Adopted

AWARDS BID
RIVERHEAD WATER DISTRICT
MILLBROOK GABLES DEVELOPMENT, SIGAL AVENUE EXTENSION
LONG ISLAND HOUSING PARTNERSHIP

Adopted _____

COUNCILMAN DENSIESKI

_____ offered the following resolution

COUNCILWOMAN BLASS

which was seconded by _____,

WHEREAS, this Town Board did authorize the advertisement for bids for installation of water mains and appurtenances for the above referenced project, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, by letter dated May 3, 2004, it was recommended by H2M, consulting engineers to the Riverhead Water District, that the bid be awarded to Roy Wanser of Bohemia, NY in the amount of \$47,950,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the installation of water mains and appurtenances for the project known as Millbrook Gables Development be and is hereby awarded to Roy Wanser, Inc of Bohemia, NY in the amount of \$47,950, and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq.; H2M, Riverhead Water District, and the Accounting Department, be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security and it is further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidder the bidder's bid security.

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD WATER DISTRICT

THE VOTE

RIVERHEAD WATER DISTRICT

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

5/18/04

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 442

ORDER CALLING PUBLIC HEARING - EXTENSION 77 TO THE RIVERHEAD
WATER DISTRICT
RIVERHED CHARTER SCHOOL

ADOPTED _____

COUNCILWOMAN BLASS

_____ offered the following resolution
which was seconded by COUNCILMAN BARTUNEK

WHEREAS, a petition has been filed by the Riverhead Charter School to allow public water to be provided to the proposed Riverhead Charter School in Calverton, New York, which parcel of land is located just outside the boundaries of the existing Water District, and

WHEREAS, a map and plan detailing the proposed extension has been prepared by H2M, consulting engineers to the Riverhead Water District, which report recommends an extension of approximately 350 linear feet of twelve inch diameter water main will be required to be installed along Middle Country Road, dead ending the main with a hydrant at the easterly property line of the school property, and

WHEREAS, the maximum amount to be expended for the extension is \$42,500, to be borne by the applicant and no public monies shall be expended for this extension, and

WHEREAS, key money will be assessed against this project to cover the cost of constructing capital improvement facilities, for a total cost of \$30,000, and

WHEREAS, the boundary of said extension is set forth fully in the attached Exhibit A, and

WHEREAS, it is necessary for the Town Board to hold a public hearing to hear all persons wishing to be heard with regard to the proposed extension,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will hold a public hearing on the 15th day of June, 2004, at 2:15 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the extension to the Riverhead Water District to be known as Extension 77, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby
RIVERHEAD WATER DISTRICT

THE VOTE

Bartunek yes no Sanders yes no
Blass yes no Densieski yes no
Cardinale yes no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

authorized to publish and post a copy of this resolution in full in the May 27th edition of The News Review, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Gary Pendzick, Frank Isler, Esq., the developer, and H2M.

BY ORDER OF THE RIVERHEAD TOWN BOARD
Barbara Grattan, Town Clerk

Dated: May 18, 2004
Riverhead, NY

RESOLUTION PREPARED FOR THE RIVERHEAD WATER DISTRICT BY FRANK ISLER

RIVERHEAD WATER DISTRICT

EXHIBIT "A"**RIVERHEAD WATER DISTRICT
ENGINEERING REPORT
FOR
PROPOSE EXTENSION NO. 77
RIVERHEAD CHARTER SCHOOL****H2M PROJECT NO.: RDWD 02-60**DESCRIPTION OF EXTENSION**MAY 2004**

All this certain lot, parcel of land, said property being known as Section 99, Block 2, Lot 9.1 situated and lying and being at Calverton, Town of Riverhead, County of Suffolk and State of New York, also with the right-of-way known as Middle Country Road (New York State Route 25), bounded and described as follows:

BEGINNING at a point formed by the northerly right-of-way of Middle Country Road (NYS Rte. 25) and the easterly right-of-way of Edwards Avenue. Traveling easterly along the northerly right-of-way of Middle Country Road (NYS Rte. 25) a distance of approximately 652 feet to a POINT OF BEGINNING.

