

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

**July 20, 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:**  
**REGULAR TOWN BOARD MEETING:**

- #640 Accepts the Retirement of Michael Klick in the Sanitation Dept.
- #641 Appoints Guards in the Sanitation Department
- #642 Ratifies the Appointment of Part Time Heavy Equipment Operator on the Rotating Basis for the Yard Waste Program
- #643 Authorization to Discard Fixed Assets
- #644 Water ext. #45 Capital project Budget Adjustment
- #645 Promotion to Provisional Account Clerk Typist in the Building Department (S. Edwards)
- #646 Adopts a Local Law to Amend Chapter 101 Entitled, "Vehicles & Traffic" of the Riverhead Town Code (101.10 & 101-18)
- #647 Adopts a Local Law Amending Chapter 48 Entitled, "Beaches and Recreation Centers" of the Riverhead Town Code
- #648 Approves Application of North Fork Venture, LLC D/B/A Fauna
- #649 Grants Excavation Permits to Jaral Riverhead Corp. and Mary Ellen Real Estate, LLC
- #650 Authorizes the Release of Irrevocable Letter of Credit of G.W. Plumbing, Inc. as Drainlayer for Riverhead Sewer District
- #651 Resolution Calling Public Hearing: Hounds Gate Development Lateral Water Main-RWD
- #652 Resolution Calling Public Hearing: Kelbridge Meadows Development-Lateral Water Main-RWD
- #653 Ratifies Appointment of a P/T Assistant Recreation Leader/Skatepark to the Recreation Department (J. Minuto)
- #654 Approves Temporary Sign Permit of Midas Muffler Shop
- #655 Accepts Irrevocable Letter of Credit of Vinland Commons, LLC
- #656 Approves Amended Site Plan of Foxwood Village-Clubhouse Addition

- #657 Amends Site Plan of John A. Rothe
- #658 Approves Amended Site Plan of Martha Clara Vineyard
- #659 Approves Site Plan of Roanoke Realty Enterprises, LLC
- #660 Approves Site Plan of Cellular Telephone Company d/b/a AT&T (Riverhead Water District Water Tank)
- #661 Amends Site Plan of Riverhead Congregation Jehovah's Witnesses
- #662 Approves Site Plan of Aircraft Warehousing, Inc.
- #663 Authorizes the Retention of the Law Firm of Sinnreich, Wasserman, Grubin & Cahill in Connection with the United States District Court Litigation Entitled, "Mark Houraney and Northeast Holdings, LLC V. Town of Riverhead"
- #664 Creates Riverhead Town Policy for Municipally-Owned Taxpayer Funded Signage
- #665 Rescinds Resolution #435
- #666 Pulaski Street Water Tank Repainting Project Budget Adjustment
- #667 Baiting Hollow Farms Water Ext. #78 Budget Adjustment
- #668 Calverton Manor Ext. 76 Water Ext. Budget Adjustment
- #669 Adopts a Local Law to Amend Chapter 14 Entitled, "Community Preservation" of the Riverhead Town Code
- #670 Appoints Legislative Assistant to the Supervisor (J. Stefans)
- #671 Appoints Part Time Deputy Town Engineer (D. Cullen)
- #672 Sets Terms and Conditions of Employment for John Stefans, Legislative Assistant to the Town Supervisor
- #673 Sets Terms and Conditions of Employment for David Cullen, Deputy Town Engineer for Special Projects
- #674 Determines Environmental Significance Regarding the Site Plan Application of EMB, LLC and Boom Development (Olde Baiting Hollow Village)
- #675 Pays Bills
- #676 Classifies Action Special Permit of Eugene Cook and Refers Petition to the Planning Board

7/20/04

TOWN OF RIVERHEAD

**Adopted**

Resolution # 640

ACCEPTS THE RETIREMENT OF MICHAEL KLICK  
IN THE SANITATION DEPARTMENT

**COUNCILMAN DENSIESKI**

\_\_\_\_\_ offered the following  
resolution, which was seconded by COUNCILWOMAN BLASS

**WHEREAS**, the Town has received a retirement date from the NYS Retirement System for Michael Klick effective December 05, 2003;

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby accepts the retirement of Michael Klick.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be, and is hereby, directed to forward a Certified Copy of this Resolution to Michael Klick, the Sanitation Department and the Office of Accounting.

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

July 20, 2004

# Adopted

## TOWN OF RIVERHEAD

### RATIFIES APPOINTMENT OF GUARDS IN THE SANITATION DEPARTMENT

RESOLUTION # 641

**COUNCILMAN BARTUNEK**

\_\_\_\_\_ offered the following  
resolution, which was seconded by COUNCILWOMAN SANDERS

**WHEREAS**, the position exists for guards in the Sanitation Department;  
and

**NOW, THEREFORE, BE IT RESOLVED**, that effective June 27, 2004, the Town Board hereby authorizes the appointment of current Town Employees to serve as guards on a rotating basis. Brett Kurz, Louis Coronesi, Victoria Cain, Ricky Muller and Robert Tribuzio are hereby appointed to the position of Guard in the Yard Waste Facility for the Sanitation Department at the hourly rate of pay of \$13.1617; and

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Brett Kurz, Lou Coronesi, Victoria Cain, Ricky Muller and Robert Tribuzio, the Sanitation Department and the Office of Accounting.

#### THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

July 20, 2004

# Adopted

## TOWN OF RIVERHEAD

# 642

### RATIFIES APPOINTMENT OF PART TIME HEAVY EQUIPMENT OPERATOR ON ROTATING BASIS FOR THE YARD WASTE PROGRAM

**COUNCILMAN DENSIESKI**

offered the following resolution,

**COUNCILMAN BARTUNEK**

which was seconded by \_\_\_\_\_

**WHEREAS**, the Town created the Yard Waste Program and transferred one full time employee into that department, and

**WHEREAS**, weekend hours of operation for this facility are needed to provide improved services to the residents of the Town, and

**WHEREAS**, the positions of part time Heavy Equipment Operator were created to cover these hours and were duly posted as required by the CSEA Collective Bargaining Agreement, and

**NOW, THEREFORE, BE IT RESOLVED**, that Ronald Darling is hereby appointed to the part time position of Heavy Equipment Operator at an hourly rate of \$15/hour effective July 14, and

**BE IT FURTHER, RESOLVED**, that the Town is hereby directed to forward a copy of this resolution to all the above employees, John Reeve and the Accounting Department.

### THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

TOWN OF RIVERHEAD

**Tabled**

AUTHORIZATION TO DISCARD FIXED ASSETS

RESOLUTION # 643

**COUNCILMAN DENSIESKI**

offered the following resolution,

which was seconded by **COUNCILWOMAN SANDERS**

**WHEREAS**, broken equipment that has been salvaged for parts and is no longer usable;  
and

**WHEREAS**, after careful consideration, by the Accounting Department it has been determined that this equipment has no residual value and should be discarded. The Accounting Department hereby requests that the Town Board excess this property so that it may be removed from the records.

**NOW, THEREFORE BE IT RESOLVED** that the Accounting Department is hereby authorized to discard the following items:

<u>Keyboard</u>		<u>Mouse</u>		<u>Router</u>	<u>CPU</u>	<u>Monitor</u>
24650	24368	22400	21366	21707	24379	22845
22417	24340	22416	21329		24381	24811
22401	21802	22408	21461	<u>Calculator</u>	20998	22092
22405	24224	22869	21457	6034	20990	24196
24197	21455	23138	24376	20711	24241	20983
23040	24335	23403	24377		24195	
23414	23486	23637	24372	<u>Fax Machine</u>	21856	<u>Printer</u>
22023	23335	22861	22219	20285	22044	22193
22841	24367	22404	22385		21553	22074
21555	24369	21962	23737	<u>Decollator</u>	21801	21973
22858	23401	24375	22594	7876	22410	23665
23463	24297	24372	21931		22418	20037
24229	23365	21366	21562		22402	23061
24370		21329	21810		22022	6599
23045		21461	21630		22095	
22846		21457	21097		21602	
24337		24376	22842		21563	
21466		24377			21893	
24366		24372				

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

JULY 20, 2004

**Adopted**

TOWN OF RIVERHEAD

WATER EXT #45 CAPITAL PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 644

**COUNCILWOMAN SANDERS**

\_\_\_\_\_ 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>
406.095731.494200.30015 SERIAL BOND PROCEEDS	\$25,350	
406.099010.482220.30015 TRANSFER FROM REPAIR & MAINT.		\$25,350

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

# Adopted

JULY 20, 2004

## TOWN OF RIVERHEAD

### PROMOTION TO PROVISIONAL ACCOUNT CLERK TYPIST IN THE BUILDING DEPT.

RESOLUTION # 645

**COUNCILWOMAN BLASS**

\_\_\_\_\_ offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI.

**WHEREAS** the Building Department head has requested a promotion of a current staff member from Clerk Typist to Account Clerk Typist; and

**WHEREAS**, it has been recommended by the Personnel Committee that the Town Board grant this request; and

**WHEREAS**, it has been duly posted (Posting #6) as per the CBA requirement with the CSEA and all willing qualified applicants were granted interviews with the Personnel Committee.

**NOW, THEREFORE, BE IT RESOLVED**, that Susan Edwards is hereby appointed provisionally to the position of Account Clerk Typist in the Building Department at Group 9, Step 3A of the Salary Administration Schedule effective July 26, 2004.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be, and is hereby, authorized to forward a Certified Copy of this Resolution to Susan Edwards, the Building Department and the Office of Accounting.

### THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

7/20/04

# Tabled

TOWN OF RIVERHEAD

Resolution # 646

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE (101.10 & 101-18)**  
**COUNCILWOMAN BLASS**

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

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 6th day of July, 2004 at 7:20 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that the local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Councilperson Barbara Blass; the Highway Department and the Police Department.

**SPECIAL BOARD MEETING OF JULY 22, 2004**

**COUNCILWOMAN BLASS** offered the resolution to be brought off the table, seconded by **COUNCILMAN DENSIESKI**.

All members in favor of untabling the resolution

**COUNCILWOMAN BLASS** offered the resolution with amendments, seconded by **COUNCILMAN DENSIESKI**.

The VOTE: Bartunek, yes, Sanders, yes, Blass, yes, Densieski, no, Cardinale, yes.

The resolution was thereupon declared to be duly adopted with the amendments.