From said POINT OF BEGINNING, running easterly along the northerly right-of-way of Middle Country Road a distance of approximately 332 feet to a point formed by the apparent intersection of the northerly right-of-way of Middle Country Road and the easterly property line of Section 99, Block 2, Lot 9.1.

THENCE running southerly from last said point an approximate distance of 63 feet to the southerly right-of-way line of Middle Country Road to a point.

THENCE running southerly along the easterly property line of Section 99, Block 2, Lot 9.1 a distance of 785.47 feet to a point.

THENCE running westerly along the southerly property line of Section 99, Block 2, Lot 9.1 a distance of 265.00 feet to a point.

THENCE running northerly along the westerly property line of Section 99, Block 2, Lot 9.1 a distance of 602.17 feet to a point. Said point lying along the easterly property line of Section 117, Block 2, Lot 2.5.

THENCE running northerly along the former easterly property line of Section 99, Block 2, former Lot 9 to the southerly right-of-way of Middle Country Road a distance of 254.20 feet to a point.

THENCE running westerly along the southerly right-of-way of Middle Country Road to a point from by the apparent intersection of the westerly property line of Section 99, Block 2, Lot 6.2 and the southerly right-of-way of Middle Country Road a distance of approximately 58 feet.

THENCE running northerly crossing the right-of-way of Middle Country Road (NYS Rte. 25) a distance of approximately 62 feet to the said POINT OF BEGINNING.

END OF DESCRIPTION

EXHIBIT "A" - 2 of 2

5/18/04

Adopted

Resolution #443

TERMINATION OF WATER DISTRICT EASEMENT
LOT #5, WARSAW PARK

RIVERHEAD WATER DISTRICT

Adopted _____

Councilperson **COUNCILMAN DENSIESKI** offering resolution which was seconded by Councilperson **COUNCILWOMAN BLASS**

WHEREAS, incidental to the subdivision known as Warsaw Park, an easement was granted to the Riverhead Water District over Lot #5 of said subdivision, and

WHEREAS, it has now been recommended by the District Superintendent that the easement is not necessary for the orderly development of the District's facilities, and

WHEREAS, improvements will be installed in the easement,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute the attached "Declaration of Termination of Easement" and all necessary records documents, and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to Frank A. Isler, Esq., Gary Pendzick, and Dennis Kelleher at H2M.

RESOLUTION PREPARED FOR THE RIVERHEAD WATER DISTRICT BY FRANK A. ISLER

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

RIVERHEAD WATER DISTRICT

DECLARATION OF TERMINATION OF EASEMENT

947

THIS DECLARATION, made the _____ day of _____, 2004 by the TOWN BOARD OF THE TOWN OF RIVERHEAD, as the governing body of the Riverhead Water District, having its office at 200 Howell Avenue, Riverhead, New York 11901 (the "Town Board").

WITNESSETH:

WHEREAS, Harold Reese, Sr. and Frederick Reese (the "Prior Owners") as owners of a certain realty subdivision entitled "Map of Warsaw Park at Riverhead, Town of Riverhead, Suffolk County, New York, ("Warsaw Park" now known as "Riverhead Commerce Park") executed a certain Declaration of Covenants and Restrictions (Riverhead Water District) dated November 30, 1989 and recorded in the Suffolk County Clerk's Office on February 27, 1990 in Liber 11023, Page 493 (the "Water District Declaration"),

WHEREAS, pursuant to Article 1 of the Water District Declaration, the Prior Owners granted to the Riverhead Water District (the "Water District") a certain access, installation and maintenance easement described therein as the "sub-surface easement from and to Warsaw Drive (the "Warsaw Drive Easement") and in and to the fifteen foot wide strip of land along the southerly boundary Line of Lot #5 (the "Lot #5 Easement"), both areas as shown on the Map of Warsaw Park, at Riverhead dated September 18, 1989 made by Young & Young, Licensed Land Surveyors" (the "Map"),

WHEREAS, the principal purpose of the Warsaw Drive Easement and Lot #5 Easement was to enable the Water District to extend water service from Old Country Road (C.R. 58) across Warsaw Drive and across Lot #5 to properties north of Warsaw Park and to permit the Water District to thereafter maintain any installations made therein,

WHEREAS, the Water District has determined that it is not currently using, and no longer needs the Lot #5 Easement to provide water service to the properties north of Warsaw Park and has so advised the Town Board,

NOW THEREFORE, the Town Board as the governing body of the Water District determines and declares:

1. *The Town Board as the governing body of the Water District hereby (a) consents to the extinguishment of the Lot #5 Easement consisting of the fifteen foot wide strip of land along the southerly boundary line of Lot #5 as shown on the Map and more particularly described on Schedule A attached hereto and (b) grants, transfers and conveys the Lot #5 Easement to Riverhead Commerce Park Associates, LLC, the current owner of said Lot #5.*

2. *The Town of Board hereby reserves and retains the Warsaw Drive Easement.*

SCHEDULE A

ALL that certain plot, piece, or parcel of land with the buildings and improvements thereon erected, situate, lying, and being at Riverhead, Town of Riverhead, County of Suffolk and State of New York, known and designed as Lot 5, "Map of Warsaw Park" filed in the Office of the Clerk of Suffolk County on May 7, 1990 as Map No. 8934.

(Description of Lot #5)

5/18/04

Withdrawn

520

Resolution #444

AWARDS BID
RIVERHEAD WATER DISTRICT
BIRCHWOOD AT WADING RIVER, SECTIONS 3 & 4

Adopted _____

COUNCILMAN DENSIESKI

_____ offered the following resolution

which was seconded by COUNCILWOMAN SANDERS _____,

WHEREAS, this Town Board did authorize the advertisement for bids for Birchwood at Wading River, Sections 3 & 4, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, by letter dated April 30, 2004, H2M, consulting engineers to the Riverhead Water District, did recommend that the bid be awarded to Alessio Pipe & Construction Co. in the amount of \$163,481.00,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for Birchwood at Wading River, Sections 3 & 4 be and is hereby awarded to Alessio Pipe & Construction Co. in the amount of \$163,481.00,

and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq.; H2M, Riverhead Water District, and the Accounting Department, be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security and it is further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidder the bidder's bid security.

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD WATER DISTRICT

RIVERHEAD WATER DISTRICT

prior order adopted by this Board shall remain in full force and effect.

and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to H2M Group, Frank Isler, Esq., Gary Pendzick, Andrea Lohneiss, Accounting Department, and the applicant.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Withdrawn

Withdrawn

Resolution # 445
TOWN OF RIVERHEAD

ORDER ESTABLISHING LATERAL WATER MAIN
MILLBROOK GABLES DEVELOPMENT
LATERAL WATER MAIN
RIVERHEAD WATER DISTRICT

Adopted _____

COUNCILMAN BARTUNEK

_____ offered the following resolution which

was seconded by COUNCILWOMAN BLASS

WHEREAS, petition has been filed by the developer of Millbrook Gables, the Long Island Housing Partnership Housing Development Funding Co., Inc., for the installation of a lateral water main of the Riverhead Water District to serve the area known as Millbrook Gables, and

WHEREAS, said plan provides for the installation of approximately 750 linear feet of 8 inch water main at a total cost of \$36,000, with all costs associated with this lateral shall be borne by the petitioner, and

WHEREAS, the petitioner will be required to pay key money in the amount of \$2,500 for each proposed dwelling unit for a total cost of \$32,500, and

WHEREAS, after bid, it has been determined by H2M, consulting engineers to the Riverhead Water District, by letter dated April 1, 2004, that the actual cost of construction is \$47,950 with the total project cost to be \$64,350, and

WHEREAS, a further public hearing was held May 4, 2004, and all those wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead, as governing body of the Riverhead Water District, hereby amends the prior order adopted by this Board approving the lateral water main of Millbrook Gables, as follows:

1. The applicant has posted a bond or secured a letter of credit issued by a commercial banking institution, doing business in the Town of Riverhead, in the form satisfactory to counsel to the Water District, in the amount of \$64,350;

THE VOTE 2. All of the terms and conditions contained in the RIVERHEAD WATER DISTRICT

nek yes ___ no Sanders yes ___ no
ass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT

THEREFORE DULY ADOPTED

Withdrawn

(56)
902
Withdrawn

Resolution #446

AWARDS BID
RIVERHEAD WATER DISTRICT
MILLBROOK GABLES DEVELOPMENT, SIGAL AVENUE EXTENSION
LONG ISLAND HOUSING PARTNERSHIP

Adopted _____

COUNCILWOMAN SANDERS

_____ offered the following resolution

which was seconded by **COUNCILMAN DENSIESKI**,

WHEREAS, this Town Board did authorize the advertisement for bids for installation of water mains and appurtenances for the above referenced project, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, by letter dated May 3, 2004, it was recommended by H2M, consulting engineers to the Riverhead Water District, that the bid be awarded to Roy Wanser of Bohemia, NY in the amount of \$47,950,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the installation of water mains and appurtenances for the project known as Millbrook Gables Development be and is hereby awarded to Roy Wanser, Inc of Bohemia, NY in the amount of \$47,950, and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq.; H2M, Riverhead Water District, and the Accounting Department, be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security and it is further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidder the bidder's bid security.

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD WATER DISTRICT

THE VOTE

RIVERHEAD WATER DISTRICT

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

May 18, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 447

RATIFIES THE TOWN OF RIVERHEAD POLICE DEPARTMENT'S PARTICIPATION IN A DONATE-A-PHONE PROGRAM

COUNCILWOMAN BLASS offered the following resolution, which was seconded by **COUNCILWOMAN SANDERS**.

WHEREAS, the Town of Riverhead Police Department currently conducts a cell phone program where used cell phones are collected and distributed to members of the community in need of an emergency cell phone; and,

WHEREAS, the program has been successful in distributing numerous cell phones to senior citizens and victims of domestic violence; and,

WHEREAS, the Police Department has accumulated an excess number of cell phones beyond the demand from the community.

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Riverhead ratifies the Police Department's partnership with The Wireless Foundation. The excess cell phones have been turned over to the Foundation in return for up to \$10.00 for newer cell phones and \$1.00 to \$2.00 for older cell phones totaling \$435.77. The money was returned to the community in the form of a donation to The Retreat, an organization that assists victims of domestic violence on the east end of Long Island.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Police Chief David J. Hegermiller and the Office of Accounting.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD

Adopted

Resolution # 448

AMENDS RESOLUTION # 386
AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR
2004-2005 SNACK VENDOR SERVICES

COUNCILMAN BARTUNEK

_____ offered the following resolution, which

was seconded by COUNCILMAN DENSIESKI

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for 2004-2005 SNACK VENDOR SERVICES for the Town of Riverhead at Reeves Park Beach, and Wading River Beach on May 24, 2004; and

WHEREAS, this date was in error because it falls on a Saturday.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be, and hereby is, authorized to republish and repost the following public notice in the MAY 13TH, 2004 issue of the News Review.

RESOLVED, that the Town Clerk be, and hereby is, authorized to forward a copy of this resolution to the Purchasing Department and the Recreation Department.

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for **2004-2005 SNACK VENDOR SERVICES FOR the Town of Riverhead for each of the following two locations:** Wading River beach, Reeves Beach and Stotzky Park will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:15 a.m. on MAY 24, 2004.**

(Individual or both locations may be bid on.)

Bid packets, including Specifications, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

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

All bids are to be submitted in a sealed envelope bearing the designation **BIDS FOR 2004-2005 SNACK VENDOR SERVICES.**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

5/18/04

Adopted

TOWN OF RIVERHEAD

Resolution # 449

AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH 65 EAST MAIN STREET CORPORATION, INC.