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

# Tabled

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code at its regular meeting held on July 20, 2004 as follows:

**Vehicles and Traffic  
Article V  
Parking, Standing and Stopping**

**§ 101-10. Parking prohibited.**

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

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
<u>Center Street</u>	<u>East</u>	<u>Beginning at the south side of the Second Street intersection and thence southerly to the northerly side of Front Street at the Front Street intersection with Center Street</u>
<u>Center Street</u>		<u>Southerly terminus</u>
<u>Front Street</u>	<u>North</u>	<u>From its intersection with the northeasterly corner of Center Street running thence in an easterly direction to a point of the northwesterly corner of Green Street</u>
<u>Front Street</u>		<u>westerly terminus</u>
<u>Green Street</u>	<u>East</u>	<u>Beginning at the south side of Second Street intersection and running thence southerly to the northerly side of the intersection with Front Street</u>
<u>Point Street</u>	<u>East</u>	<u>Beginning at the south side of the Second Street intersection and thence southerly to and including the</u>

southerly terminus of Point Street

So. Jamesport Ave. East

Beginning at the south side of the Second Street intersection and thence southerly to and including the southerly terminus of South Jamesport Avenue

West Street Both

Entire length

West Street East

Beginning at the south side of the Second Street intersection and thence southerly to and including the southerly terminus of West Street

Willow Street East

From its intersection with the southeasterly corner of Second Street running thence in a southerly direction to and including the southerly terminus of Willow Street

**§ 101-18. Seasonal parking ~~prohibited~~ permitted.**

A. Notwithstanding § 101-12 and subject to § 101-10, the parking of vehicles displaying a valid parking permit pursuant to §48-13 is hereby ~~prohibited~~ permitted annually from May 15 through September 15 upon the following described streets or portions thereof: ~~except for vehicles of Riverhead residents displaying a valid resident parking permit pursuant to § 48-13:~~

<b>Street</b>	<b>Side</b>	<b>Location</b>
Center Street	<del>Both</del> West	<del>Beginning at the south side of the Second Street intersection and thence southerly to an imaginary line 100 feet from and parallel to the northerly side of Front Street at the Front Street intersection with Center Street and thence southerly to the southerly terminus of Green Street</del>  <u>Beginning at the south side of the Second Street intersection and thence southerly to the northerly side of Front Street at the Front Street intersection with Center Street</u>

<u>Front Street</u>	<u>South</u>	<u>The entire southerly side of Front Street to the westerly intersection of Green Street</u>
<u>Green Street</u>	<u>West</u>	<u>Beginning at the south side of Second Street intersection and running thence southerly to the northerly side of the intersection with Front Street</u>
Point Street	<del>Both</del> <u>West</u>	Beginning at the south side of the Second Street intersection and thence southerly to the southerly terminus of Point Street
South Jamesport Avenue	<del>Both</del> <u>West</u>	Beginning at the south side of the Second Street intersection and thence southerly to the southerly terminus of South Jamesport Avenue
West Street	<del>Both</del> <u>West</u>	Beginning at the south side of the Second Street intersection and thence southerly to the southerly terminus of West Street
Willow Street	<del>Both</del> <u>West</u>	Beginning at the south side of the Second Street intersection and thence southerly to the southerly terminus of Willow Street

Dated: Riverhead, New York  
July 22, 2004

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD  
BARBARA GRATTAN, Town Clerk**

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

7/20/04

TOWN OF RIVERHEAD

Adopted

Resolution # 647

ADOPTS A LOCAL LAW AMENDING CHAPTER 48 ENTITLED, "BEACHES AND RECREATION CENTERS" OF THE RIVERHEAD TOWN CODE

COUNCILMAN DENSIESKI

\_\_\_\_\_ offered the following resolution, was seconded by

~~COUNCILWOMAN BLASS~~

WHEREAS, the Town Clerk was authorized to publish and post the attached public notice to consider a local law amending Chapter 48 entitled "Beaches and Recreation Centers" of the Riverhead Town Code once in the News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and

WHEREAS, a public hearing was held on the 6th day of July, 2004 at 7:45 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 48 entitled, "Beaches and Recreation Centers" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Recreation Department; the Riverhead Bay Constable; Chief Hegermiller, Riverhead Police Department and the Town Attorney's Office.

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

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 48 entitled "Beaches and Recreation Centers" of the Riverhead Town Code at its regular meeting held on July 20, 2004 as follows:

**ARTICLE III**

**Use of Parks and Park Preserves**

**§ 48-23. Definitions.**

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

~~PARK~~—A use of land owned by the town kept for ornament and/or recreation, including but not limited to parks, park preserves, playgrounds, athletic fields, swimming pools, beaches, boardwalks, entrances, approaches and facilities, together with structures and buildings under the jurisdiction of the Recreation Department.

~~PARK PRESERVE~~—Land, owned by the town, found to possess unique flora or fauna, geological formations, marine wetlands, freshwater wetlands, shorelines or

**§ 48-24. Purpose.**

~~A town park preserve shall provide that all or a specified portion of the town land being dedicated shall be kept forever wild, or in its natural state, or that it may be used only for the purposes specified in this Article. Due to the nature of a park preserve and its importance to the environmental character of the community, decisions concerning plans for and use of those designated areas will be made jointly by both the Recreation Committee and Conservation Advisory Council.~~

**§ 48-25. Procedure for dedication of land.**

A. ~~The town may dedicate real property, town parklands or a portion of parkland owned by the town to the town park preserve.~~

B. ~~The town park preserve may also include lands acquired through philanthropy.~~

C. ~~Unless authorized by the Town Board, after mandatory referendum, land owned by the town and dedicated under this Article to the town park preserve shall not be taken or otherwise disposed of, nor shall it be used for any purpose not specified in the ordinance by which the land was dedicated to the town park preserve.~~

**§ 48-26. Park Preserve Committee.**

A. ~~The Town of Riverhead Park Preserve Committee shall be made up from the members of the Recreation Committee and Conservation Advisory Council.~~

B. ~~The Town of Riverhead Park Preserve Committee shall analyze and evaluate recommendations for the Town Board concerning those areas that should be dedicated park preserves for conservation and preservation. The following are the advisory responsibilities:~~

(1) ~~Analyze and recommend master plans for park preserve use, design, development and management to the Town Board.~~

(2) ~~The Town of Riverhead Park Preserve Committee shall use the following guidelines to classify parklands as park preserves in a fashion which will be equally applicable in every frame of reference, since parklands vary:~~

(a) ~~Fragile areas: protection of rare or endangered species; shall not have paths, buildings or other man-made uses constructed on said property.~~

~~[1] — Research groups, by appointment only, to undertake scientific research: ecology, zoology, geology, botany or other natural science disciplines.~~

~~(b) — Preservation areas: nature centers providing outdoor laboratories in ecology, conservation and educational programs shall have guided walks; may cut some selective trails; no large buildings shall be constructed; no collecting of materials.~~

~~(c) — Conservation areas: nature centers; may have trails for native plant and wildlife study; may have buildings for interpretive classes; parking facilities may be available on a limited basis; to provide educational and cultural programs.~~

~~(d) — Buffer areas: areas between fragile, preservation, conservation areas or separating the park preserve area from active recreation areas or existing zoned land uses.~~

Dated: Riverhead, New York  
July 20, 2004

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

**BARBARA GRATTAN, Town Clerk**

\* Overstrike represents deletion(s)

7/20/04

# Adopted

## TOWN OF RIVERHEAD

Resolution # 648

### APPROVES APPLICATION OF NORH FORK VENTURE, LLC D/B/A FAUNA

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

**WHEREAS**, North Fork Venture, LLC has submitted an application for the purpose of conducting live entertainment (musical acts) to be held at Fauna Restaurant, 720 Main Road, Aquebogue, New York, between the hours of 8:30 p.m. and 10:30 p.m. on the following dates:

- |                 |                         |
|-----------------|-------------------------|
| July 24, 2004   | August 28, 2004         |
| July 31, 2004   | September 3, 2004       |
| August 7, 2004  | September 11, 2004      |
| August 14, 2004 | September 18, 2004; and |

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

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

**NOW THEREFORE BE IT RESOLVED**, that the application of North Fork Venture, LLC for the purpose of conducting live entertainment (musical acts) to be held at Fauna Restaurant, 720 Main Road, Aquebogue, New York, on the aforementioned dates and times, is hereby approved with the following conditions:

- Applicant is subject to the conditions of the Fire Prevention Permit – Place of Assembly issued by Fire Marshal pursuant to Chapter 64 of the Town Code and applicable regulations of the Fire Code of New York State; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to North Fork Venture, LLC, 45 Hamlet Drive, Commack, New York, 11725; Bruce Johnson, Riverhead Fire Marshal and Chief Hegermiller, Riverhead Police Department.

THE VOTE

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

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

# Adopted

July 20, 2004

TOWN OF RIVERHEAD

Resolution # 649

**GRANTS EXCAVATION PERMITS TO JARAL RIVERHEAD CORP. and  
MARY ELLEN REAL ESTATE, LLC.**

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

**WHEREAS**, Jaral Riverhead Corp. and Mary Ellen Real Estate, LLC are the owners of adjoining properties located on Route 58, to wit: 0600-119-1- 9.1 & 9.2 (Jaral Riverhead Corp.) and 119-1-10 (Mary Ellen Real Estate, LLC), and

**WHEREAS**, the parties have petitioned the Town Board for site plan approvals for their respective properties to allow the construction of a structure of a hotel and automobile dealership, and

**WHEREAS**, the parties have applied to the Town Board for an excavation permit pursuant to Chapter 62 of the Town Code of the Town of Riverhead to commence site work at the above referenced parcels in accordance with the approved site plan/grading plans, and

**WHEREAS**, the properties are situated such that it is necessary to complete the excavation work simultaneously for safety reasons; and

**WHEREAS**, the applicant's engineer, Thomas Wolpert, P.E., has submitted a letter indicating that a total of 39,969 cubic yards of soil are expected to be removed from the sites, 15,282 from lots 9.1 and 9.2 and 24,687 from lot 10, and

**WHEREAS**, the Town Board has reviewed the application for excavation permits and has determined same is in compliance with the requirements of Chapter 62 in all respects, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that based upon the foregoing, the Town Board hereby grants the excavation permits requested by the applicants, such excavation permit authorizing the removal of not more than 39,969 total

cubic yards of soils from the properties in accordance with the permit application and calculations of Thomas Wolpert, P.E., and be it further,

**RESOLVED**, the Building Department is hereby authorized to accept fees in the amount of \$ 30,664.00 dollars, representing 2.00 per yard for the soils to be removed from lots 9.1 and 9.2 and dollars and \$ 12,443.00 representing .50 per yard for the soils to be removed from lot 10 and, be it further,

**RESOLVED**, that the Town Board hereby accepts the performance bond in the amount of One Hundred Four Thousand Five Hundred Dollars (\$104,500.00) of provided by the applicants to secure the performance of the excavation permit, and be it further

**RESOLVED**, that the excavation permit is conditioned upon the applicant's providing a site monitor to be present on the site during the excavation, said site monitor at the property owners' expense to be approved by and under the supervision of the Building Department, all other provisions of Chapter 62 being hereby waived pursuant to Chapter 62.5, and be it further,

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Jaral Riverhead Corp. and Mary Ellen Real Estate, LLC, the Riverhead Planning Department and the Riverhead Building 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  
THEREFORE DULY ADOPTED

7/20/04

# Adopted

## TOWN OF RIVERHEAD

Resolution # 650

### AUTHORIZES THE RELEASE OF IRREVOCABLE LETTER OF CREDIT OF G.W. PLUMBING INC., DRAINLAYER FOR RIVERHEAD SEWER DISTRICT

♦ **COUNCILWOMAN BLASS**

\_\_\_\_\_ offered the following resolution, was seconded by

**COUNCILMAN DENSIESKI**  
\_\_\_\_\_ :

**WHEREAS**, by letter dated July 13, 2004, George Wood, President, G.W. Plumbing, Inc. advised that he will no longer be performing drain work within the Town of Riverhead and further requests the release of his irrevocable letter of credit previously posted.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of Hudson Valley Bank Irrevocable Letter of Credit #HVB-LC No. 455 in the amount of \$5,000.00; and further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to G.W. Plumbing Inc., 312 – 5<sup>th</sup> Avenue, New Rochelle, New York, 10801; Hudson Valley Bank, Attn: Patrick Smith, Branch Manager, 5-5A Huguenot Street, New Rochelle, New York, 10801; Michael Reichel, Sewer District Superintendent 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

7/20/04

12  
**Adopted**

TOWN OF RIVERHEAD

RESOLUTION CALLING PUBLIC HEARING  
HOUNDS GATE DEVELOPMENT  
LATERAL WATER MAIN  
RIVERHEAD WATER DISTRICT  
RESOLUTION #651

ADOPTED \_\_\_\_\_

**COUNCILMAN DENSIESKI**

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

WHEREAS, a petition has been filed by the owners of Hounds Gate Development located along the north side of NYS Route 25 in Wading River, for the installation of a lateral water main of the Riverhead Water District, and

WHEREAS, a map and plan has been proposed by H2M, consulting engineers to the Riverhead Water District, and

WHEREAS, the subdivision is already located within the existing Extension No. 35 of the Riverhead Water District and in order to provide service to the proposed development, approximately 700 linear feet of twelve inch diameter water main need to be installed across the frontage of the property along the north side of Route 25A. This new section of twelve inch water main will connect two existing dead-end mains, located at the property lines of the adjacent parcels to the east and west of the proposed development. In addition to the twelve inch main, approximately 850 feet of eight inch water main will also need to be installed within the interior of the development in order to service the 27 new dwelling units, and

WHEREAS, the map and plan is available for review and inspection at the Office of the Riverhead Town Clerk, 200 Howell Avenue, Riverhead, New York, during normal business hours, and

WHEREAS, all costs associated with this lateral shall be borne by the petitioner with an estimated cost of \$100,000 and 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 \$67,500. This cost represents the infrastructure costs to the Riverhead Water District to service these additional residences, and

WHEREAS, the Town Board desires to call a public hearing to consider the aforementioned petition,

NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and is hereby authorized to publish and post a Notice of Public Hearing to be held on the 17th day of August, 2004, at 2:05 P.M. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the petition of Hounds Gate Development to construct approximately 700 linear feet of twelve inch diameter water main need to be installed across the frontage of the property along the north side of Route 25A. This new section of twelve inch water main will connect two existing dead-end mains, located at the property lines of the adjacent parcels to the east and west of the proposed development. In addition to the twelve inch main, approximately 850 feet of eight inch water main will also need to be installed within the interior of the development in order to service the 27 new dwelling units, all at the sole cost and expense of the developer and at no cost to the District and the payment of key money pursuant to Chapter 105 of the Riverhead Town Code,

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish a copy of this resolution in full in the August 5, 2004, edition of the News Review, and be it further

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

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

Dated: July 20, 2004  
Riverhead, NY

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  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

# Adopted

7/20/04

TOWN OF RIVERHEAD

RESOLUTION CALLING PUBLIC HEARING  
KELBRIDGE MEADOWS DEVELOPMENT  
LATERAL WATER MAIN  
RIVERHEAD WATER DISTRICT

RESOLUTION # 652

ADOPTED \_\_\_\_\_

**COUNCILMAN BARTUNEK**

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

WHEREAS, a petition has been filed by the owners of Kelbridge Meadows Development located along the north side of Middle Road in Riverhead, for the installation of a lateral water main of the Riverhead Water District, and

WHEREAS, a map and plan has been proposed by H2M, consulting engineers to the Riverhead Water District, and

WHEREAS, the subdivision is already located within the existing Extension No. 49 of the Riverhead Water District and in order to provide service to the proposed development, approximately 900 linear feet of eight inch diameter water main will need to be installed along the westerly side of Josie Court in order to service the eleven dwelling units, and

WHEREAS, the map and plan is available for review and inspection at the Office of the Riverhead Town Clerk, 200 Howell Avenue, Riverhead, New York, during normal business hours, and

WHEREAS, all costs associated with this lateral shall be borne by the petitioner with an estimated cost of \$61,000 and 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 \$27,500. This cost represents the infrastructure costs to the Riverhead Water District to service these additional residences, and

WHEREAS, the Town Board desires to call a public hearing to consider the aforementioned petition,

NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and is hereby authorized to publish and post a Notice of Public Hearing to be held on the 17th day of August, 2004, at 2:10 P.M. at the Riverhead Town Hall, 200

Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the petition of Kelbridge Meadows Development to construct approximately 900 linear feet of eight inch diameter water main will need to be installed along the westerly side of Josie Court in order to service the eleven dwelling units and all costs associated with this lateral shall be at the expense of the developer and at no cost to the District and the payment of key money pursuant to Chapter 105 of the Riverhead Town Code,

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish a copy of this resolution in full in the August 5, 2004, edition of the News Review, and be it further

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

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

Dated: July 20, 2004  
Riverhead, NY

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  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

7/20/04

123

# Adopted

TOWN OF RIVERHEAD

Resolution # 653

**RATIFIES APPOINTMENT OF A P/T ASSISTANT RECREATION LEADER /  
SKATEPARK  
TO THE RIVERHEAD RECREATION DEPARTMENT**

**COUNCILWOMAN SANDERS** \_\_\_\_\_ offered the following resolution,

which was seconded by **COUNCILWOMAN BLASS** \_\_\_\_\_

**RESOLVED**, that Joseph Minuto is hereby appointed to serve as a P/T Assistant Recreation Leader effective July 14, 2004 to and including December 31, 2004, to serve as needed on an at-will basis and to be paid at the rate of \$9.50 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  WAS NOT  
THEREFORE DULY ADOPTED

<sup>1</sup> Rec. Doris/ Res PT Asst. Rec Leader skate. Joseph Minuto

July 20, 2004

# Adopted

TOWN OF RIVERHEAD  
Resolution # 654

APPROVES TEMPORARY SIGN PERMIT OF MIDAS MUFFLER SHOP

**COUNCILWOMAN BLASS**

\_\_\_\_\_ offered the following resolution, which was seconded by

**COUNCILMAN DENSIESKI**

**WHEREAS**, a temporary sign permit and sketch were submitted by Muntige Shah for property located at 888 Old Country Road, Riverhead, New York also known as SCTM# 108.00-03-025.00; and

**WHEREAS**, pursuant to Section 108-56 C (5) of the Code of the Town of Riverhead, the application does not require the recommendation of the Architectural Review Board; and

**WHEREAS**, sketch has been approved by three (3) Town Board members;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for Midas Muffler Shop submitted by Muntige Shah for Help Wanted sign and be it

**RESOLVED**, that said temporary sign permit shall expire on October 20,, 2004 and the applicant shall removed the affected sign, in its entirety, on or before said date; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Muntige Shah, 6265 Jericho Tpke., Commack, New York, the Planning Department and the Building Department.

**THE VOTE**

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

Adopted

Resolution # 655

ACCEPTS IRREVOCABLE LETTER OF CREDIT OF VINLAND COMMONS, LLC

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by

COUNCILMAN BARTUNEK

WHEREAS, Vinland Commons, LLC (Andrew Galasso) has posted an Irrevocable Letter of Credit (#040407) in the sum of Thirty Five Thousand Eight Hundred Sixty Six Dollars (\$35,866) representing the 5% site plan bond as noted in the approved site plan dated February 3, 1987, March 7, 1989 April 17, 1990 of Resolutions #116, 201 and 262, respectively, for Country Commons at Aquebogue located at Route 25 and Tuthill Lane, Aquebogue, New York - Suffolk County Tax Map # 600-68.-3-1 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said letter of credit and deems it to be sufficient in its form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the letter of credit in the sum of Thirty Five Thousand Eight Hundred Sixty Six Dollars (\$35,866) issued to the Town of Riverhead; and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Andrew Galasso, PO Box 2190, Aquebogue, New York 11931, the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No z

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

July 20th, 2004

# Adopted

TOWN OF RIVERHEAD

Resolution # 656

**APPROVES AMENDED SITE PLAN OF FOXWOOD VILLAGE – CLUBHOUSE  
ADDITION**

**COUNCILMAN BARTUNEK**

\_\_\_\_\_ offered the following resolution,

which was seconded by **COUNCILWOMAN BLASS** \_\_\_\_\_:

**WHEREAS**, a site plan and elevations were submitted by Martin Sendlewski, agent for Foxwood Village, to construct a 2,606 sq. ft. addition onto an existing clubhouse facility with related site improvements, located at Foxwood Village, Middle Road, Calverton, New York, known and designated as Suffolk County Tax Map Number 0600-101-1-6.3; and

**WHEREAS**, the Planning Department has reviewed the site plan dated May 28th, 2004 as prepared by Martin Sendlewski, AIA and elevations dated May 28<sup>th</sup>, 2004, as prepared by Martin Sendlewski, AIA, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved with conditions; and

**WHEREAS**, that in the matter of the site plan application of Fox Wood Village, the Riverhead Town Board hereby declares itself to be the lead agency pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; 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 Receipt Number 2004-0506 of the Office of the Financial Administrator of the Town of Riverhead; and;

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the site plan and elevations submitted by RGR Associates, for construction of a 2,606 sq. ft. addition onto an existing clubhouse facility with related site improvements, located at Foxwood Village, Middle Road, Calverton, New York, site plan dated May 28<sup>th</sup>, 2004, as prepared by Martin Sendlewski, AIA and elevations dated May 28<sup>th</sup>, 2004, as prepared by Martin Sendlewski, AIA, 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 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, Foxwood Village, hereby authorizes and consents to the Town of Riverhead to enter premises at Middle Road, Calverton, 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; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Martin Sendlewski, AIA , the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

THE VOTE

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

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_ day of \_\_\_\_\_,  
2004 made by FOX WOOD VILLAGE, LLC, 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, Foxwood Village, LLC., hereby authorizes and consents to the Town of Riverhead to enter premises at Foxwood Village, 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.

---

FOXWOOD VILLAGE .

STATE OF NEW YORK)

)ss.:

COUNTY OF SUFFOLK)

On the \_\_\_\_\_ day of \_\_\_\_\_, 1998, before me personally came \_\_\_\_\_, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at \_\_\_\_\_, New York, the 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

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On this \_\_\_\_\_ day of \_\_\_\_\_, 1998, before me personally came \_\_\_\_\_, to me known, and known to me to be one of the members of the firm of \_\_\_\_\_, described in and who executed the foregoing instrument, and (s)he acknowledged to me that (s)he executed the same as and for the act and deed of said firm.

---

NOTARY PUBLIC

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On the \_\_\_\_\_ day of \_\_\_\_\_, 1998, before me personally came \_\_\_\_\_ who, being sworn by me, did depose and say: that (s)he is the \_\_\_\_\_ of \_\_\_\_\_; that (s)he knows the seal of the corporation; that the seal affixed to this instrument is said seal; and that it was affixed by order of the Board of Directors of the Corporation.

\_\_\_\_\_  
NOTARY

\_\_\_\_\_  
PUBLIC

# Adopted

TOWN OF RIVERHEAD

RESOLUTION # 657

AMENDS SITE PLAN OF JOHN A. ROTHE

**COUNCILMAN DENSIESKI**

offered the following resolution,

which was seconded by **COUNCILMAN BARTUNEK**

WHEREAS, by Resolution #194, dated February 20<sup>th</sup>, 2002, the Riverhead Town Board did approve the removal and replacement of an existing store front, installation of canvas awnings, and general improvement of the existing face upon a three story building, located at 1 East Main Street, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-128-6-68; and

WHEREAS, John A. Rothe has requested that a modification of said site plan approval be approved by the Riverhead Town Board; and

WHEREAS, the Planning Department has reviewed the change of colors of the facade tile and awnings as prepared by James DeLucca, R.A. and dated May 15<sup>th</sup>, 2004 and has recommended that the Town Board grant such amendment; and

WHEREAS, this Town Board has reviewed the amendment aforementioned; and

WHEREAS, the site plan 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 2004-788 of the Office of the Financial Administrator.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of Riverhead does hereby amend the site plan approval of John A. Rothe as depicted by the revised site plan prepared by James DeLucca, R.A., dated May 15th, 2004; and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to James DeLucca, agent for John A. Rothe, 12 Linda Lane East, Riverhead, New York 11901, the Riverhead Planning Department, Building Department, Town Engineer, Assessors' Office and the Office of the Town Attorney.

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

# Tabled

7/20/04

TOWN OF RIVERHEAD

RESOLUTION # 658

APPROVES AMENDED SITE PLAN (ELEVATIONS) OF MARTHA CLARA  
VINEYARD

**COUNCILWOMAN SANDERS**

\_\_\_\_\_ offered the following

resolution which was seconded by \_\_\_\_\_

**COUNCILWOMAN BLASS**

WHEREAS, a site plan and elevations were submitted by Bill Gorman, agent for Martha Clara Vineyard, to enclose an existing pavilion, located at 6025 Sound Avenue, Jamesport, New York, known and designated as Suffolk County Tax Map Number 0600-9-1-7 & 10; and

WHEREAS, the Planning Department has reviewed the site plan dated July 28<sup>th</sup>, 2003, as prepared by Joseph A. Ingegno. L.S., and elevations dated April 18<sup>th</sup>, 2004 as prepared by New England Barns Inc.; 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 own Clerk; and

WHEREAS, the site plan review fee, as required by 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Check Number 2004-2129 of the Office of the Financial Administrator 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 Martha Clara Vineyard, the Riverhead Town Board hereby declares itself to be the Lead Agency and

further determines the Action to be Type II pursuant to 6NYCRR Part 617.

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to William Gorman, agent for Martha Clara Vineyard, PO Box 1447, Mattituck, New York 11952.

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

**Tabled**

Adopted

7/20/04

TOWN OF RIVERHEAD

Resolution # 659

**APPROVES SITE PLAN OF ROANOKE REALITY ENTERPRISES, LLC.**

COUNCILWOMAN BLASS

\_\_\_\_\_ offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI \_\_\_\_\_ :

**WHEREAS**, a site plan and elevations were submitted by Roanoke Realty Enterprises, LLC, to construct a 6,616 sq. ft. medical office building, along with related site improvements, located at Roanoke Avenue, Riverhead, New York 11901, known and designated as Suffolk County Tax Map Number 0600-107-2-3; and

**WHEREAS**, the Riverhead Town Board by Resolution # 368, dated April 1<sup>st</sup>, 2003, did approve the special permit pursuant to Article XXVIA and Article XII, Section 108-115 of the zoning code to overlay the provision of the Business PB use district and thereby construct a medical office building and related site improvements on a 1.3 acre parcel zoned Residence C;

**WHEREAS**, the Planning Department has reviewed the site plan dated June 28th, 2004, as prepared by Searles, Stromski, Associates, and elevations dated June 2<sup>nd</sup>, 2004, as prepared by Searles, Stromski, Associates, and 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 -1037 of the Office of the Financial 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 Roanoke Reality Enterprises, LLC, 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 and elevations submitted by Searles, Stromski, Associates, to construct 6,616 sq. ft. medical office building, along with related site improvements, upon real property located at Roanoke Avenue, Riverhead, New York, site plan dated June 28th, 2004, as prepared by Searles, Stromski, Associates, and elevations dated June 2<sup>nd</sup>, 2004, as prepared by Searles, Stromski, Associates and 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, Roanoke Realty Enterprises, LLC., hereby authorizes and consents to the Town of Riverhead to enter premises at Roanoke Avenue, 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;
15. That no Certificate of Occupancy shall issue prior to the construction of a sidewalk to the satisfaction of the Highway Superintendent within the bed of Cranberry Street; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Searles, Stromski Associates, agent for Roanoke Realty Enterprises, LLC, 131 Route 25A, Rocky Point, New York 11778, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_\_ day of \_\_\_\_\_, 2004, made by Roanoke Realty Enterprises, LLC., 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, Roanoke Realty Enterprises, LLC, hereby authorizes and consents to the Town of Riverhead to enter premises at Roanoke Avenue, 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.

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ROANOKE REALTY  
ENTERPRISES, 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.

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NOTARY

PUBLIC

THE VOTE

Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Deñsieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

July 20th, 2004

**Adopted**

TOWN OF RIVERHEAD

Resolution # 660

**APPROVES SITE PLAN OF CELLULAR TELEPHONE COMPANY D/B/A  
AT&T (RIVERHEAD WATER DISTRICT WATER TANK)**

**COUNCILMAN BARTUNEK**

offered the following resolution,

which was seconded by **COUNCILWOMAN BLASS**:

**WHEREAS**, a site plan and elevations were submitted by, Joseph Sweet, Systems Development Manager, Cellular Telephone Company (d/b/a AT&T Wireless) to collocate twelve (12) new antennas with additional equipment cabinets, located at Old Country Road, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-84-1-8; and

**WHEREAS**, the Planning Department has reviewed the site plan dated March 5<sup>th</sup>, 2004, as prepared by John P. Sobiech, P.E. and elevations dated March 5<sup>th</sup>, 2004, as prepared by John P. Sobiech, P.E., 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 Receipt Number 2004-671 of the Office of the Financial Administrator 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 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 and elevations submitted by Cellular Telephone Company (d/b/a AT&T) to collocate twelve (12) new antennas with additional equipment cabinets, located at Old Country Road, Riverhead, New York, site plan dated March 5, 2004 as prepared by John P. Sobiech, P.E., and elevations dated March 5<sup>th</sup>, 2004 as prepared by John P. Sobiech, P.E., 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 review 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, hereby authorizes and consents to the Town of Riverhead to

enter premises at Old Country Road, 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;
15. That a post construction certification be provided to the Town, from the applicant's engineer; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to, Lawrence C. Re, Esq., Munley, Meade, Nielsen, & Re, 36 North New York Avenue, Huntington, New York 11743, attorneys for applicant, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

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

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_\_ day of \_\_\_\_\_, 2004, made by Cellular Telephone Company d/b/a AT&T, 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, hereby authorizes and consents to the Town of Riverhead to enter premises at Old Country Road, 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.

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Cellular Telephone Company (d/b/a  
AT&T Wireless

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.

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NOTARY

PUBLIC

# Adopted

July 20th, 2004

## TOWN OF RIVERHEAD

Resolution # 661

### AMENDS SITE PLAN OF RIVERHEAD CONGREGATION JEHOVAH'S WITNESSES

**COUNCILWOMAN SANDERS**

offered the following resolution,

**COUNCILMAN DENSIESKI**

which was seconded by \_\_\_\_\_:

**WHEREAS**, by Resolution # 648, dated June 3<sup>rd</sup>, 2003, the Riverhead Town Board did approve the site plan of Riverhead Congregation of Jehovah's Witnesses, to construct a 3,500 sq. ft. church building upon real property located at Main Road (NYSR 25) Aquebogue, New York, known and designated as Suffolk County Tax Map Number 0600-85-3-1.6; and

**WHEREAS**, Joseph Fischetti, P.E., as agent for the Riverhead Congregation Jehovah's Witnesses, has made an application for amended site plan to change the size of the garage structure from 30 sq. ft. x 24 sq. ft. to 36 sq. ft. x 24 sq. ft.

**WHEREAS**, the Planning Department has reviewed such modification and has recommended that the Town Board accept such modification, and

**WHEREAS**, this Town Board has reviewed the modification aforementioned, and

**WHEREAS**, the site plan amendment 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 2004-1114 of the Office of the Financial Administrator of the Town of Riverhead;

#### **NOW, THEREFORE BE IT**

**RESOLVED**, that the Town Board of the Town of Riverhead does hereby resolve that the site plan submitted by Joseph Fischetti, P.E., dated March 22, 2002, are hereby approved by the Town Board of the Town Of Riverhead;

#### **BE IT FURTHER**

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Joseph Fischetti, P.E., 1725 Hobart Road, PO Box 616,

Southold, New York 11971, as agent for the the Riverhead Congregation of Jehovah's Witnesses, the Riverhead Planning Department, Building Department, Town Engineer, Assessors' Office, and Office of the Town Attorney.

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

July 20<sup>th</sup>, 2004

**Adopted**

TOWN OF RIVERHEAD

Resolution # 662

**APPROVES SITE PLAN OF AIRCRAFT WAREHOUSING, INC.**  
**COUNCILWOMAN BLASS**

\_\_\_\_\_ offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS \_\_\_\_\_ :

**WHEREAS**, a site plan and elevations were submitted by Brian A. Fisher, as agent for Aircraft Warehousing, Inc., for the construction of a 15,000 square foot one story addition to an existing one story masonry industrial/commercial building, and attendant site improvements, located at 4195 Middle Country Road, Calverton, New York, known and designated as Suffolk County Tax Map Number 0600-116-1-7.4; and

**WHEREAS**, the Planning Department has reviewed the site plan dated June 2<sup>nd</sup>, 2004, prepared by Brian A. Fisher, R.A. and elevations dated June 3, 2004, as prepared by Brian A. Fisher, R.A., and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

**WHEREAS**, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) unlisted Action without a significant impact upon the environment pursuant to the to the State Environmental Conservation Law and 6 NYCRR Part 617, which record is on file with the Town Clerk of the Town of Riverhead; and

**WHEREAS**, a copy of the site plan has been marked and initialed by the Town Board, 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 Receipt Number 2003-0103 of the Office of the Supervisor of the Town of Riverhead; and;

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the site plan and elevations submitted by Brian A. Fisher, as agent for Aircraft Warehousing, Inc., for the construction of a 15,000 square foot one story addition to an existing one story masonry industrial/commercial building, and attendant site improvements, located at 4195 Middle Country Road, Calverton, New York, site plan dated June 2<sup>nd</sup>, 2004, as prepared by Brian A. Fisher, R.A. and elevations

dated June 3<sup>rd</sup>, 2004, as prepared by Brian A. Fisher, 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 freestanding signage, as depicted upon the aforementioned site plan, has been conceptually approved by the Architectural Review Board, shall be submitted to the Town Board for its review and ministerial approval pursuant to Section 108-56 of the zoning ordinance prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design; and all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and all tenants shall be apprised of said requirements 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, 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, Aircraft Warehousing, Inc. hereby authorizes and consents to the Town of Riverhead to enter premises at 4195 Middle Country Road, Calverton, 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 and all tanks shall be located 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 any clearing or grading of the subject parcels, 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. No clearing or grading shall commence, nor shall the building permit 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 project construction;
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 Brian A. Fisher, R.A., as agent for Aircraft Warehousing, Inc., 1637 Broad Hollow Road, Farmingdale, New York 11735, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

**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

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_ day of \_\_\_\_\_, 2004, made by Aircraft Warehousing Inc., residing at 1637 Broadhollow Road, Farmingdale, New York 11735, 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 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, 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, Aircraft Warehousing Inc., hereby authorizes and consents to the Town of Riverhead to enter premises at 4195 Middle Country , Calverton, 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 utilities shall be constructed underground and all tanks shall be located 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 any clearing or grading of the subject parcels, 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. No clearing or grading shall commence, nor shall the building permit 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 project construction;
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.

AIRCRAFT WAREHOUSING INC.

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

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me personally came \_\_\_\_\_, to me known, and known to me to be one of the members of the firm of \_\_\_\_\_, described in and who executed the foregoing instrument, and (s)he acknowledged to me that (s)he executed the same as and for the act and deed of said firm.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On the \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me personally came \_\_\_\_\_ who, being sworn by me, did depose and say: that (s)he is the \_\_\_\_\_ of \_\_\_\_\_; that (s)he knows the seal of the corporation; that the seal affixed to this instrument is said seal; and that it was affixed by order of the Board of Directors of the Corporation.

\_\_\_\_\_  
NOTARY PUBLIC

JULY 20, 2004

Adopted

TOWN OF RIVERHEAD

AUTHORIZES THE RETENTION OF THE LAW FIRM OF SINNREICH, WASSERMAN, GRUBIN & CAHILL IN CONNECTION WITH THE UNITED STATES DISTRICT COURT LITIGATION ENTITLED MARK HOURANEY AND NORTHEAST HOLDINGS, LLC V. TOWN OF RIVERHEAD

RESOLUTION # 663

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by Councilman Densiński.

**WHEREAS**, Robert Kozakiewicz, the former Town Supervisor and Dawn Thomas, Town Attorney, have been named in a lawsuit; Mark Houraney and Northeast Holdings, LLC vs Town of Riverhead, et. al; and

**WHEREAS**, the Town Code Chapter 15 and Public Officers Law Section 18 provide for defense and indemnification to Public Officers; and

**WHEREAS**, Mr. Kozakiewicz and Ms. Thomas have requested that Sinnreich, Wasserman, Grubin & Cahill be retained as their representation in this matter.

**NOW, THEREFORE, BE IT RESOLVED**, that Sinnreich, Wasserman, Grubin & Cahill is hereby appointed to represent former Supervisor Robert Kozakiewicz and Town Attorney Dawn Thomas in the matter of Mark Houraney and Northeast Holdings, LLC v. Town of Riverhead.

**BE IT FURTHER RESOLVED** that the Town Clerk be, and is hereby, directed to forward a certified copy of this resolution to the Law Firm of Sinnreich, Wasserman, Grubin & Cahill, the Office of the Supervisor, the Town Attorney's Office and the Office of Accounting.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densiński  Yes  No

Cardinale  Yes  No

# Adopted

July 20, 2004

## TOWN OF RIVERHEAD

### CREATES RIVERHEAD TOWN POLICY FOR MUNICIPALLY-OWNED TAXPAYER FUNDED SIGNAGE

RESOLUTION # 664

**COUNCILMAN BARTUNEK**

\_\_\_\_\_ offered the following resolution, which was  
seconded by \_\_\_\_\_  
**COUNCILWOMAN SANDERS**

**WHEREAS**, there has been a demonstrated need to inform the Hispanic population within the town. It has been suggested by the Riverhead Town Sanitation Department and the Riverhead Police Department that the town place "No Littering" signs where needed.

**WHEREAS**, it is the desire of the Riverhead Town Board to create municipal signage with text in both English and Spanish to address the increasing needs of the Hispanic population within the Town.

**NOW, THEREFORE BE IT RESOLVED**, the Town Board hereby authorizes municipal signage, having text in both English and Spanish be utilized in the Town of Riverhead. Such signage in Spanish shall read "NO DESCARGAR BASURA – MINIMO \$250.00.

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to John Reeve, Sanitation Superintendent and the Purchasing 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 type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Cardinale	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no			

THE RESOLUTION  WAS \_\_\_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

July 20, 2004

**Adopted**

**TOWN OF RIVERHEAD**

**RECINDS RESOLUTION #435**

**RESOLUTION # 665**

**COUNCILWOMAN BLASS**

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

**WHEREAS**, Resolution #435 adopted on May 3, 2004, created a Riverhead  
Town Policy For Municipally-Owned Taxpayer Funded Signage.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of  
Riverhead hereby rescinds Resolution #435 adopted on May 3, 2004; and.

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby  
authorized to forward a certified copy of this resolution to John Reeve, Sanitation  
Superintendent and the Purchasing 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**

# Tabled

LY 20, 2004

## TOWN OF RIVERHEAD

### PULASKI ST. WATER TANK REPAINTING PROJECT

#### BUDGET ADJUSTMENT

RESOLUTION # 666

**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:

	<u>FROM</u>	<u>TO</u>
406.083200.482220.30083 TRANSFER FROM REPAIR & MAINTENCE	\$47,400	
406.083200.541000.30083 TANK REPAINT		\$21,400
406.083200.543501.30083 ENGINEERING EXP.		26,000

#### THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

JULY 20, 2004

# Adopted

## TOWN OF RIVERHEAD

### BAITING HOLLOW FARMS WATER EXT #78

#### BUDGET ADJUSTMENT

RESOLUTION # 667

**COUNCILMAN BARTUNEK**

\_\_\_\_\_ offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI.

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

	<u>FROM</u>	<u>TO</u>
406.092705.421050.30078 DEVELOPER FEES	\$173,000	
406.083200.523002.30078 WATER MAIN CONSTRUCTION		\$143,000
406.083200.543501.30078 ENGINEERING EXP.		23,600
406.083200.547900.30078 CONTINGENCY		6,400

#### THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

JULY 20, 2004

# Adopted

## TOWN OF RIVERHEAD

### CALVERTON MANOR EXT. 76 WATER EXT.

#### BUDGET ADJUSTMENT

RESOLUTION # 668

**COUNCILWOMAN SANDERS**

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

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

	<u>FROM</u>	<u>TO</u>
406.092705.421050.60080 DEVELOPER FEES	\$5,000	
406.083200.543501.60080 ENGINEERING EXP.		\$5,000

#### THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

7/20/04

# Adopted

## TOWN OF RIVERHEAD

Resolution # 669

### ADOPTS A LOCAL LAW TO AMEND CHAPTER 14 ENTITLED, "COMMUNITY PRESERVATION" OF THE RIVERHEAD TOWN CODE

**COUNCILMAN DENSIESKI**

\_\_\_\_\_ offered the following resolution, was seconded by

**COUNCILWOMAN BLASS** :

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 14 of the Riverhead Town Code entitled, "Community Preservation", once in the News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and

**WHEREAS**, a public hearing was held on the 6th day of July, 2004 at 7:40 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law amending Chapter 14 entitled, "Community Preservation" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Planning Department and the Office of the Town Attorney.

**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  
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 14 entitled, "Community Preservation" of the Riverhead Town Code at its regular meeting held on July 20, 2004 as follows:

**Chapter 14  
COMMUNITY PRESERVATION**

**§ 14-6. Advisory Board established.**

A. The Riverhead Community Preservation Fund Advisory Board is hereby established to review and make recommendations on proposed acquisitions of interests in real property using monies [mones] from the fund and to act in an advisory capacity to the Town Board with respect to the administration of the fund. The Riverhead Community Preservation Fund Advisory Board shall be composed of the following two sub-committees:

B. As to agricultural lands and real property that is in use for agricultural production, as those terms are defined in § 44-2 of the Town Code, that may be identified for potential acquisition under this fund, the duties and responsibilities of the Advisory Board shall be effectuated and implemented by the such Board shall consist of those members of the Farmland Preservation Committee as created pursuant to §44-6 of the Town Code.

C. As to all other lands identified for potential acquisition under this fund, the duties and responsibilities of the Advisory Board shall be effectuated and implemented by the members of the Open Space/Park Preserve Committee as created pursuant to § 14-40 of the Town Code.

**ARTICLE V  
Acquisition and Use of Open Spaces, Parks and Park Preserves**

**§ 14-37. Definitions.**

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

OPEN SPACE -- Undeveloped and essentially unimproved land that is important to conserve and maintain either for the quality and character of the lives of Town residents or for the preservation of their common heritage.

PARK -- A use of land owned by the town kept for ornament and/or recreation, including but not limited to parks, park preserves, playgrounds, athletic fields, swimming pools, beaches, boardwalks, entrances, approaches and facilities, together with structures and buildings under the jurisdiction of the Recreation Department.

PARK PRESERVE -- Land, owned by the town, found to possess rare or endangered species habitats and/or breeding areas, unique flora or fauna, geological formations, marine wetlands, freshwater wetlands, shorelines or scenic values or any other features that may qualify for recognition or protection.

**§ 14-38. Purpose.**

The preservation of open space or the dedication of land as a town park preserve shall provide that all or a specified portion of the town land being preserved or dedicated shall be kept forever wild, or in its natural state, or that it may be used only for the purposes specified in this Article. Any lands or interest in real property acquired by the Town as nonagricultural open space shall be eligible for dedication as Town Park Preserve. Due to the nature of a park preserve and its importance to the environmental and economic character of the community, recommendations concerning plans for and use of those designated areas will be made by the Open Space/Park Preserve Committee as hereinafter created by § 48-26.

**§ 14-39. Procedure for dedication of land.**

A. The town may dedicate real property, town parklands or a portion of parkland owned by the town to the town park preserve.

B. The town park preserve may also include lands acquired through philanthropy.

C. Unless authorized by the Town Board, after mandatory referendum, land owned by the town and dedicated under this Article as open space or as town park preserve shall not be taken or otherwise disposed of, nor shall it be used for any purpose not specified in the ordinance by which the land was preserved as open space or dedicated to the town park preserve.

**§ 14-40. Open Space /Park Preserve Committee.**

A. The Town of Riverhead Open Space/ Park Preserve Committee shall consist of five (5) members appointed by the Town Board for staggered two-year terms including representatives from the community at large, the Recreation Committee and Conservation Advisory Council.

B. The Town of Riverhead Open Space/ Park Preserve Committee shall have the following advisory responsibilities:

(1) Identify, review and recommend to the Town Board lands that should be acquired by the Town and preserved as Open Space or incorporated into the Town Park system or dedicated as Town Park Preserve.

(2) Develop and recommend for adoption by the Town Board an Open Space Conservation Plan for the utilization, maintenance and management of lands owned or acquired by the Town.

C. The Town of Riverhead Open Space/Park Preserve Committee shall use the following guidelines to classify open space, parklands and park preserves in a fashion which will be equally applicable in every frame of reference, since the desired use of and plans for acquired open space and parklands vary:

- (a) Fragile areas: protection of rare or endangered species; shall not have paths, buildings or other man-made uses constructed on said property.
- [1] Research groups, by appointment only, to undertake scientific research: ecology, zoology, geology, botany or other natural science disciplines.
- (b) Preservation areas: nature centers providing outdoor laboratories in ecology, conservation and educational programs shall have guided walks; may cut some selective trails; no large buildings shall be constructed; no collecting of materials.
- (c) Conservation areas: nature centers; may have trails for native plant and wildlife study; may have buildings for interpretive classes; parking facilities may be available on a limited basis; to provide educational and cultural programs.
- (d) Buffer areas: areas between fragile, preservation, conservation areas or separating the park preserve area from active recreation areas or existing zoned land uses.

Dated: Riverhead, New York  
July 20, 2004

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

**BARBARA GRATTAN, Town Clerk**

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

JULY 20, 2004

# Adopted

## TOWN OF RIVERHEAD

### APPOINTS PART TIME DEPUTY TOWN ENGINEER

RESOLUTION # 670

COUNCILMAN DENSIESKI

\_\_\_\_\_ offered the following

resolution, which was seconded by COUNCILWOMAN SANDERS.

**WHEREAS**, TBR #39 of this year appointed David Cullen to the Civil Service exempt position of Projects and Services Manager to the Town Supervisor ; and

**WHEREAS**, the Engineering Department has a vacancy of part-time Deputy Town Engineer and Mr. Cullen has expressed a willingness to fill this part-time position in lieu of his current full time position.

**NOW THEREFORE, BE IT RESOLVED**, that David Cullen is hereby appointed to the part-time position of Deputy Town Engineer for Special Projects at the rate of thirty-five (\$35.00) dollars per hour effective July 26, 2004; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be, and is hereby, authorized to forward a copy of this resolution to Dave Cullen, the Office of Accounting and the Town Engineer's Office.

### THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

JULY 20, 2004

Adopted

TOWN OF RIVERHEAD

APPOINTS LEGISLATIVE ASSISTANT TO THE SUPERVISOR

RESOLUTION # 671

COUNCILMAN BARTUNEK

\_\_\_\_\_ offered the following

resolution, which was seconded by \_\_\_\_\_ COUNCILWOMAN BLASS.

WHEREAS, the Supervisor's Office has a vacancy of Legislative Assistant; and.

NOW THEREFORE, BE IT RESOLVED, that John Stefans is hereby appointed to the position of Legislative Assistant effective July 26, 2004; and

BE IT FURTHER RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a copy of this resolution to John Stefans, the Office of Accounting and the Town Supervisor's Office.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

TOWN OF RIVERHEAD

Adopted

Resolution # 672

**RESETTING TERMS AND CONDITIONS OF  
EMPLOYMENT FOR DAVID CULLEN, DEPUTY TOWN  
ENGINEER FOR SPECIAL PROJECTS**

**COUNCILWOMAN BLASS**

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

BE IT RESOLVED, THAT the terms and conditions of employment of David Cullen, part-time Deputy Town Engineer for Special Projects ("the employee") shall, effective July 26, 2004, be as follows:

**TERM**

1. These terms and conditions of employment shall continue in full force and effect until subsequently altered by Town Board resolution.
2. The employee is employed at the will of the Town Board and for no specific term or duration.

**HOURS OF WORK**

1. The employee's minimum basic work week shall not exceed 20 hours. The employee shall be assigned to a regular daily schedule. The employee shall not receive additional compensation for holiday pay. The employee is not entitled to earn, accrue, or be paid for overtime or compensatory time.
2. The employee shall be entitled to the same paid holidays as are set forth in the 2004-2007 CSEA collective bargaining agreement,
3. The employee shall receive no personal leave time.
4. Funeral Leave. The employee shall be entitled to four (4) consecutive working days leave of absence computed either from the day of death or the day following death, at the employee's option, for the death of the employee's spouse, child (including adopted children), father, mother, brother, sister, parents, parents-in-law, grandparents, grandparents-in-law, grandchildren, daughter-in-law, brother-in-law, sister-in-law, son-in-law, or stepchild.
5. Jury Service. The employee will be paid the employee's regular salary while performing jury service upon documentary proof being filed with the Town Supervisor. The employee shall endorse the jury salary checks to the Town. Travel allowance or mileage compensation checks for jury service are to be retained by the employee.

6. Court Appearance. The employee's absence by reason of appearance as a defendant or witness on behalf of the Town in any court action involving the Town will be approved by the Town Supervisor for the number of days necessary. The employee shall not lose any salary therefrom.

7. Parentage Leave. The employee shall receive a parentage leave as defined in the 2004-2007 CSEA contract, Article III, Section 5.

### **VACATIONS**

1. The employee shall be entitled to 80 hours of vacation (January 1 to December 31) except for fiscal year 2004. During fiscal year 2004, employee can use vacation time earned on January 1, 2004.

2. The employee, upon request, shall be paid the employee's vacation pay prior to the vacation, providing the employee shall have given three (3) weeks' notice to the Supervisor.

3. Upon retirement or termination of service, except for cause, the employee shall be compensated, in cash, for any accumulated vacation.

4. The employee may carry over any unused vacation days from one (1) year into the following year, but in no event shall the employee carry over more than 280 vacation hours from one year to the next.

5. The employee, at the employee's option, shall be entitled to make an election to work the current year's allotted vacation time. The employee must provide written notification to the Supervisor of the exercising of this option not fewer than thirty (30) days prior to the date of which payment is requested. The Supervisor is to acknowledge receipt of this notification to the payroll personnel prior to payment. Payment is to be processed during the next overtime run. Payment will be the same method as outlined in the 2002-2004 Superior Officers' Contract, Article IX, Section C, except that the buyback shall be in blocks of three days per month.

### **SICK LEAVE**

1. Sick leave is absence necessitated by the employee's illness or other physical disability. Sick leave will be accumulated at the rate of 8 hours per month, up to a total accumulated sick leave of 1000 hours. After 1000 hours, additional paid sick leave may be granted in the sole discretion of the Town Board. In order to receive sick leave, the employee shall, when absent because of sickness for more than three (3) days, furnish the Supervisor, when requested by him, with a medical certificate. Failure to furnish a medical certificate will result in loss of pay for absent days. The Town Board, in its discretion, may request a physical examination the employee before the employee's return to work.

2. The employee, or legal representative, upon retirement or severance, is entitled to cash payment for accumulated sick leave. Said payment shall be paid in a lump sum the value of the employee's accumulated and unused sick leave to the extent of one hundred (100%) percent of the first 980 hours thereof.

3. The employee may elect to reduce the sick time accrued under paragraph "1" one by filing a written election with the Supervisor one (1) month prior to payment. Buy-out shall be in lots of 20 hours. No buy-out shall be permitted unless, at the time of election, the employee has accumulated at least 35 hours. The rate of pay shall be calculated at the time of payment based on a two hundred sixty (260) day work year. If the employee "buys-out" sick leave, the employee shall be permitted to reaccumulate sick days to a maximum of 1000 hours.

4. If the employee falls ill while on vacation then, upon presentation of a medical certificate certifying that the employee was confined to bed for more than five (5) working days during the vacation, may charge this illness to sick leave upon proper notification to the Supervisor and may take the same number of sick days as vacation days.

### **GRIEVANCE PROCEDURE**

#### 1. Consideration of Grievance.

A grievance by the employee shall be made, in writing, to the Town Board. Upon receipt of the grievance, the Town Board may request the employee to submit any agreed statement of facts or the employee's version of the facts, or any other documents that the Town Board may deem pertinent to the determination of the appeal.

The Town Board shall conduct a hearing within twenty (20) business days of receipt of an appeal. Within twenty (20) business days after the hearing, the Town Board shall make a decision based on its findings and advise the employee. The decision of the Town Board shall be final and all parties bound thereby.

#### 2. Time of Hearings.

All discussions and hearings shall, so far as practicable, be conducted during working hours.

#### 3. Representation.

The employee shall have the right at all times to representation of the employee's choosing.

#### 4. Limitations.

If a grievance occurs and cannot be resolved immediately, the employee shall obey all directives and shall present the grievance as soon thereafter as practicable. Grievances that are not presented within ten (10) days of the occurrence shall be deemed to have been abandoned.

#### 5. Withdrawn Grievances.

The employee may withdraw a grievance at any point in the grievance procedure.

### HEALTH INSURANCE

1. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family coverage for hospitalization under the Town Health Insurance Program. These plans shall also provide that the Town pays for one hundred (100%) percent coverage for the employee if the employee retires from the Town and Town shall also pay to the extent of fifty (50%) percent coverage on the premiums for the employee's family.

2. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family plan for dental coverage under the Riverhead Town Dental Plan.

3. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family plan for optical coverage under the Riverhead Town Optical Plan.

4. The employee, at the employee's option, may elect not to accept the Town's hospitalization coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: \$1,650.00 if the employee changes from family to no coverage; \$900 if the employee changes from family to individual coverage; \$750 if the employee changes from individual to no coverage. Also, at the employee's option, the employee may elect not to accept the dental coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: \$230 if the employee changes from family to no coverage; \$150 if the employee changes from family to individual coverage; \$80 if the employee changes from individual to no coverage. Also, at the employee's option, the employee may elect not to accept the optical coverage for a period of not less than one calendar year and receive a payment of twenty five dollars (\$25.00) during the first full pay period of each year the election is made. The employee must sign an application form each year and said application shall include an acknowledgment that the employee is covered under another plan.

## GENERAL PROVISIONS

1. The Town agrees to provide legal counsel to defend the employee in any action arising out of an assault on the employee on Town business, and the Town hereby agrees to defend, indemnify, and hold the employee harmless for any and all acts performed for the Town, its agents and employees, provided the employee was acting within the scope of employment. In the event that the employee is appointed, authorized or directed by the Town or one of its agencies to represent it as a member of the board of directors of an organization or agency, then the employee shall be covered by the provisions of Public Officers Law Section 18 and Town Code Sections 15-1 and 15-2 pertaining to the defense and indemnification of officers and employees of public entities, provided the employee is otherwise eligible for coverage pursuant to the terms of those provisions.

2. If the employee is injured or assaulted in the course of employment, the employee shall receive full salary until such time as the employee's application for reinstatement to full duty status, or, in the event of permanent disability, the employee's application for a disability pension be finally determined or by a physician's examination determining no further disability, whichever comes first. If the employee is injured on the job and reports the same to the Supervisor, and has to be absent from work, no days shall be deducted from his sick leave for such injury. If the employee receives a compensation check for lost time due to a compensable injury, the employee shall endorse the employee's check over to the Town. The above shall apply if the employee was acting within the scope of employment.

3. A leave of absence, without pay, may be granted to the employee in the discretion of the Town Board for a maximum of six (6) months, upon written application therefore and good cause shown.

4. If the employee is absent without leave or without due notification to the Supervisor, the employee shall suffer loss of pay for the days of such absence.

5. The employee will be paid every two (2) weeks on Thursday of the latter week.

6. Upon the employee's request to examine the employee's official employment personnel file, the employee may be permitted to do so at the discretion of the Town Board. Any material classified as confidential shall not be subject to duplication by the employee, but the employee shall have an opportunity to read said material and make a written reply, which shall be inserted in the personnel folder.

7. To the extent permitted by the U.S. Internal Revenue Code and the New York State Income Tax Laws, the Town shall establish a deferred compensation plan for the employee.

8. The Town will provide a college and/or post-graduate incentive program for courses approved by the Town Board. The Town will reimburse the employee the tuition cost on a grade related basis. A grade of "A" will receive seventy five (75%) percent of the tuition cost. A grade of "B" will receive fifty (50%) percent of the tuition cost. A grade of "C" will receive twenty five (25%) percent of the tuition cost. Payment will only be made upon submission of voucher and proof of grade.

WAGES

The employee shall receive the following annual salary: \$35.00/hour

THE VOTE

Bartunek  yes  no     Sanders  yes  no  
Blass  yes  abstain     Sensieski  yes  no  
Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD

Adopted

Resolution # 673

**SETTING TERMS AND CONDITIONS OF EMPLOYMENT  
FOR JOHN STEFANS, LEGISLATIVE ASSISTANT TO  
THE TOWN SUPERVISOR**

**COUNCILMAN BARTUNEK**

\_\_\_\_\_ offered the following resolution,  
which was seconded by ~~COUNCILWOMAN SANDERS~~

BE IT RESOLVED, THAT the terms and conditions of employment of John Stefans, Legislative Assistant to the Town Supervisor ("the employee") shall, effective July 26, 2004, be as follows:

**TERM**

1. These terms and conditions of employment shall continue in full force and effect until subsequently altered by Town Board resolution.
2. The employee is employed at the will of the Town Board and for no specific term or duration.

**HOURS OF WORK**

1. The employee's minimum basic work week shall be 35 hours. There shall be no maximum number of hours of work per week. The employee shall not receive additional compensation for holiday pay. The employee is not entitled to earn, accrue, or be paid for overtime or compensatory time.
2. The employee shall be entitled to the same paid holidays as are set forth in the 2004-2007 CSEA collective bargaining agreement,
3. (a) Five (5) days of personal leave will be granted.  
  
(b) Personal leave may not be accumulated and must be used within the calendar year earned, except that unused personal days at the end of each year shall be converted to sick time and may be used as sick time, subject to all the rules and pertaining to sick time.  
  
(c) Personal leave must be approved by the Town Supervisor. The employee must request such leave at least forty eight (48) hours in advance unless the personal leave is deemed to be an emergency of which the employee had no prior knowledge, in which case the employee must notify the Town Supervisor or designee of such absence. Failure to notify the Town Supervisor or designee of the absence will result in loss of pay for the day's absence.
4. Funeral Leave. The employee shall be entitled to four (4) consecutive working days

leave of absence computed either from the day of death or the day following death, at the employee's option, for the death of the employee's spouse, child (including adopted children), father, mother, brother, sister, parents, parents-in-law, grandparents, grandparents-in-law, grandchildren, daughter-in-law, brother-in-law, sister-in-law, son-in-law, or stepchild.

5. Jury Service. The employee will be paid the employee's regular salary while performing jury service upon documentary proof being filed with the Town Supervisor. The employee shall endorse the jury salary checks to the Town. Travel allowance or mileage compensation checks for jury service are to be retained by the employee.

6. Court Appearance. The employee's absence by reason of appearance as a defendant or witness on behalf of the Town in any court action involving the Town will be approved by the Town Supervisor for the number of days necessary. The employee shall not lose any salary therefrom.

7. Parentage Leave. The employee shall receive a parentage leave as defined in the 2004-2007 CSEA contract, Article III, Section 5.

### VACATIONS

1. The employee shall be entitled to 105 hours of vacation (January 1 to December 31) annually except during fiscal year 2004. For fiscal year 2004, the employee shall be entitled to a reduced vacation of 35 hours.

2. The employee, upon request, shall be paid the employee's vacation pay prior to the vacation, providing the employee shall have given three (3) weeks' notice to the Supervisor.

3. Upon retirement or termination of service, except for cause, the employee shall be compensated, in cash, for any accumulated vacation.

4. The employee may carry over any unused vacation days from one (1) year into the following year, but in no event shall the employee carry over more than 280 vacation hours from one year to the next.

5. The employee, at the employee's option, shall be entitled to make an election to work the current year's allotted vacation time. The employee must provide written notification to the Supervisor of the exercising of this option not fewer than thirty (30) days prior to the date of which payment is requested. The Supervisor is to acknowledge receipt of this notification to the payroll personnel prior to payment. Payment is to be processed during the next overtime run. Payment will be the same method as outlined in the 2002-2004 Superior Officers' Contract, Article IX, Section C, except that the buyback shall be in blocks of three days per month.

### SICK LEAVE

1. Sick leave is absence necessitated by the employee's illness or other physical disability. Sick leave will be accumulated at the rate of 14 hours per month, up to a total accumulated sick leave of 2100 hours. After 2100 hours, additional paid sick leave may be granted in the sole discretion of the Town Board. In order to receive sick leave, the employee shall, when absent because of sickness for more than three (3) days, furnish the Supervisor, when requested by him, with a medical certificate. Failure to furnish a medical certificate will result in loss of pay for absent days. The Town Board, in its discretion, may request a physical examination the employee before the employee's return to work.

2. The employee, or legal representative, upon retirement or severance, is entitled to cash payment for accumulated sick leave. Said payment shall be paid in a lump sum the value of the employee's accumulated and unused sick leave to the extent of one hundred (100%) percent of the first 1960 hours thereof.

3. The employee may elect to reduce the sick time accrued under paragraph "1" one by filing a written election with the Supervisor one (1) month prior to payment. Buy-out shall be in lots of 35 hours. No buy-out shall be permitted unless, at the time of election, the employee has accumulated at least 70 hours. The rate of pay shall be calculated at the time of payment based on a two hundred sixty (260) day work year. If the employee "buys-out" sick leave, the employee shall be permitted to reaccumulate sick days to a maximum of 2100 hours.

4. If the employee falls ill while on vacation then, upon presentation of a medical certificate certifying that the employee was confined to bed for more than five (5) working days during the vacation, may charge this illness to sick leave upon proper notification to the Supervisor and may take the same number of sick days as vacation days.

### **GRIEVANCE PROCEDURE**

#### **1. Consideration of Grievance.**

A grievance by the employee shall be made, in writing, to the Town Board. Upon receipt of the grievance, the Town Board may request the employee to submit any agreed statement of facts or the employee's version of the facts, or any other documents that the Town Board may deem pertinent to the determination of the appeal.

The Town Board shall conduct a hearing within twenty (20) business days of receipt of an appeal. Within twenty (20) business days after the hearing, the Town Board shall make a decision based on its findings and advise the employee. The decision of the Town Board shall be final and all parties bound thereby.

#### **2. Time of Hearings.**

All discussions and hearings shall, so far as practicable, be conducted during working hours.

3. Representation.

The employee shall have the right at all times to representation of the employee's choosing.

4. Limitations.

If a grievance occurs and cannot be resolved immediately, the employee shall obey all directives and shall present the grievance as soon thereafter as practicable. Grievances that are not presented within ten (10) days of the occurrence shall be deemed to have been abandoned.

5. Withdrawn Grievances.

The employee may withdraw a grievance at any point in the grievance procedure.

### **HEALTH INSURANCE**

1. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family coverage for hospitalization under the Town Health Insurance Program. These plans shall also provide that the Town pays for one hundred (100%) percent coverage for the employee if the employee retires from the Town and Town shall also pay to the extent of fifty (50%) percent coverage on the premiums for the employee's family.

2. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family plan for dental coverage under the Riverhead Town Dental Plan.

3. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family plan for optical coverage under the Riverhead Town Optical Plan.

4. Effective January 2005, the Town will offer a Universal Life Insurance policy, a disability insurance policy or participation in the New York State deferred compensation program. The employee may, at the employee's option, choose the life insurance, the disability insurance or the deferred compensation program, or any combination thereof. The cost of these policies to the Town may not exceed \$2,500.00. Any additional cost may be supplemented by the employee via a payroll deduction. The cost will be adjusted yearly based on the Consumer Price Index for New York and Northeastern New Jersey area for all Urban Consumers as produced by the U.S. Department of Labor, Bureau of Labor Statistics. The Base Year to be used will be 1989.

5. The employee, at the employee's option, may elect not to accept the Town's hospitalization coverage for a period of not less than one calendar year and receive the following

payment during the first full pay period of each year the election is made: \$1,650.00 if the employee changes from family to no coverage; \$900 if the employee changes from family to individual coverage; \$750 if the employee changes from individual to no coverage. Also, at the employee's option, the employee may elect not to accept the dental coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: \$230 if the employee changes from family to no coverage; \$150 if the employee changes from family to individual coverage; \$80 if the employee changes from individual to no coverage. Also, at the employee's option, the employee may elect not to accept the optical coverage for a period of not less than one calendar year and receive a payment of twenty five dollars (\$25.00) during the first full pay period of each year the election is made. The employee must sign an application form each year and said application shall include an acknowledgment that the employee is covered under another plan.

### **GENERAL PROVISIONS**

1. The Town agrees to provide legal counsel to defend the employee in any action arising out of an assault on the employee on Town business, and the Town hereby agrees to defend, indemnify, and hold the employee harmless for any and all acts performed for the Town, its agents and employees, provided the employee was acting within the scope of employment. In the event that the employee is appointed, authorized or directed by the Town or one of its agencies to represent it as a member of the board of directors of an organization or agency, then the employee shall be covered by the provisions of Public Officers Law Section 18 and Town Code Sections 15-1 and 15-2 pertaining to the defense and indemnification of officers and employees of public entities, provided the employee is otherwise eligible for coverage pursuant to the terms of those provisions.

2. If the employee is injured or assaulted in the course of employment, the employee shall receive full salary until such time as the employee's application for reinstatement to full duty status, or, in the event of permanent disability, the employee's application for a disability pension be finally determined or by a physician's examination determining no further disability, whichever comes first. If the employee is injured on the job and reports the same to the Supervisor, and has to be absent from work, no days shall be deducted from his sick leave for such injury. If the employee receives a compensation check for lost time due to a compensable injury, the employee shall endorse the employee's check over to the Town. The above shall apply if the employee was acting within the scope of employment.

3. A leave of absence, without pay, may be granted to the employee in the discretion of the Town Board for a maximum of six (6) months, upon written application therefore and good cause shown.

4. If the employee is absent without leave or without due notification to the Supervisor, the employee shall suffer loss of pay for the days of such absence.

5. The employee will be paid every two (2) weeks on Thursday of the latter week.

6. Upon the employee's request to examine the employee's official employment personnel file, the employee may be permitted to do so at the discretion of the Town Board. Any material classified as confidential shall not be subject to duplication by the employee, but the employee shall have an opportunity to read said material and make a written reply, which shall be inserted in the personnel folder.

7. To the extent permitted by the U.S. Internal Revenue Code and the New York State Income Tax Laws, the Town shall establish a deferred compensation plan for the employee.

8. The Town will provide a college and/or post-graduate incentive program for courses approved by the Town Board. The Town will reimburse the employee the tuition cost on a grade related basis. A grade of "A" will receive seventy five (75%) percent of the tuition cost. A grade of "B" will receive fifty (50%) percent of the tuition cost. A grade of "C" will receive twenty five (25%) percent of the tuition cost. Payment will only be made upon submission of voucher and proof of grade.

### WAGES

The employee shall receive the following annual salary: \$45,000 (prorated)

**THE VOTE**

Bartunek	<input checked="" type="checkbox"/> yes	<input 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**

07/20/04

# Adopted

## TOWN OF RIVERHEAD

Resolution # 674

### DETERMINES SIGNIFICANCE ON SITE PLAN APPLICATIONS OF EMB ENTERPRISES, LLC AND BOOM DEVELOPMENT (OLDE BAITING HOLLOW VILLAGE)

Councilman Densieski offered the following resolution which was  
seconded by Councilman Bartunek:

WHEREAS, the Riverhead Town Board is in receipt of site plan applications from EMB Enterprises, Inc. and Boom Development pursuant to Article XXVI of the Town Code of the Town of Riverhead to allow the construction and development of two separately owned parcels of real property located on the northeast and northwest corners of Sound Avenue and Park Road to allow for retail/commercial use, such properties being zoned both Business CR and RA-40, and specifically known as SCTM No. 0600-17-1-5.2; and 0600-17-1-1.1 respectively; and

WHEREAS, full Environmental Assessment Forms and supporting documentation have been submitted in connection with the applications, and

WHEREAS, the Town Board of the Town of Riverhead has adopted a Comprehensive Plan dated November 3, 2003; and

WHEREAS, the Comprehensive Plan has recommended that the subject properties retain their business and residential zoning; and

WHEREAS, the Planning Department has determined that while these are separate actions the development of these parcels as proposed will have potentially significant adverse environmental impacts that are generic or common, and

WHEREAS, the Planning Department has specifically found that the significant adverse environmental impacts include: impacts to land, water and public health, transportation and growth and community character and that the development may be in conflict with the designation of Sound Avenue as a scenic and historic corridor by the State, Suffolk County and the Town of Riverhead, and

**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

WHEREAS, the Planning Department has identified other vacant parcels within the immediate vicinity of the parcels currently proposed to be developed which are also zoned Business CR; and

NOW, THEREFORE, BE IT'

RESOLVED that the Town Board of the Town of Riverhead hereby determines itself to be Lead Agency pursuant to 6 NYCRR Part 617 in connection with the site plan application of EMB Enterprises, LLC and Boom Development, and be it further

RESOLVED, that the Town Board of the Town of Riverhead, as lead agency pursuant to 6 NYCRR Part 617, based upon the information provided to it by the applicants hereby determines that the site plan applications as proposed may have significant adverse environmental impacts in that they may have an adverse impacts upon groundwater, plants and animals, aesthetic resources, public health, noise, dust, and traffic and that it may be in conflict with the designation of Sound Avenue as a scenic and historic corridor, and be it further

RESOLVED that pursuant 6 NYCRR 617.7 the Town Board of the Town of Riverhead hereby determines that the application may have significant adverse environmental impacts as set forth above and in connection with the development of the Business CR zoned parcels within the immediate vicinity of the subject parcels; and be it further

RESOLVED that pursuant to 6 NYCRR 617.10(a)(1-3), the Riverhead Town Board determines that it is appropriate for it to prepare a Draft Generic Environmental Impact Statement to study the impacts that would potentially be created by the development of these two sites simultaneously in the configurations currently proposed as well as the nearby parcel also zoned Business CR; and it further

RESOLVED that pursuant to 6 NYCRR 617.8, the Riverhead Town Board will prepare a draft scope of issues to be addressed in the Draft Generic Environmental Impact Statement; and be it further

RESOLVED, that pursuant to 6 NYCRR 617.13 (a) the Town Board shall be entitled to charge a fee to the applicants in order to recover the actual costs of preparing the draft generic environmental impacts; and be it further

RESOLVED, that the Town Clerk be authorized to forward a copy of this resolution to the applicants, the Planning Department and the Town Attorney's office.

RESOLUTION # 675 ABSTRACT #30-04 JULY 14, 2004 (TBM 07/20/04)

Councilwoman Blass offered the following Resolution which was seconded by  
Councilman Densieski

FUND NAME		CD - NONE	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	0.00	381,682.82	\$ 381,682.82
ECONOMIC DEVELOPMENT ZONE FUN	30	0.00	851.45	\$ 851.45
HIGHWAY FUND	111	0.00	42,646.16	\$ 42,646.16
WATER DISTRICT	112	0.00	51,417.89	\$ 51,417.89
RIVERHEAD SEWER DISTRICT	114	0.00	49,219.11	\$ 49,219.11
REFUSE & GARBAGE COLLECTION DI	115	0.00	6,170.46	\$ 6,170.46
STREET LIGHTING DISTRICT	116	0.00	4,491.60	\$ 4,491.60
PUBLIC PARKING DISTRICT	117	0.00	2,614.13	\$ 2,614.13
AMBULANCE DISTRICT	120	0.00	841.09	\$ 841.09
EAST CREEK DOCKING FACILITY FU	122	0.00	25.76	\$ 25.76
CALVERTON SEWER DISTRICT	124	0.00	121.18	\$ 121.18
RIVERHEAD SCAVANGER WASTE DIST	128	0.00	20,271.55	\$ 20,271.55
CDBG CONSORTIUM ACOUNT	181	0.00	294.74	\$ 294.74
TOWN HALL CAPITAL PROJECTS	406	0.00	998,211.68	\$ 998,211.68
YOUTH SERVICES CAP PROJECT	452	0.00	1,859.92	\$ 1,859.92
MUNICIPAL FUEL FUND	625	0.00	1,170.17	\$ 1,170.17
MUNICIPAL GARAGE FUND	626	0.00	14,178.83	\$ 14,178.83
TRUST & AGENCY	735	0.00	41,730.18	\$ 41,730.18
CALVERTON PARK - C.D.A.	914	0.00	69.74	\$ 69.74
				\$ -
<b>TOTAL ALL FUNDS</b>		<b>0.00</b>	<b>1,617,868.46</b>	<b>\$ 1,617,868.46</b>

**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

July 20, 2004

**TOWN OF RIVERHEAD**

Resolution # 676

**CLASSIFIES ACTION SPECIAL PERMIT OF EUGENE COOK  
AND REFERS PETITION TO THE PLANNING BOARD**

**COUNCILMAN DENSIESKI**

offered the following resolution which

was seconded by **COUNCILWOMAN BLASS**

**WHEREAS**, the Riverhead Town Board is in receipt of a special permit application from Eugene Cook for demolition and reconstruction of a garage accessory to an existing two family dwelling located on a 0.55ac. parcel zoned Industrial A and identified as the same zoning under the Comprehensive Plan; such property more particularly described as SCTM 0600-119-2-16, and

**WHEREAS**, the Riverhead Planning Department has reviewed the submission and has recommended it to be a Type II action pursuant to 6NYCRR Part 617.5(c)(10) as construction, expansion or replacement of a minor residential accessory structure not changing land use or density, and

**WHEREAS**, pursuant to Part 617.3(f), 617.5(a) and 617.6(a)(1)(i), agency responsibilities for SEQR end with this designation with no determination of significance being necessary, and

**WHEREAS**, the Town Board desires the recommendations of the Riverhead Planning Board respecting planning and zoning issues, now

**THEREFORE, BE IT**

**RESOLVED**, that the Riverhead Town Board declares the special permit application of Eugene Cook to be a Type II action for the purposes of SEQR compliance, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be directed to refer the petition to the Riverhead Planning Board for their review and recommendation and is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant or his agent.

**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**