COUNCILMAN BARTUNEK offered the following resolution, was seconded by COUNCILWOMAN BLASS :

WHEREAS, 65 East Main Street Corp., has requested the right to license certain premises belonging to the Town and located within the Town's municipal Parking District no. 1 for the placement of its liquid propane tanks; and

WHEREAS, the Town has determined that the property requested is not essential to the operation of the Town owned parking lot in that area and the placement elsewhere is impracticable; and

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute the attached License Agreement with 65 East Main Street Corporation, and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the 65 East Main Street Corporation, the Parking District Chairman, the Office of the Town Attorney and the Office of Accounting.

THE VOTE

Bartunek	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Sanders	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no
Blass	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Densieski	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no
Cardinale	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no					

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

LICENSE

License ("License"), made as of the day of May, 2004, by and between the Town of Riverhead Municipal Parking District No. 1, ("Licensor") having and address at 200 Howell Avenue, Riverhead, New York, and 65 East Main Street Corporation d/b/a the Boardwalk Restaurant, ("Licensee"), having an address at 65 East Main Street, Riverhead, New York, a New York Corp.

WITNESSETH

WHEREAS, Licensee wishes to utilize Town of Riverhead Municipal Parking District No. 1 property located at the rear of 65 East Main Street, Riverhead for the purpose of underground storage maintenance of liquid propane gas tanks which service its restaurant business, and

WHEREAS, the Town of Riverhead Municipal Parking District No. 1 wishes to grant the Licensor the right to so same.

NOW, THEREFORE, in consideration of the mutual agreements herein contained, Licensor and Licensee, for themselves and their successors, hereby agree as follows:

1. Licensing: Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee the right to use the licensed premises for a period of one years. The licensed premises are described in schedule A attached hereto.

2. Term of the License. The term of this License (the "term") shall commence on May 1, 2004 and shall continue for one year, unless extended in writing by mutual agreement.

3. Condition of the License Property. Licensee is familiar with the licensed premises, has examined same and is aware of defects, if any, in it. Notwithstanding the foregoing, Licensee agrees to accept the licensed property for use "as is".

4. Insurance and Indemnification: Licensee will be responsible for providing and maintaining comprehensive general liability insurance in the amount of not less than \$2,000,000 with a company or companies reasonably satisfactory to the Licensor. Licensee will provide certificates of the foregoing insurance, showing the Town of Riverhead and the Town of Riverhead Municipal Parking District No. 1 as additional insureds to the extent of their interest. Licensee agrees to indemnify and hold Licensor and Town, and their respective officers, employees, agents, representatives and officials harmless from any and all loss or liability associated with the activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by Licensee and its employees, agents, representatives and concessionaires, or attendees, excepting liability caused by the negligence of Licensor or the Town or its employees, agents or representatives. Without limiting the generality of the foregoing, Licensee agrees to indemnify and hold Licensor and the Town harmless from any lien claimed or asserted for labor, materials or services furnished to Licensee in connection with the use of the property.

5. License Fee. The fee for the license shall be \$ 200.00 year payable upon execution of the license agreement. The license fee shall be prorated should the licensee purchase the property from the Town.

6. Use of License Property. Licensee agrees to utilize the licensed properties exclusively for the purpose described herein.

7. Repair, Maintenance and Inventory of License Properties.

a) Licensee agrees to maintain the licensed area free of trash and debris and to return the premises back to its original condition following completion of the license term.

b) Licensee shall not be permitted to alter the licensed property without the prior permission of the licensor.

8. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license, license the licensed property, in whole or in part, or permit Licensee's interest to be vested in any other party other than Licensee by operation of law or otherwise. A transfer of more than fifty (50%) percent at any one time, or in the aggregate from time to time, of the stock, partnership or other ownership interests in Licensee, direct or indirectly shall be deemed to be an assignment of this License.

9. Indemnity: Licensee shall indemnify and hold the Licensor harmless from and against any and all claims, actions, liabilities, losses, costs and expenses, arising from or in connection with the use of the licensed property.

10. Notices: Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to Licensor, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue, Riverhead, New York. If such notice is directed at the Licensee, it shall be addressed to Richard Cox, 65 East Main Street Corporation, 65 East Main Street, Riverhead, NY 11901.

11. Miscellaneous: Merger. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this agreement, which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof. This license may not be changed or terminated orally, or in any manner, other than in writing signed by the party against whom enforcement is sought.

IN WITNESS WHEREOF, Licensor and Licensee do hereby execute this License as of the date and year first above written.

65 East Main St Corp.

TOWN OF RIVERHEAD

By: _____

By: _____

Adopted

offered the following Resolution which was seconded by

Mitchellman Blass

FUND NAME		CD - 04/30/04	CHECKRUN TOTALS
GENERAL FUND	001	\$ 5,625,000.00	\$ 40,629.82
POLICE ATHLETIC LEAGUE	004	\$ 15,000.00	\$ 1,000.00
TEEN CENTER	005	\$ 5,000.00	
RECREATION PROGRAM FUND	006	\$ 130,000.00	\$ 3,738.00
CHILD CARE CENTER BUILDING FUND	009	\$ 35,000.00	
R.I.F.T.A. FUND	023		\$ 3,805.02
COMMUNITY P.E.T.S. SHELTER	028	\$ 10,000.00	
ECONOMIC DEVELOPMENT ZONE FUND	030		\$ 141.86
HIGHWAY FUND	111	\$ 820,000.00	\$ 1,477.00
WATER DISTRICT	112	\$1,200,000.00	\$ 226,511.95
REPAIR & MAINTENANCE	113	\$1,585,000.00	
RIVERHEAD SEWER DISTRICT	114	\$2,070,000.00	\$ 966.98
REFUSE & GARBAGE COLLECTION	115	\$120,000.00	
STREET LIGHTING DISTRICT	116	\$ 170,000.00	\$ 380.00
PUBLIC PARKING DISTRICT	117	\$ 55,000.00	\$ 213.31
BUSINESS IMPROVEMENT DIST.	118	\$ 12,000.00	
AMBULANCE DISTRICT	120	\$ 128,000.00	
EAST CREEK DOCKING FACILITY FU	122		\$ 127.63
CALVERTON SEWER DISTRICT	124	\$ 285,000.00	\$ 38.91
RIVERHEAD SCAVANGER WASTE DIST	128	\$ 20,000.00	\$ 1,036.48
WORKER'S COMPENSATION FUND	173	\$ 1,155,000.00	
RISK RETENTION FUND	175	\$ 820,000.00	\$ 922.50
EMPLOYMENT INSURANCE FUND	176	\$ 16,000.00	
PUBLIC PARKING DEBT SERVICE	381	\$ 28,000.00	\$ 3,293.08
SEWER DISTRICTS DEBT SERVICE	382	\$ 660,000.00	\$ 28,016.89
WATER DISTRICT DEBT SERVICE	383	\$ 40,000.00	\$ 273,569.26
GENERAL FUND DEBT SERVICE	384	\$ 8,995,000.00	\$ 799,266.58
SCAVANGER WASTE DISTRICT DEBT	385	\$ 190,000.00	\$ 14,000.46
TOWN HALL CAPITAL PROJECTS	406	\$ 5,793,000.00	\$ 826,741.19
C.H.I.P.S.	451	\$ 120,000.00	
SENIORS HELP SENIORS CAP PROJE	453		\$ 139.29
MUNICIPAL FUEL FUND	625	\$ 120,000.00	\$ 6,845.50
MUNICIPAL GARAGE FUND	626		\$ 13,433.67
SPECIAL TRUST	736	\$ 650,000.00	\$ 670.12
COMMUNITY PRESERVATION FUND	737	\$ 900,000.00	
CALVERTON PARK - C.D.A.	914	\$ 1,500,000.00	\$ 29.57
TOTALS		33,272,000.00	2,246,995.07
SCHOOL/TN TAXES **		0.00	

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED