

Town Clerk

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

September 21st , 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:

- #859 Approves Site Plan of Riverhead Commerce Park (Lot #6 and #7)
- #860 Approves Amended Site Plan of Nextel of New York, Inc d/b/a Nextel Communications, Inc. (Cherry Creek)
- #861 Adopts a Local Law to Amend Chapter 64 of the Riverhead Town Code Entitled, "Fire Prevention" (Article XXIV Emergency Access for Gate Properties)
- #862 Accepts Cash Security of American Legion Post #273
- #863 Amends Appointment of a Beach Attendant/Concession Stand Operator V to the Riverhead Recreation Department (M. Segal)
- #864 Approves Application of the Hallockville Museum Farm and Folklife Center
- #865 Approves Chapter 90 Application of Northeast Organic Farming Association
- #866 Approves Chapter 90 Application of Riverhead Foundation for Marine Research and Preservation
- #867 Approves Special Permit of Eugene Cook
- #868 Approves Temporary Sign Permit of Riverhead Village Cleaners
- #869 Authorizes Attendance at a National Animal Control Association Training Course Workshop in Rochester, N
- #870 Authorizes the Supervisor to Enter into an Agreement
- #871 Authorizes the Supervisor to Execute a Renewal Agreement with the NYS Child and Adult Care Food Program (CACFP)
- #872 Authorizes Town Clerk to Advertise for Bids- Elton Street Sewage Pump Station Reconstruction- General and Mechanical Construction-RSD

- #873 Middle Road Traffic Control Project Budget Adjustment
- #874 Millbrook Gables Water Ext. Budget Adjustment
- #875 Ratifies Agreement to Form a Partnership with BiasHelp, Inc. to Submit Grant Application
- #876 Ratifies Appointment of a Beach Attendant/Concession Stand Operator IV to the Recreation Dept. (J. Marengo)
- #877 Ratifies Appointment of a P/T Recreation Aide/Skatepark to the Riverhead Recreation Dept. (J. Conklin)
- #878 Ratifies an Appointment of a P/T Recreation Aide/Skatepark to the Recreation Dept. (J. Marengo)
- #879 Sets Registration Fees for the Recreation Dept.
- #880 Awards Bid for RWD- Aquebogue Golf Resorts, Phase 2
- #881 Resolution Authorizing Supervisor to Execute Change Order No. 1- RWD-Millbrook Gables Development
- #882 Order Establishing Extension 80 to the RWD-Traditional Links
- #883 Order Establishing Lateral Water Main- Hounds Gate Development-RWD
- #884 Order Establishing Later Water Main-Kelbridge Meadows Development-RWD
- #885 Order Establishing Lateral Water Main-Roanoke Landing-RWD
- #886 Authorizes the Waiver of the Binding Arbitration Clause in the February 20, 2003, License Agreement entered into the New York Music Festival, LLC and the Riverhead Community Development Agency
- #887 Town Board Special Program Budget Adjustment
- #888 Appoints Custodial Workers I in the Buildings and Grounds Dept. (Joe Ortiz and William Merker)

- #889 General Fund Budget Adjustment
- #890 99 Oliver Street Chapter 96 Project Budget Adoption
- #891 Authorizes Town Supervisor to Execute Change Order for Renovations to Structure at 201 Howell Avenue
- #892 Authorizing the Supervisor to Sign the Modification to the Stipulation of the Settlement RE: Resolution 91-19049 Regarding the Closure of the Youngs Avenue Landfill
- #893 Classifies Action and Declares Lead Agency on Special Permit of Saf-T-Swim, and Refers Petition to the Planning Board
- #894 Authorization to Publish Advertisement for Dumpster Enclosure
- #895 Appoints Interpreter for Police Department and Justice Court
- #896 Authorizes the Supervisor to Execute an Agreement with Suffolk County for the Transfer of Vans to the Town to Transport Jurors during Court Construction Project
- #897 Authorizes Town Clerk to Publish and Post Notice of Public hearing to Consider an Amendment to the Zoning Use District Map of the Town of Riverhead
- #898 Approves Chapter 90 Application of Riverhead Elks Lodge #2044
- #899 Pays Bills

September 21st, 2004

TOWN OF RIVERHEAD

Resolution #859

Tabled

APPROVES SITE PLAN OF RIVERHEAD COMMERCE PARK

(Lot #6 & #7)

COUNCILMAN DENSIESKI

_____ offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____:

WHEREAS, a site plan and elevations were submitted by Riverhead Commerce Park Associates LLC to construct a three story 30,324 sq. ft. office building with related site improvements, located at 54 Commerce Drive, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-101-01-10.10 & 10.18; and

WHEREAS, the Planning Department has reviewed the site plan dated September 29th, 2003, as prepared by Young and Young, L.S. and elevations dated June 25th, 2003, 2003, as prepared by, Robert J. Gruber, R.A. 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 Receipt Number 2003- 1029 of the Office of Finance 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 Riverhead Commerce Park Associates LLC, for construction of a three story 30,324 sq. ft. office building together with related site improvements, located at 54 Commerce Drive, Riverhead, New York, site plan dated September 29th, 2003 as prepared by Young and Young, L.S., and elevations dated June 25th, 2003, as prepared by Robert J. Gruber, R.A. be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan 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, Riverhead Commerce Park Associates, LLC hereby

the Town of Riverhead to enter premises at 54 Commerce Drive, Riverhead, New York, to enforce said handicapped parking regulations;

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

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Richard Israel, Esq., 185 Old Country Road, Suite #5, Riverhead, New York 11901, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

DECLARATION AND COVENANTS

THIS DECLARATION, made the ____ day of _____, 2004 made by Riverhead Commerce Park Associates, LLC., residing at 185 Old Country Road, Suite #5, Riverhead, New York 11901, 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 54 Commerce Drive, 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;

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;

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

RIVERHEAD COMMERCE PARK
ASSOCIATES LLC

State of New York, County of Suffolk) ss.:

On the ___ day of _____ in the year 2004, before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

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

September 21st, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 860

**APPROVES AMENDED SITE PLAN OF NEXTEL OF NEW YORK INC.
D/B/A NEXTEL COMMUNICATIONS INC. (CHERRY CREEK)**

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by **COUNCILWOMAN SANDERS** :

WHEREAS, a site plan and elevations were submitted by, Nextel of New York (d/b/a Nextel Communications) to collocate three (3) sets of antennas with additional equipment cabinets onto an existing tower located at 900 Reeves Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-18-2-1.3; and

WHEREAS, the Planning Department has reviewed the site plan dated July 16th, 2004, as prepared by Gary W. Musciano R.A., and elevations dated July 16th, 2004, as prepared by Gary W. Musciano, R.A., has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

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

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

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 2004-0729 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 three (3) sets of antennas with additional equipment cabinets onto an existing tower located at Old Country Road, Riverhead, New York, site plan dated July 16th, 2004 as prepared by Gary W. Musciano, R.A., and elevations dated July 16th, 2004 as prepared by Gary W. Musciano, 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 provisions 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 Reeves 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 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.

DECLARATION AND COVENANTS

THIS DECLARATION, made the ____ day of _____, 2004, made by Cherry Creek, Inc., 900 Reeves Avenue, Riverhead, New York 11901
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 all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening measures.
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. 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 900 Reeves 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 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;

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

CHERRY CREEK INC.

State of New York, County of Suffolk) ss.:

On the ___ day of _____ in the year 2004, before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

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

9/21/04

Adopted

TOWN OF RIVERHEAD

Resolution # 861

ADOPTS A LOCAL LAW TO AMEND CHAPTER 64 OF THE RIVERHEAD TOWN CODE ENTITLED "FIRE PREVENTION" (Article XXIV Emergency Access For Gated Properties)

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

COUNCILWOMAN SANDERS

_____ :

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 64 of the Riverhead Town Code entitled, "Fire Prevention" (Article XXIV Emergency Access For Gated Properties); and

WHEREAS, a public hearing was held on the 17th day of August, 2004 at 2:15 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 64 of the Riverhead Town Code entitled, "Fire Prevention" (Article XXIV Emergency Access For Gated Properties) 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 Fire Marshal; Building Department; Planning Department and the Town Attorney.

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 64 of the Riverhead Town Code entitled, "Fire Prevention" (Article XXIV Emergency Access For Gated Properties) at its regular meeting held on September 21, 2004 as follows:

ARTICLE XXIV
Emergency Access For Gated Properties

§ 64-68. When effective.

This article shall be effective as of the date of enactment of this chapter and shall apply to new construction and any building alterations or change of use that requires compliance with the current New York State code.

§ 64-69. Security gates.

The installation of security gates across an emergency vehicle access road shall comply with the provisions of the Fire Code of New York State. Access shall be provided for emergency vehicles as follows and same requires the approval of the Fire Chief and Fire Marshal.

Security gate required features:

- A. Access gate shall be provided with a keypad entry system.
- B. Coded numbers will be designated by the Fire Chief and Police Chief for Fire, Ambulance, and Police department emergency access.
- C. All access gates shall be designed to unlock with a readily accessible manual releasing device and be capable of being locked open during an emergency.
- D. During a power failure, all access gates shall be designed to fail in the open position.
- E. A Knox key box shall be installed at the gate in all gated communities.
- F. Access gate shall not obstruct the required minimum fire department access road.

§ 64-70. Enforcement.

This article shall be enforced as permitted by the Municipal Home Rule Law, the Fire Marshal, the Code Enforcement Officers, the Building Inspector or CEO or any other individual duly authorized by a Town Board resolution.

Dated: Riverhead, New York
September 21, 2004

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

* Underline represents addition(s)

BARBARA GRATTAN, Town Clerk

TOWN OF RIVERHEAD

Adopted

Resolution # 862

ACCEPTS CASH SECURITY OF AMERICAN LEGION POST 273

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, the American Legion Post #273 has posted a cash security in the sum of Ten Thousand Dollars (\$10,000) representing the 5% site plan security as noted in the approved site plan dated August 17, 2004 Resolution #750 for an addition to the building located at 89 Hubbard Avenue, Riverhead, New York, Suffolk County Tax Map # 600-112.-1-12, pursuant to Section 108-133 (I) of the Riverhead Town Code;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 5% cash security in the sum of Ten Thousand Dollars (\$10,000); 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 Lawrence Judd, American Legion Post #273, 89 Hubbard Avenue, Riverhead, New York 11901, 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
Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

9/21/04

Adopted

TOWN OF RIVERHEAD

Resolution # 863

**AMENDS APPOINTMENT OF A BEACH ATTENDANT / CONCESSION
STAND OPERATOR V
TO THE RIVERHEAD RECREATION DEPARTMENT
COUNCILWOMAN SANDERS**

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

WHEREAS, Resolution #795 was adopted on September 7, 2004 appointing Meyer Segal as a Beach Attendant/ Concession Stand Operator V to the Riverhead Recreation Department which stated: Meyer Segal is hereby appointed to serve as a Beach Attendant / Concession Stand Operator V effective August 20, 2004 to and including September 6, 2004, to be paid at the rate of \$10.00 per hour, and to serve at the pleasure of the Town Board.

NOW THEREFORE, BE IT RESOLVED, that Resolution #795 adopted September 7, 2004 appointing Meyer Segal as a Beach Attendant/ Concession Stand Operator V to the Riverhead Recreation Department be changed to read: Meyer Segal is hereby appointed to serve as a Beach Attendant / Concession Stand Operator V effective August 20, 2004 to and including September 30, 2004, to be paid at the rate of \$10.00 per hour, and to serve at the pleasure of the Town Board.

NOW BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward a certified copy of this Resolution to Meyer Segal, the Recreation Department and the Office of Accounting.

1

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

¹ Rec. Doris/Amd Res Beach Attnd. Concess Meyer Segal 2004

9/21/04

TOWN OF RIVERHEAD

Adopted

Resolution # 864

APPROVES APPLICATION OF THE HALLOCKVILLE MUSEUM FARM AND FOLKLIFE CENTER

COUNCILWOMAN BLASS

_____ offered the following resolution, was seconded by
COUNCILMAN BARTUNEK

WHEREAS, The Hallockville Museum Farm and Folklife Center has submitted an application for the purpose of conducting a fall festival to be held at the Hallockville Museum, 6038 Sound Avenue, Riverhead, New York, between the hours of 10:00 a.m. and 5:00 p.m. on Sunday, October 3, 2004; and

WHEREAS, the Hallockville Museum Farm and Folklife Center has requested the application fee for this event be waived; and

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

NOW THEREFORE BE IT RESOLVED, that the application of the Hallockville Museum Farm and Folklife Center for the purpose of conducting a fall festival to be held at the Hallockville Museum, 6038 Sound Avenue, Riverhead, New York, between the hours of 10:00 a.m. and 5:00 p.m. on Sunday, October 3, 2004 is hereby approved; and be it further

RESOLVED, that the Riverhead Town Board hereby waives the application fee for this event; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment to ensure compliance with the New York State Fire Code; and be it further

RESOLVED, that approval of this event is subject to the following:

- Submission of a traffic and parking plan approved by the Riverhead Police Department *no later than September 24, 2004*;
- Receipt of proper Health Department permits for any food service;
- There will be no ground fires or open flames unless approved by the Riverhead Fire Marshal; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified Copy of this resolution to the Hallockville Museum, 6038 Sound Avenue, Riverhead, New York 11901, Attn: Jennifer Neely; the Riverhead Fire Marshal; the Office of the Town Attorney and the Riverhead Police Department.

THE VOTE *abstain*

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

9/21/04

TOWN OF RIVERHEAD

Adopted

Resolution # 865

APPROVES CHAPTER 90 APPLICATION OF NORTHEAST ORGANIC FARMING ASSOCIATION

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

WHEREAS, Northeast Organic Farming Association has submitted a Chapter 90 application for the purpose of conducting a NOFA Expo and Food & Music Festival at the Golden Earthworm Farm located at 652 Peconic Bay Boulevard, Jamesport, New York, to be held on October 2, 2004, having a rain date of October 3, 2004, between the hours of 11:00 a.m. and 5:00 p.m.; and

WHEREAS, the applicant has requested the application fee be waived due to their not-for-profit status; and

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

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

NOW THEREFORE BE IT RESOLVED, that the Chapter 90 application of Northeast Organic Farming Association for the purpose of conducting a NOFA Expo and Food & Music Festival at the Golden Earthworm Farm located at 652 Peconic Bay Boulevard, Jamesport, New York, to be held on October 2, 2004, having a rain date of October 3, 2004, between the hours of 11:00 a.m. and 5:00 p.m., is hereby approved; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the application fee; and be it further

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

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. Northeast Organic Farming Association shall contact the Riverhead Fire Marshal at least three days in advance at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Northeast Organic Farming Association, P.O. Box 612, Calverton, New York, 11933; the Riverhead Fire Marshal and Chief Hegermiller, Riverhead Police 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

9/21/04

TOWN OF RIVERHEAD

Adopted

Resolution # 866

APPROVES CHAPTER 90 APPLICATION OF RIVERHEAD FOUNDATION FOR MARINE RESEARCH AND PRESERVATION

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DENSIESKI

WHEREAS, the Riverhead Foundation For Marine Research and Preservation has submitted a Chapter 90 Application for the purpose of conducting a 5K Foot Race, said course to include a portion of East Main Street in front of the former Sweezey's building, Riverside Drive, ending at McDermott Avenue behind Atlantis Marine World, to be held on Saturday, October 23, 2004 between the hours of 6:00 a.m. and 12:00 noon; and

WHEREAS, the applicant has requested the application fee be waived due to its not-for-profit status; and

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

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

NOW THEREFORE BE IT RESOLVED, that the Chapter 90 Application of the Riverhead Foundation For Marine Research and Preservation for the purpose of conducting a 5K Foot Race at the aforementioned locations to be held on Saturday, October 23, 2004 between the hours of 6:00 a.m. and 12:00 noon, is hereby approved; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Foundation For Marine Research and Preservation, Attn: Lynn Yacobellis, 467 East Main Street, Riverhead, New York, 11901; the Riverhead Fire Marshal and Chief Hegermiller, Riverhead Police 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

September 21, 2004

TOWN OF RIVERHEAD

Adopted

Resolution # 867

APPROVES SPECIAL PERMIT PETITION OF EUGENE COOK

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

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Eugene Cook for demolition and reconstruction of a garage, accessory to an existing two family dwelling located on a 0.55 acre parcel zoned Industrial A located at West Main Street, Riverhead, New York; such property more particularly described as Suffolk County Tax Map Number 0600-119-2-16, and

WHEREAS, the Riverhead Town Board by resolution #676 of 2004 declared themselves Lead Agency, and

WHEREAS, the Town Board has referred the petition to the Riverhead Planning Board, such Planning Board recommending the granting of the petition unconditionally, and

WHEREAS, the Town Clerk has referred the petition to the Suffolk County Planning Commission pursuant to Section 239-m of the General Municipal Law; such Planning Commission declaring the matter to be one of local determination, and

WHEREAS, the Town Board has carefully considered the merits of the petition, the SEQRA record created to date, the report of the Planning Department, the report of the Planning Board, as well as all other pertinent planning, zoning and environmental information, now

THEREFORE, BE IT

RESOLVED, that in the matter of the special permit petition of Eugene Cook, the Riverhead Town Board determines the action to be an Unlisted action pursuant to 6NYCRR Part 617 without significant adverse impacts upon either the natural and social environment and that an Environmental Impact Statement need not be prepared, and

BE IT FURTHER

RESOLVED, that the subject special permit petition conforms to the provisions of Section 108-51 of the Riverhead Zoning Ordinance and the public hearing is hereby waived, and

BE IT FURTHER

RESOLVED, that in the matter of the special permit petition of Eugene Cook the Riverhead Town Board hereby makes the following findings:

1. That the premises is located within the Industrial A Zoning Use District;
2. That the subject premises are improved by a two family dwelling and frame and concrete garage;
3. That the residential use of said premises is a pre-existing, non-conforming use;
4. That the applicant proposes to demolish the existing garage and construct a new larger structure pursuant to site plan;
5. That the health, safety, welfare, comfort and order of the Town will not be adversely affected by the proposed land use;
6. That the proposed land use will be in harmony with and promote the general purposes and intent of the Town of Riverhead Zoning Ordinance; and

BE IT FURTHER

RESOLVED, that based upon its findings, the Riverhead Town Board hereby grants the special permit petition of Eugene Cook to allow the expansion of a pre-existing, non-conforming use upon premises located at West Main Street, Riverhead, New York, such special permit use to commence within a period of two (2) years from the date of this resolution and conditioned upon the use of the improvement for garage use, exclusively, and

BE IT FURTHER

RESOLVED, that copies of this resolution be forwarded to the Planning Board, Building Department, and Eugene Cook or his agent.

Rh/planning

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

September 21, 2004

Tabled

TOWN OF RIVERHEAD
Resolution # 868

APPROVES TEMPORARY SIGN PERMIT OF
RIVERHEAD VILLAGE CLEANERS

COUNCILWOMAN SANDERS

_____ offered the following resolution, which was seconded by

COUNCILMAN BARTUNEK

WHEREAS, a temporary sign permit and sketch were submitted by Riverhead Village Cleaners for property located at 749 Old Country Road, Riverhead, New York also known as 0600/104.00-02-016.16; 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 the 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 Riverhead Village Cleaners submitted by Duck Lee and be it

RESOLVED, that said temporary sign permit shall expire on October 29, 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 Riverhead Village Cleaners, Att: Duck Lee, 10890 Sound Avenue, Mattituck, New York 11952, 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~~

Tabled

Adopted

September 7, 2004

TOWN OF RIVERHEAD

Resolution # 869

**AUTHORIZES ATTENDANCE AT A NATIONAL ANIMAL CONTROL ASSOCIATION
TRAINING COURSE**

WORKSHOP IN ROCHESTER, NY

COUNCILMAN BARTUNEK

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

WHEREAS, the National Animal Control Association is conducting a Training Course in Albany, New York, September 27 to October 4, 2004, and

WHEREAS, Sean McCabe, Animal Control Officer has requested to attend this Workshop; and

NOW, THEREFORE, BE IT, RESOLVED, that the Town Board hereby authorizes the attendance of the aforementioned personnel at the Workshop in Albany, New York, with reimbursement of expenses upon submission of proper receipts; and

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

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

September 21, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 870

AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT

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

WHEREAS, a Juvenile Accountability Block Grant, from the New York State Division of Criminal Justice Services, has been awarded to the Town of Riverhead to fund the establishment of a Juvenile Accountability Database and Gang Prevention Training at the Riverhead Middle School and at Pulaski Street School; and

WHEREAS, Supervisor Cardinale has requested authorization from the Town Board to sign and submit the grant application on behalf of the Town and the Riverhead Police Department.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to enter into an agreement with the New York State Division of Criminal Justice Services.

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

THE VOTE

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

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

9/21/04

Adopted

TOWN OF RIVERHEAD

Resolution # 871

**AUTHORIZES THE SUPERVISOR TO EXECUTE A RENEWAL AGREEMENT
WITH THE NYS CHILD AND ADULT CARE FOOD PROGRAM (CACFP)
COUNCILMAN BARTUNEK**

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

WHEREAS, the current agreement with the NYS Child and Adult Care Food Program will expire on September 30, 2004; and

WHEREAS, the Town of Riverhead, as a sponsoring organization providing adult day care, is entitled to reimbursement from the NYSDOH for meals served to participants in the Town's Adult Care Program;

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute the attached Agreement with the NYSChild and Adult Care Food Program; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Riverhead Town Seniors Program, the Office of the Town Attorney and the Office of Accounting.

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

9/21/04

RESOLUTION # 872

Adopted

AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS
ELTON STREET SEWAGE PUMP STATION RECONSTRUCTION
GENERAL & MECHANICAL CONSTRUCTION
ELECTRICAL CONSTRUCTION
RIVERHEAD SEWER DISTRICT

Adopted _____

COUNCILWOMAN BLASS

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

RESOLVED, that the Town Clerk be and is authorized to publish in the September 30, 2004, edition of The News Review and post the attached Notice to Bidders with regard to receiving bids for the Elton Street Sewage Pump Station Reconstruction: General & Mechanical Construction and Electrical Construction contracts, and be it further

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

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

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

H2M GROUP
NOTICE TO BIDDERS

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

General & Mechanical Construction – Contract No. RDSD 0307-G

Electrical Construction – Contract No. RDSD 0307-E

for the **Elton Street Sewage Pump Station Reconstruction** for the Riverhead Sewer District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, at 10:00 AM prevailing time, on Thursday October 28, 2004, at which time and place the bids will be publicly opened and read.

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

Town Clerk, Town of Riverhead
Town Hall, 200 Howell Avenue
Riverhead, New York 11901
(631) 727-3200

Holzmacher, McLendon & Murrell, P.C.
575 Broad Hollow Road
Melville, New York 11747
(631) 756-8000 (Ext. 1012)

Copies of the contract documents may be obtained at the Riverhead Town Hall (Town Clerk's Office) on or after September 30, 2004 upon deposit of One Hundred Dollars (\$100.00) in cash, certified check, bank money order or postal money order, made payable to the TOWN OF RIVERHEAD for each set furnished. Deposits for Plans and Specifications will be refunded to Bidders as described in the Information To Bidders section of the Specifications.

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

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

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

ACTING AS THE GOVERNING BODY
OF THE RIVERHEAD SEWER DISTRICT

BARBARA GRATTAN, TOWN CLERK

Adopted

SEPTEMBER 21, 2004

TOWN OF RIVERHEAD

MIDDLE ROAD TRAFFIC CONTROL PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 873

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>
406.051820.523013.40104	TRAFFIC LIGHT INSTALLATION	\$5,200	
406.051820.543502.40104	ENGINEERING EXP.		\$5,200

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

SEPTEMBER 21, 2004

Adopted

TOWN OF RIVERHEAD

MILLBROOK GABLES WATER EXT.

BUDGET ADJUSTMENT

RESOLUTION # 874

COUNCILMAN DENSIESKI

_____ offered the following resolution,

which was seconded by _____ COUNCILWOMAN SANDERS _____.

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

		<u>FROM</u>	<u>TO</u>
406.083200.547900.30022	CONTINGENCY	\$2,210	
406.083200.523002.30022	WATER MAIN CONSTRUCTION		\$2,210

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

September 21, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 875

RATIFIES AGREEMENT TO FORM A PARTNERSHIP WITH BiasHELP, INC. TO SUBMIT GRANT APPLICATION

COUNCILWOMAN BLASS

seconded by COUNCILMAN DENSIESKI offered the following resolution, which was

WHEREAS, funding from the Office of Juvenile Justice and Delinquency Prevention exists to help support violence prevention programs that target youths in our community; and

WHEREAS, BiasHELP, Inc. provides these violence prevention programs in Long Island schools and serves as the lead agency for this initiative and is applying for this funding from the OJJDP to support this effort; and

WHEREAS, BiasHELP, Inc. is proposing implementation of the Families And Schools Together (FAST) program, a multifamily support group process, in the Riverhead elementary schools, in conjunction with the Riverhead Police Department Juvenile Aid Bureau and to establish a FAST team comprised of school, parent and Police Department representatives; and,

WHEREAS, Chief David J. Hegermiller has requested authorization from the Town Board to act as the main contact person and enter into an agreement, on behalf of the Town and the Riverhead Police Department, with BiasHELP, Inc. to implement the FAST program in the Town of Riverhead.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby designates Chief David J. Hegermiller as the contact person for the FAST program and ratifies the submission of the agreement to BiasHELP, Inc.

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

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

9/21/04

Adopted

TOWN OF RIVERHEAD

Resolution # 876

RATIFIES APPOINTMENT OF A BEACH ATTENDANT / CONCESSION STAND OPERATOR IV TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by _____

COUNCILMAN BARTUNEK

RESOLVED, that James Marengo is hereby appointed to serve as a Beach Attendant / Concession Stand Operator III effective August 20, 2004 to and including September 6, 2004, to be paid at the rate of \$9.00 per hour, and to serve at the pleasure of the Town Board; and

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

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

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

1

THE VOTE

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

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Colleen/ Res Beach Attnd. Concess James Marengo 2004

9/21/04

Adopted

TOWN OF RIVERHEAD

Resolution # 877

RATIFIES APPOINTMENT OF A P/ T RECREATION AIDE/ SKATEPARK TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN SANDERS

_____ offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____

RESOLVED, that Jason Conklin is hereby appointed to serve as a P/T Recreation Aide effective August 16, 2004 to and including September 30, 2004, 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 NOT
THEREFORE DULY ADOPTED

¹ Rec. Colleen/ Res Skatepark Jason Conklin 2004

9/21/04

Adopted

TOWN OF RIVERHEAD

Resolution # 878

RATIFIES APPOINTMENT OF A P/ T RECREATION AIDE/ SKATEPARK TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

RESOLVED, that James Marengo is hereby appointed to serve as a P/T Recreation Aide effective August 16, 2004 to and including September 30, 2004, to be paid at the rate of \$9.00 per hour, and to serve at the pleasure of the Town Board; and

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

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

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

1

THE VOTE

Bartunek <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

9/21/04

Adopted

TOWN OF RIVERHEAD

Resolution # 879

SETS REGISTRATION FEES FOR THE
RIVERHEAD RECREATION DEPARTMENT
COUNCILWOMAN BLASS

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

RESOLVED, that the Town Board sets the Registration Policy and fees for the 2004 Fall/ 2005 Winter Recreation Department Program Brochure.

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

1

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

9/21/04

RESOLUTION # 880

Adopted

AWARDS BID
RIVERHEAD WATER DISTRICT
AQUEBOGUE GOLF RESORTS, PHASE 2

Adopted _____

COUNCILWOMAN BLASS

_____ offered the following resolution

which was seconded by **COUNCILMAN BARTUNEK**, _____,

WHEREAS, this Town Board did authorize the advertisement for bids for Aquebogue Golf Resorts, Phase 2, and

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

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

WHEREAS, by letter dated September 14, 2004, H2M, consulting engineers to the Riverhead Water District, did recommend that the bid be awarded to Alessio Pipe & Construction co. of Huntington Station, New York, in the amount of \$116,645,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for Aquebogue Golf Resorts, Phase 2 be and is hereby awarded to Alessio Pipe & Construction Co. in the amount of \$116,645,

and be it further

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

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

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

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

THE VOTE

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

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Adopted

9/21/04

RESOLUTION # 881

TOWN OF RIVERHEAD

RESOLUTION AUTHORIZING SUPERVISOR TO
EXECUTE CHANGE ORDER No. 1
RIVERHEAD WATER DISTRICT
MILLBROOK GABLES DEVELOPMENT

Adopted _____

COUNCILMAN DENSIESKI

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

RESOLVED, that the Supervisor be and is hereby authorized to
execute Change Order No. 1 for the project known as the Millbrook
Gables Development and be it further

RESOLVED, that the Town Clerk shall forward a certified copy
of this resolution to H2M; Frank Isler, Esq.; Roy Wanser, Inc.;
Accounting Department; and Gary Pendzick.

RESOLUTION PREPARED BY FRANK A. ISLER, ESQ.
SUBMITTED BY 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

9/21/04

RESOLUTION # 882

Adopted

TOWN OF RIVERHEAD

ORDER ESTABLISHING EXTENSION 80
TO THE RIVERHEAD WATER DISTRICT
TRADITIONAL LINKS

Adopted _____

Councilperson COUNCILMAN BARTUNEK offered the following
resolution which was seconded by Councilperson COUNCILMAN DENSIESKI,

WHEREAS, a petition has been filed by the developers for the development known as Traditional Links in Baiting Hollow, New York, covering property located along the north side of Sound Avenue at Friars Head, Riverhead, to provide water facilities to their parcel of land located just outside the boundaries of the existing Water District, and

WHEREAS, a map and plan detailing the proposed construction of water mains and appurtenances has been prepared by H2M, consulting engineers to the Riverhead Water District for an extension to the Riverhead Water District to be known as Extension No. 80, and

WHEREAS, a private water service consisting of a 12 inch master meter with backflow prevention and a service line of cement lined ductile iron diameter water main will be installed by the owner at its sole cost and expense. At the option of the owner, a similar private service and main may be installed at the extension of Palane Avenue North if needed for firematic purposes. No public water mains are to be installed at this time and no monies are to be expended for this extension since it will be served by a private water service, and

WHEREAS, the petitioner will be required to pay key money as follows:

Clubhouse	\$36,000
Golf house	\$26,250
Training center	\$ 6,000
Maintenance shop	\$ 1,750

As plans are developed which call for additional buildings, key money will be determined by the Superintendent at the time of the hook-up, and

WHEREAS, the Town Board called a public hearing for September 7, 2004, which hearing was held and all persons wishing to be heard

were heard,

NOW, THEREFORE, BE IT

RESOLVED that the Town Board, upon the proceeding and record of the hearing had herein, determines that the extension to the Riverhead Water District to be known as Extension No. 80 as shown on Exhibit A attached is in the best interest of the district and will benefit the property to be served, which extension shall serve property located along the north side of Sound Avenue at Friars Head Farm, Riverhead,

BE IT FURTHER RESOLVED that the Town Board determines that the installation of the water mains and appurtenances is a Type II action pursuant to the State Environmental Quality Review Act which will not have a significant impact upon the environment, and

BE IT FURTHER RESOLVED, that this extension is conditioned and shall not become effective until the conditions contained herein are complied with, and

BE IT FURTHER RESOLVED, that the installation of said mains and appurtenances shall be constructed subject to the following conditions:

1. The owners grant a permanent, unobstructed subsurface easement for the installation and maintenance of water mains and appurtenances within the proposed extension;

2. The developer will deposit cash, bank or certified check with the Town of Riverhead prior to the buildings being connected covering the cost of key money for each building as outlined above;

3. That the petitioner execute an acknowledgment evidencing their acceptance of the terms and conditions of this resolution and agree to be bound by it before it shall become effective; such acknowledgment to be filed with the Town Clerk, and it is further

RESOLVED, that when the conditions called for herein have been completed, the Town Clerk shall cause a copy of this Order to be recorded in the Office of the Clerk of Suffolk County and filed with the New York State Comptroller, and it is further

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

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

EXHIBIT "A"

**RIVERHEAD WATER DISTRICT
ENGINEERING REPORT
FOR
PROPOSED EXTENSION NO. 80**

TRADITIONAL LINKS

DESCRIPTION OF EXTENSION

AUGUST 2004

All this certain lot, parcel of land, said property being known as Section 41, Block 1, Lot 10.5, situated and lying and being at Riverhead Water District, Town of Riverhead, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point formed by the easterly right-of-way of Baywood Drive and the northerly right-of-way of Sound Avenue and having a radius of 40.00 feet and a length of 62.83 feet.

Traveling easterly along the northerly right-of-way of Sound Avenue a distance of 1,011.61 feet to a point formed by the northerly right-of-way of Sound Avenue and the westerly property line of Section 41, Block 1, Lot 4.2.

THENCE running easterly along the northerly right-of-way line of Sound Avenue, the following three (3) bearings and distances:

- | | | |
|----|-------------------|-------------|
| 1. | S 60° - 41'-20" E | 178.42 feet |
| 2. | S 73° - 19'-20" E | 143.95 feet |
| 3. | S 89° - 53'-20" E | 213.24 feet |

to a point formed by the northerly right-of-way of Sound Avenue and the westerly property line of Section 41, Block 1, Lot 10.5.

THENCE running northerly along the westerly property line of Section 41, Block 1, Lot 10.5 the following two (2) bearings and distances:

- 1. N 21° - 30'-10" W 353.23 feet
- 2. N 21° - 43'-20" W 219.00 feet

to a point formed by the westerly property line of Section 41, Block 1, Lot 10.5 and a line parallel to Sound Avenue running easterly. Said parallel line being a distance of 500.00 feet north of the northerly right-of-way of Sound Avenue. Said point being the POINT OF BEGINNING.

From said POINT OF BEGINNING, running northerly along the westerly property line of Section 41, Block 1, Lot 10.5 the following three (3) bearings and distances:

- 1. N 21° - 43'-20" W Approximately 804.00 feet
- 2. N 21° - 12'-00" W 1,714.68 feet
- 3. N 21° - 05'-30" W 2,181.33 feet

to a point known as the westerly property line of Section 41, Block 1, Lot 10.5 and the property line known as "tie line along average high water mark" in the Long Island Sound.

THENCE running easterly along the property line known as "tie line along average high water mark" also known as the northerly property line of Section 41, Block 1, Lot 10.5 the following three (3) bearings and distances:

- 1. N 85° - 35'-10" E 1,062.68 feet
- 2. N 89° - 40'-23" E 1,082.63 feet
- 3. N 82° - 41'-28" E 486.04 feet

to a point known as the easterly property and the northerly property line of Section 41, Block 1, Lot 10.5.

THENCE running southerly along the easterly property line of Section 41, Block 1, Lot 10.5 the following three (3) bearings and distances:

- 1. S 17° - 09' - 30" E 377.20 feet
- 2. S 19° - 11' - 30" E 680.00 feet
- 3. S 18° - 49' - 00" E Approximately 2,851.00 feet

to a point formed by the easterly property line of Section 41, Block 1, Lot 10.5 and a line parallel to Sound Avenue running westerly. Said parallel line being a distance of 500 feet north of the northerly right-of-way line of Sound Avenue.

THENCE running westerly along said parallel line an approximate distance of 2,378 feet to a point known as said POINT OF BEGINNING

END OF DESCRIPTION

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

9/21/04

RESOLUTION # 883

Adopted

TOWN OF RIVERHEAD

ORDER ESTABLISHING LATERAL WATER MAIN
HOUNDS GATE DEVELOPMENT
LATERAL WATER MAIN
RIVERHEAD WATER DISTRICT

Adopted _____

COUNCILWOMAN SANDERS

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

WHEREAS, petition has been filed by the developer of Hounds Gate Development for the installation of a lateral water main of the Riverhead Water District to serve their realty subdivision, and

WHEREAS, said plan provides for the installation of approximately 700 linear feet of twelve inch diameter water main to be installed across the frontage of the property along the north side of Route 25A, plus approximately 850 feet of eight inch water main to service the 27 new dwelling units, and

WHEREAS, the petitioner will be required to pay key money in the amount of \$2,500 for each proposed dwelling unit for a total cost of \$67,500, and

WHEREAS, a public hearing was held September 7, 2004, and all those wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead, as governing body of the Riverhead Water District, hereby approves the lateral water main of Hounds Gate Development, subject to the following conditions:

1. The applicant has posted a bond or secured a letter of credit issued by a commercial banking institution, doing business in the Town of Riverhead, in the form satisfactory to counsel to the Water District, in the amount of \$67,500 which is equal to \$2,500 key money for each dwelling unit within the proposed subdivision. Said \$2,500 to be paid upon the earlier of the happening of two events: (a) an application for a certificate of occupancy; (b) two years from the date hereof;

2. The applicant has posted a bond or secured a letter of credit issued by a commercial banking institution, doing business in the Town of Riverhead, in the form satisfactory to

counsel to the Water District, in the amount of \$100,000;

3. A grant of a sub-surface easement to the Riverhead Water District covering all locations of the proposed water main installation, and be it further

RESOLVED that the bid contemplated herein shall not be awarded unless approved by the petitioner or his successors in title, and be it further

RESOLVED, that the terms and conditions of this Order shall be accepted and agreed to by the petitioner owner whose consent shall be duly acknowledged and shall be binding on the heirs and assigns of the petitioner and shall run with the land and be it further

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

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

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

Tabled

9/21/04

TOWN OF RIVERHEAD

ORDER ESTABLISHING LATERAL WATER MAIN
KELBRIDGE MEADOWS DEVELOPMENT
LATERAL WATER MAIN
RIVERHEAD WATER DISTRICT

Adopted

10-19-2004

Adopted _____

COUNCILMAN DENESKI

_____ offered the following resolution which

was seconded by **COUNCILWOMAN SANDERS**, _____,

WHEREAS, petition has been filed by the developer of Kelbridge Meadows Development for the installation of a lateral water main of the Riverhead Water District to serve their realty subdivision, and

WHEREAS, said plan provides for the installation of approximately 900 feet of eight inch diameter water main to be installed along the westerly side of Josie Court in order to service eleven dwelling units, and

WHEREAS, the petitioner will be required to pay key money in the amount of \$2,500 for each proposed dwelling unit for a total cost of \$27,500, and

WHEREAS, a public hearing was held September 7, 2004, and all those wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead, as governing body of the Riverhead Water District, hereby approves the lateral water main of Kelbridge Meadows Development, subject to the following conditions:

1. The applicant has posted a bond or secured a letter of credit issued by a commercial banking institution, doing business in the Town of Riverhead, in the form satisfactory to counsel to the Water District, in the amount of \$27,500 which is equal to \$2,500 key money for each dwelling unit within the proposed subdivision. Said \$2,500 to be paid upon the earlier of the happening of two events: (a) an application for a certificate of occupancy; (b) two years from the date hereof;

2. The applicant has posted a bond or secured a letter of credit issued by a commercial banking institution, doing business in the Town of Riverhead, in the form satisfactory to counsel to the Water District, in the amount of \$61,000;

3. A grant of a sub-surface easement to the Riverhead Water District covering all locations of the proposed water main installation, and be it further

RESOLVED that the bid contemplated herein shall not be awarded unless approved by the petitioner or his successors in title, and be it further

RESOLVED, that the terms and conditions of this Order shall be accepted and agreed to by the petitioner owner whose consent shall be duly acknowledged and shall be binding on the heirs and assigns of the petitioner and shall run with the land and be it further

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

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

TOWN BOARD MEETING OF OCTOBER 19, 2004

COUNCILMAN DENSIESKI OFFERED THE RESOLUTION TO BE BROUGHT OFF THE TABLE, SECONDED BY COUNCILWOMAN SANDERS, .

ALL MEMBERS IN FAVOR OF UNTABLING THE RESOLUTION.

COUNCILMAN DENSIESKI OFFERED THE RESOLUTION FOR ADOPTION, WHICH WAS SECONDED BY COUNCILWOMAN SANDERS.

ALL MEMBERS IN FAVOR OF THE ADOPTION.

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 type="checkbox"/> yes	<input type="checkbox"/> no

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

Tabled

Adopted

10 19 2004

Adopted

9/21/04

RESOLUTION # 885

TOWN OF RIVERHEAD

ORDER ESTABLISHING LATERAL WATER MAIN
ROANOKE LANDING
LATERAL WATER MAIN
RIVERHEAD WATER DISTRICT

Adopted _____

COUNCILMAN DENSIESKI

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

WHEREAS, petition has been filed by the developer of Roanoke Landing Subdivision for the installation of a lateral water main of the Riverhead Water District to serve their realty subdivision, and

WHEREAS, said plan provides for the installation of approximately 4,100 feet of eight inch water main within the interior roadways of the development in order to service thirty-two new dwelling units. Additional connections to an existing 12" main on Dolphin Way and an existing 6" main on Waterview Court are also required, with all costs to be borne by the petitioner, and

WHEREAS, the petitioner will be required to pay key money in the amount of \$2,500 for each proposed dwelling unit for a total cost of \$80,000, and

WHEREAS, a public hearing was held September 7, 2004, and all those wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead, as governing body of the Riverhead Water District, hereby approves the lateral water main of Roanoke Landing, subject to the following conditions:

1. The applicant has posted a bond or secured a letter of credit issued by a commercial banking institution, doing business in the Town of Riverhead, in the form satisfactory to counsel to the Water District, in the amount of \$80,000 which is equal to \$2,500 key money for each dwelling unit within the proposed subdivision. Said \$2,500 to be paid upon the earlier of the happening of two events: (a) an application for a certificate of occupancy; (b) two years from the date hereof;

2. The applicant has posted a bond or secured a letter of credit issued by a commercial banking institution, doing

business in the Town of Riverhead, in the form satisfactory to counsel to the Water District, in the amount of \$222,000;

3. A grant of a sub-surface easement to the Riverhead Water District covering all locations of the proposed water main installation, and be it further

RESOLVED that the bid contemplated herein shall not be awarded unless approved by the petitioner or his successors in title, and be it further

RESOLVED, that the terms and conditions of this Order shall be accepted and agreed to by the petitioner owner whose consent shall be duly acknowledged and shall be binding on the heirs and assigns of the petitioner and shall run with the land and be it further

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

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

TOWN OF RIVERHEAD

Adopted

Resolution # 886

**AUTHORIZES THE WAIVER OF THE BINDING ARBITRATION CLAUSE IN THE
FEBRUARY 20, 2003, LICENSE AGREEMENT ENTERED INTO BETWEEN THE
NEW YORK MUSIC FESTIVAL, LLC, AND THE RIVERHEAD COMMUNITY
DEVELOPMENT AGENCY**

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DENSIESKI .

WHEREAS, the Riverhead Community Development Agency (the "CDA") executed a license agreement dated February 20, 2003, with New York Music Festival, LLC (the "Licensee"), whereby the Licensee was to hold a concert at the Calverton Enterprise Park, and

WHEREAS, paragraph 16 of the agreement provides for binding arbitration to resolve disputes related to the agreement, and

WHEREAS, the Licensee did not hold the concert as planned, and

WHEREAS, the Licensee has asserted claims against the Town and the CDA, and others, and initiated binding arbitration under the agreement, and

WHEREAS, the Licensee commenced an action in court involving related disputes arising out of this same transaction, and

WHEREAS, the Town Attorney and the Town's special counsel recommend litigating the claim in the pending lawsuit because it would be more economical to the CDA and would provide the opportunity to pursue all remedies in one forum, and

WHEREAS, the Licensee has agreed to waive paragraph 16 of the agreement so that its disputes with the CDA may be resolved in court, and

WHEREAS, the CDA wishes to waive paragraph 16 of the agreement so that its disputes with the Licensee may be resolved in court instead of by binding arbitration,

NOW, THEREFORE, BE IT RESOLVED that:

The Town Board of the Town of Riverhead hereby authorizes the Town's special counsel to execute an agreement that waives paragraph 16 of the license agreement so that the above-referenced disputes may be resolved in court;

and be it further

RESOLVED, that the Town Clerk is hereby directed to deliver a certified copy of this resolution to the Town Supervisor, the Town Attorney and the Town's special counsel Smith Finkelstein, Lundberg, Isler and Yakaboski, LLP, 456 Griffing Avenue, Riverhead NY 11901.

This Resolution was prepared by Phil Siegel, of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, special counsel to the CDA.

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

SEPTEMBER 21, 2004

Adopted

TOWN OF RIVERHEAD

TOWN BOARD SPECIAL PROGRAM

BUDGET ADJUSTMENT

RESOLUTION # 887

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>
024.000000.390599	APPROPRIATED FUND BALANCE	\$236,000	
024.031200.524101	VEHICLE ACQUISITION		\$236,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

SEPTEMBER 21, 2004

Adopted

TOWN OF RIVERHEAD

APPOINTS CUSTODIAL WORKERS I
IN THE BUILDINGS AND GROUNDS DEPARTMENT

RESOLUTION # 888

COUNCILMAN BARTUNEK

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

WHEREAS, there exists two vacancies of Custodial Worker I in the Buildings and Grounds Department; and

WHEREAS, the position of Custodial Worker I was duly posted (posting #15-2004); and

WHEREAS, it is the recommendation of the Personal Committee that Joe Ortiz and William Merker be appointed to the positions of Custodial Worker I.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby ratifies the appointment of Joe Ortiz to the position of Custodial Worker I effective September 20, 2004 and appoints William Merker to the position of Custodial Worker I effective October 4, 2004 on Group 1 Step P of the Salary Administration Schedule; and

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a Certified Copy of this Resolution to Joe Ortiz, William Merker, the Engineering Department and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

SEPTEMBER 21, 2004

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADDJUSTMENT

RESOLUTION # 889

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>
001.031200.524222	POLICE, CAMERA EQUIP.	\$680	
001.031200.524260	POLICE, TYPEWRITERS		\$680

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

SEPTEMBER 21, 2004

Adopted

TOWN OF RIVERHEAD

99 OLIVER STREET CHAPTER 96 PROJECT

BUDGET ADOPTION

RESOLUTION # 890

COUNCILMAN DENSIESKI

_____ offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____

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

		<u>FROM</u>	<u>TO</u>
406.010100.411000.41049	PROPERTY TAX	\$3,240	
406.086660.540000.41049	CONTRACTUAL EXP. – CLEANUP		\$2,500
406.086660.549001.41049	ADMINISTRATION FEE		740

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

09/21/04

Adopted

RESOLUTION # 892

AUTHORIZING THE SUPERVISOR TO SIGN THE
MODIFICATION TO THE STIPULATION OF SETTLEMENT

RESOLUTION # 91-19049

REGARDING THE CLOSURE OF THE YOUNGS AVENUE LANDFILL

Adopted _____

COUNCILWOMAN BLASS

_____ offered, the following resolution

COUNCILMAN BARTUNEK

which was seconded by _____

WHEREAS, the New York State Department of Environmental Conservation has requested a modification to the Stipulation of Settlement entered into under Index No. 91-19049 to change the billing for the environmental monitor from a quarterly cycle to a annual cycle; and

WHEREAS, the modification will bill monitoring expenses on a flat fee basis which is more advantageous to the Town, and

WHEREAS, the substantive provisions of the Stipulation are not being modified, including the provision that under no circumstances will the Town be charged more than \$ 30,000 per year for the cost of the monitor; and

WHEREAS, the annual billing is more advantageous to the Town as well;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute the modification in the form annexed hereto on behalf of the Town; and it is further

RESOLVED, that Frank Isler, as special counsel to the Town, is authorized to sign the modification on behalf of the Town; and it is further

RESOLVED that the Town Clerk is hereby directed to forward a certified copy of this resolution to Frank A. Isler, Esq., the Town Attorney and John J. Hansen.

THIS RESOLUTION WAS PREPARED BY FRANK A. ISLER SPECIAL COUNSEL TO THE TOWN BOARD.

THE VOTE

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

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

1 631 7274130 SMITH, FINKELSTEIN, L

MODIFICATION TO THE MONITOR PROVISIONS CONTAINED AT PARAGRAPHS I.A.7, I.B-B.2, I.B.6, AND I.B.7 OF STIPULATION OF SETTLEMENT #91-19049 ISSUED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

1. Paragraphs I.A.7, I.B-B.2, I.B.6, and I.B.7 of Stipulation of Settlement, Index #91-19049, which sets forth the method of funding the Environmental Monitor, are hereby revised to read as follows:
 - (a) Funds required to support the monitoring requirements shall be provided to the Department for funding of environmental compliance activities related to the operation of the Town's Facility. This sum is based on annual Environmental Monitor service costs. Subsequent annual payments shall be made for the duration of this Stipulation to maintain an account balance sufficient to meet the next year's anticipated expenses. One semi-annual payment shall be made for the period beginning October 1, 2004 to March 31, 2005, and thereafter the Town shall be billed annually for each fiscal year beginning April 1, 2005.
 - (b) The Department may revise the required payment on an annual basis to include all costs of monitoring to the Department. The annual revision may take into account factors such as inflation, salary increases, changes in operating hours and procedures, and the need for additional Environmental Monitors. Upon written request by the Town, the Department shall provide that entity with a written explanation of the basis for any modification. If such a revision is required, the Department will notify the Town of such a revision no later than 60 days in advance of any such revision.
 - (c) Prior to making its annual payment, the Town will receive and have an opportunity to review an annual work plan for activities that the Department will undertake pursuant to the Stipulation, during the year.
 - (d) Payments are to be made within 30 days of receiving a bill from the Department. Payments for this account shall be in addition to any other funds previously paid by the Town for environmental monitoring services prior to October 1, 2004.
2. The Town shall not be liable for any costs pursuant to this modification, in excess of an annual amount of thirty thousand dollars (\$30,000).
3. The obligation under this Section (I.B.) shall terminate if a change in law occurs such that a monitor for this subject facility would no longer be required by law and/or regulation.
4. All other provisions of the Stipulation of Settlement shall remain in full force and effect.
5. The effective date of this modification to the Stipulation of Settlement is the date it is entered by the Court.

September 21, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 893

**CLASSIFIES ACTION AND DECLARES LEAD AGENCY
ON SPECIAL PERMIT SAF-T-SWIM,
AND REFERS PETITION TO THE PLANNING BOARD**

COUNCILMAN BARTUNEK

offered the following resolution which

was seconded by _____

COUNCILWOMAN BLASS

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Jake Watral pursuant to Section 108-45B.(14) and Article XXVIA of the Riverhead Town Code, to undertake internal renovations within an existing industrial building including a 37,600gal. swimming pool for the purpose of operating a child swimming instructional facility as a recreational use on 6.1ac. of land zoned Industrial A; such property more particularly described as SCTM 0600-119-1-28.5&28.6 (aka 28.7), and

WHEREAS, a Full Environmental Assessment Form and supporting documentation was submitted as part of the petition, and

WHEREAS, the Riverhead Planning Department has reviewed these materials and has determined the petition to be an Unlisted action pursuant to 6NYCRR Part 617 for which coordinated review is optional and in this case unnecessary, and

WHEREAS, the Riverhead Planning Department has prepared a staff SEQR report outlining the project impacts, and

WHEREAS, the Town Board desires the recommendations of the Riverhead Planning Board respecting planning and zoning issues prior to a determination of significance, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declares itself to be the lead agency for the special permit application of Saf-T-Swim which it classifies as an Unlisted action, and

BE IT FURTHER

RESOLVED, that this classification be considered effective on any related site plan approval, 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 Deñsieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Adopted

September 21, 2004

TOWN OF RIVERHEAD

Resolution # 894

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR DUMPSTER ENCLOSURES

COUNCILMAN DENSIESKI offered the following resolution,

COUNCILMAN BARTUNEK which was seconded by

WHEREAS; the Town Clerk is authorized to publish and post a notice to bidders for DUMPSTER ENCLOSURES and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following in the September 30, 2004 issue of the News Review.

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

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the purchase of **DUMPSTER ENCLOSURES** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **9:30 on October 13, 2004**.

Plans and specifications may be examined and obtained September 22, **2004** at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

A refundable fee of \$50.00 via check made payable to the Town of Riverhead, or cash will be required for each copy of the contract documents.

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR DUMPSTER ENCLOSURES**.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

9/21/04

Adopted

TOWN OF RIVERHEAD

Resolution # 895

APPOINTS INTERPRETER FOR POLICE DEPARTMENT AND JUSTICE COURT

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

COUNCILWOMAN BLASS.

WHEREAS, the Town, in connection with its municipal operations, requires services consisting of the following: Language Translation; and

WHEREAS, Lou Ann Walker, Contractor, is willing to provide the following services to the Town:

Description of Services:	Language Translation – Sign
Date(s) and Hours of Service:	On – call, Flexible

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute the Agreement in connection with interpreter services of the aforementioned individual; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Lou Ann Walker, P.O. Box 2131, Sag Harbor, New York, 11963; Police Chief David Hegermiller; Justice Richard Ehlers; Justice Allen Smith; the Office of Accounting and the Town Attorney’s Office.

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

AGREEMENT

BETWEEN, **THE TOWN OF RIVERHEAD**, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as "**TOWN**" and **LOU ANN WALKER**, residing at P.O. Box 2131, Sag Harbor, New York, 11901, hereinafter referred to as "**CONTRACTOR**".

WITNESSETH

WHEREAS, the Town, in connection with its municipal operations, requires services consisting of the following: Language Translation; and

WHEREAS, the contractor is willing to provide the following services to the Town:

Description of services: Language Translation – Sign
Date(s) and Hours of Services: On-call, Flexible

IT IS HEREBY AGREED, by the Town and Contractor as follows:

1. That Contractor shall provide and fully perform to the Town's satisfaction the aforementioned services to the Town on the date(s) and times(s) stated above.
2. In return for Contractor's services, the Town shall pay Contractor as follows: The sum of Fifty (\$50.) Dollars for the first (1st) hour of service (two (2) hour minimum) and Fifty (\$50.) Dollars for each hour, or part thereof, thereafter. That sum shall be payable after the Contractor performs the services described for the Town and after contractor has filed with the Town of Riverhead, vouchers and any other documents reasonably required for payment.

Dated: Riverhead, New York
September , 2004

TOWN OF RIVERHEAD

By: _____
PHILIP CARDINALE
Town Supervisor

CONTRACTOR

By: _____
LOU ANN WALKER

Inter-Municipal Agreement with Town of Riverhead for Transfer of 3 Paratransit Vans

Inter-Municipal Agreement

This Agreement ("Agreement") is between the **County of Suffolk ("County")**, a municipal corporation of the State of New York, located at the H. Lee Dennison Building, 100 Veterans Memorial Highway, Hauppauge, New York 11788; and

Town of Riverhead ("Town"), a municipal corporation of the State of New York, located at 200 Howell Avenue, Riverhead New York.

The parties hereto desire to enter into an inter-municipal cooperative agreement to transfer three (3) paratransit vehicles from the County to the Town in accordance with Suffolk County Legislative Resolution No. 896-2004.

Term of Agreement: September 1, 2004 through completion of construction for the Court project or the completion of permanent parking in association with the project, whichever occurs first.

Terms and Conditions: Shall be as set forth in Exhibits A through C, attached.

In Witness Whereof, the parties hereto have executed this Agreement as of the latest date written below.

Town of Riverhead

County of Suffolk

By: _____

By: _____

Supervisor

Paul Sabatino, II

Fed. Taxpayer ID

Chief Deputy County Executive

Date: _____

Date: _____

Approved as to Legality:
Christine Malafi,
Suffolk County Attorney

Approved:
Department of Public Works

By: _____

By: _____

Cynthia Kay Parry

Charles Bartha, Commissioner

Assistant County Attorney

Date: _____

Date: _____

List of Exhibits

Exhibit A

General Terms and Conditions

1. Transfer of Vans to and from Town
2. Addresses for Notices, Claims, Reports
3. Gratuities
4. No Compensation Due

Exhibit B

Suffolk County Legislative Resolution No. 896–2004, Authorizing the Department of Public Works to Transfer Three (3) Paratransit Vans to the Town of Riverhead

Exhibit C

Town of Riverhead Resolution

9/21/04

Adopted

TOWN OF RIVERHEAD

Resolution # 896

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH SUFFOLK COUNTY FOR THE TRANSFER OF VANS TO THE TOWN TO TRANSPORT JURORS DURING THE COURT CONSTRUCTION PROJECT

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

WHEREAS, the parking area behind the Supreme Court complex on Griffing Avenue in Riverhead has been closed as part of Suffolk County's Capital Project for the construction of additional courtrooms; and

WHEREAS, the Town of Riverhead has identified available alternative parking resources in close proximity to the Supreme Court complex for jurors and any parties that are attending the Supreme Court; and

WHEREAS, the County has offered to transfer title to three vans to the Town to be used to transport jurors and any parties attending the Supreme Court from the parking areas identified by the Town to the Supreme Court complex on Griffing Avenue;

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute the attached Agreement with Suffolk County for the transfer of three vans to be used to transport jurors and any parties attending the Supreme Court from the parking areas to the Supreme Court complex; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Riverhead Town Engineer, the Office of the Town/Attorney and the Office of Accounting.

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

Inter-Municipal Agreement with Town of Riverhead for Transfer of 3 Paratransit Vans

For the Town:

Town Supervisor
Town of Riverhead
200 Howell Avenue
Riverhead, New York 119

- b. Any communication or notice regarding termination or litigation shall be deemed to have been duly made upon receipt by the parties at the following addresses, or at such other addresses that may be specified in writing by the parties:

For the County

Christine Malafi, County Attorney
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, New York 11788

and

For the Town:

Town Attorney
Town of Riverhead
200 Howell Avenue
Riverhead New York 119

- c. Each party shall give prompt written notice to the other party of the appointment of successor(s) to the designated contact person(s) or his or her designated successor(s).

3. Gratuities

The Town represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

4. No Compensation Due

The parties agree that no compensation is due to either party for the provision of the vans or the transfer of title.

End of Text for Exhibit A

Exhibit A
General Terms and Conditions

Whereas, the County, through Suffolk County Resolution No. 896-2004, is desirous of working cooperatively with the Town during the construction phase for the Court facilities in Riverhead;

Now Therefore, the parties hereto desire to enter into an inter-municipal cooperative agreement to transfer three (3) paratransit vehicles from the County to the Town in accordance with Suffolk County Legislative Resolution No. 896-2004.

1. Transfer of Vans to and from Town

- a. The County shall provide to the Town the following three (3) paratransit vehicles and shall transfer title to the Town for each vehicle:

VIN # 1FDXE45F3YHA47343

VIN # 1FDXE45F5YHB85126

VIN # 1FDXE45F7YHB85127

- b. The Town shall utilize the three (3) paratransit vehicles to provide shuttle bus service between the Court facilities in Riverhead and outlying parking areas while the current facility is under construction.
- c. Upon completion of the Court project or the completion of permanent parking in association with the project, whichever occurs first, the Town shall return the vehicles to the Suffolk County Department of Public Works and transfer title of the vehicles to the County of Suffolk..

2. Addresses for Notices, Claims, Reports

- a. Any communication, notice, report or other submission necessary or required to be made by the parties regarding this Agreement shall be deemed to have been duly made upon receipt by the County or Town or their designated representative at the following address or at such other address that may be specified in writing by the parties:

For the County:

Department of Public Works
Commissioner
335 Yaphank Avenue
Yaphank, New York 11980-9744

and

Intro. Res. No. 1770-2004

Laid on Table 8/10/2004

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. 896 -2004, AUTHORIZING
THE DEPARTMENT OF PUBLIC WORKS TO
TRANSFER THREE (3) PARATRANSIT VANS TO
THE TOWN OF RIVERHEAD**

WHEREAS, the town of Riverhead needs three vehicles to provide shuttle bus service between the Court facilities in Riverhead and outlying parking areas while the current facility is under construction; and

WHEREAS, the town has requested the County to provide three Paratransit vehicles for their use; and

WHEREAS, the Department of Public Works has in its inventory three vehicles which will become available upon arrival of new Paratransit vans due in August 2004; now, therefore, be it

RESOLVED, this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR"), the Legislature has no further responsibilities under SEQRA; and be it further

RESOLVED, that the Suffolk County Department of Public Works is hereby authorized to transfer title of the vehicles listed below to the Town of Riverhead:

<u>YEAR</u>	<u>MAKE / MODEL</u>	<u>VIN</u>	<u>FLEET #</u>
2000	Coach & Equipment	1FDXE45F3YHA47343	9439
2000	Coach & Equipment	1FDXE45F5YHB85126	2022
2000	Coach & Equipment	1FDXE45F7YHB85127	2023

RESOLVED, that upon completion of the Court project or the completion of permanent parking in association with that project, whichever occurs first, the Town of Riverhead shall be required to return the vehicles to the Suffolk County Department of Public Works and transfer title of the vehicles to the County of Suffolk.

DATED: **AUG 24 2004**

APPROVED BY:

Paul Schlotnick
County Executive of Suffolk County

CHIEF DEPUTY COUNTY EXECUTIVE

Date: *August 27, 2004*

RECEIVED
AUG 31 2004

DEPT. OF PUBLIC WORKS
OFFICE OF THE COMMISSIONER

9/21/04

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 897

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE ZONING USE DISTRICT MAP OF THE TOWN OF RIVERHEAD

COUNCILWOMAN BLASS

COUNCILMAN DENSIESKI

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider an amendment to Chapter 108 entitled "Zoning" and the attendant Zoning Use District Map of the Riverhead Town Code in the September 30th, issue of the News- Review, the newspaper designated as the official newspaper of the Town of Riverhead, and to post notice upon the sign board in the office of the Town Clerk, and

BE IT FURTHER

RESOLVED, the Town Clerk shall transmit a certified copy of this resolution to the Planning Department and the Office of the Town Attorney.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Deñsieski yes ___ no
Cardinale yes ___ no

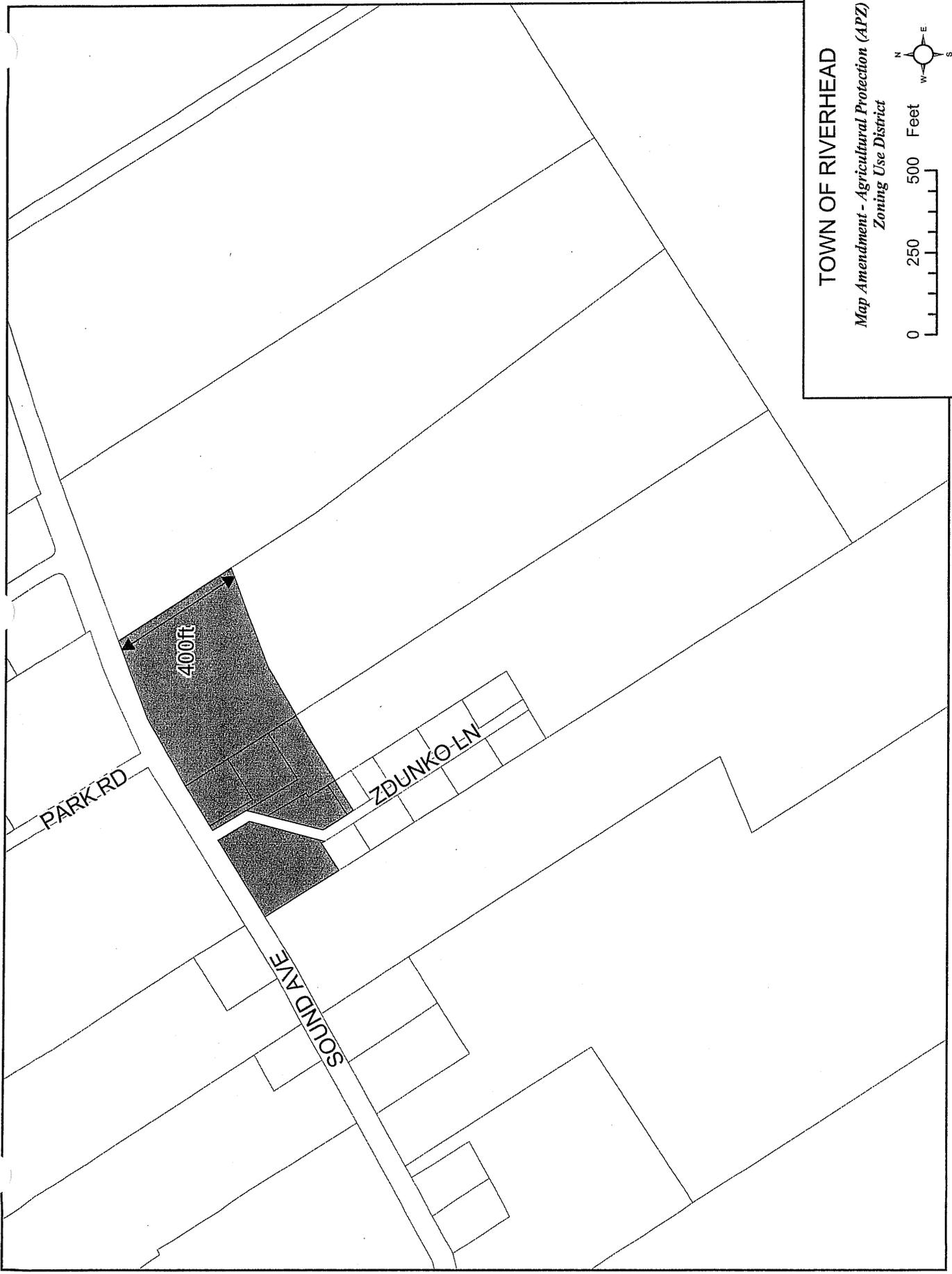
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

PLEASE TAKE NOTICE, that a public hearing will be held on the 5th day of October, 2004, at 7:25 p.m. at 200 Howell Avenue, Riverhead, New York, to hear all interested parties to consider a local law to amend Chapter 108 entitled "Zoning" and the attendant Zoning Use District Map of the Town of Riverhead in accordance with the attached map.

DATED: September 21st. 2004
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK



TOWN OF RIVERHEAD
Map Amendment - Agricultural Protection (APZ)
Zoning Use District

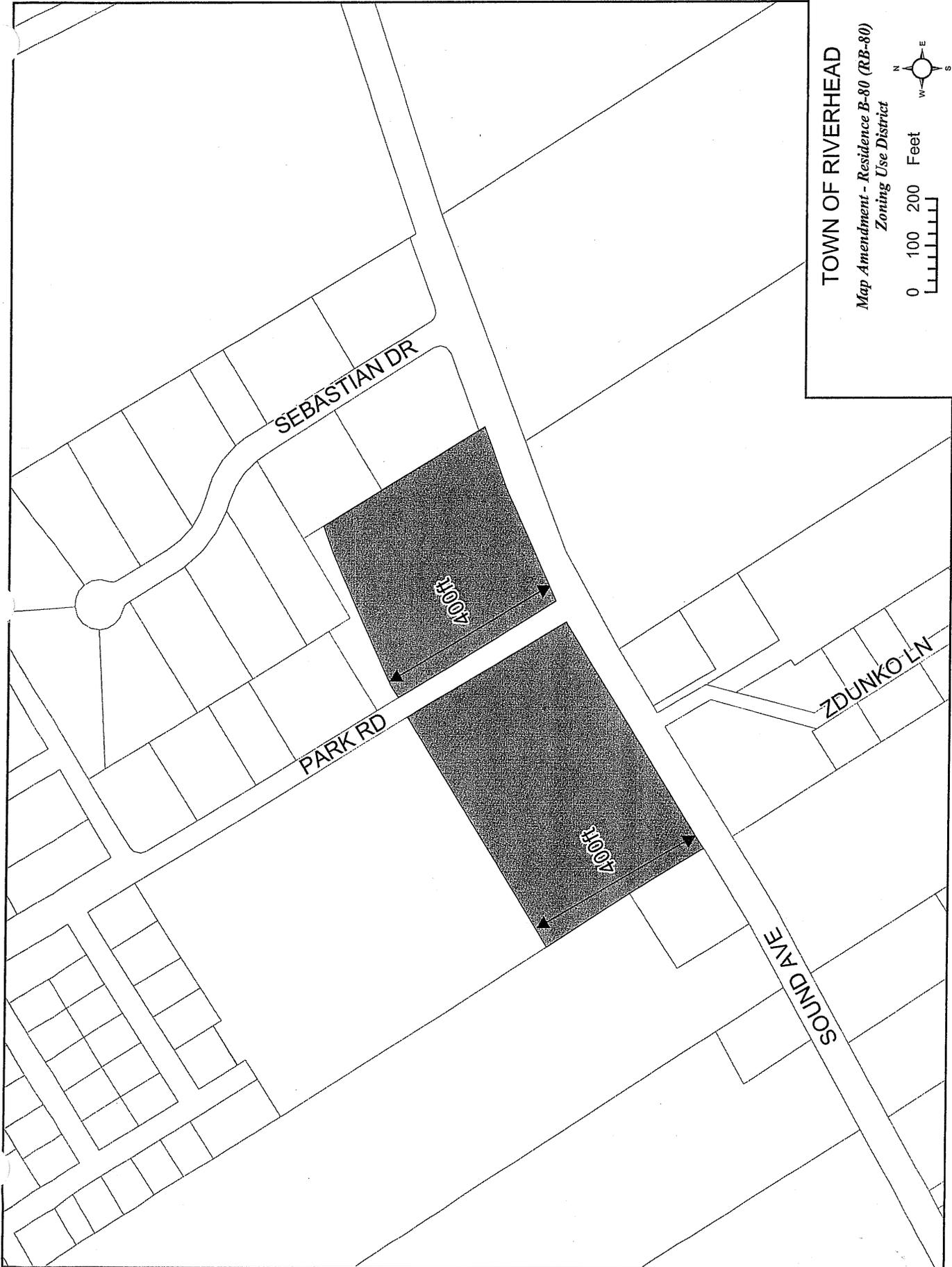
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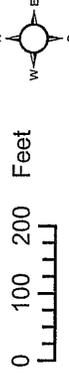
Agricultural Protection (APZ) Zoning Use District

Source: Town of Riverhead Planning Department, 20 September 2004;
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY



TOWN OF RIVERHEAD

*Map Amendment - Residence B-80 (RB-80)
Zoning Use District*



Residence B-80 (RB-80) Zoning Use District

Source: Town of Riverhead Planning Department, 21 September 2004;
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY

APPROVES THE CHAPTER 90 APPLICATION OF RIVERHEAD ELKS LODGE #2044

Councilman Densieski offered the following resolution, was seconded by

Councilman Bartunek :

WHEREAS, the Riverhead Elks Lodge #2044 has submitted a Chapter 90 application for the purpose of conducting lawn mower, bicycle and electric car races to be held at the Riverhead Elks Lodge located on 1239 East Main Street, Riverhead, New York, on October 3, 2004, having a rain date of October 10, 2004, to be held between the hours of 12:30 p.m. and 5:30 p.m.; and

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

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

WHEREAS, the Riverhead Elks Lodge #2044 has requested the application fee for this event be waived due to their not-for-profit status; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application and is of the understanding that all proceeds from this event shall be for the benefit of the Riverhead Elks Lodge #2044.

NOW THEREFORE BE IT RESOLVED, that the application of the Riverhead Elks Lodge #2044 for the purpose of conducting the actual lawn mower, bicycle and electric car racing to be held from approximately 1:00 p.m. to 4:00 p.m. is hereby approved; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the application fee; and be it further

RESOLVED, that the applicant is hereby directed to notify all adjacent neighbors of the Elks Club property of the time and date of this event prior to its commencement by letter notice mailed to those residences by registered or certified mail; and be it further

RESOLVED, that the races will be conducted on the Elks Lodge property no closer than 300 feet from its property line closest to Daly Court; and be it further

RESOLVED, that the race area will be treated with either "dust down" prior to the event so as to reduce or eliminate any airborne dust particles; and be it further

RESOLVED, that should the conditions of this approval be violated that the Riverhead

Police Department shall have the authority to revoke the permit; and be it further

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

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Riverhead Elks Lodge #2044, the Riverhead Fire Marshal and Chief David Hegermiller, Riverhead Police Department.

Adopted

RESOLUTION # <u>899</u> ABSTRACT #39-04 SEPTEMBER 16, 2004 (TBM 09/21/04)				
offered the following Resolution which was seconded by				
FUND NAME		CD - 09/15/04	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	\$ 4,875,000.00	863,386.58	5,738,386.58
POLICE ATHLETIC LEAGUE	4	\$ 16,000.00	224	16,224.00
TEEN CENTER FUND	5	\$ 16,000.00	862.35	16,862.35
RECREATION PROGRAM FUND	6	\$ 74,000.00	7,623.64	81,623.64
SR NUTRITION SITE COUNCIL	7	\$ 3,500.00		3,500.00
D.A.R.E. PROGRAM FUND	8	\$ 2,500.00		2,500.00
CHILD CARE CENTER BUILDING FUN	9	\$ 50,000.00	53.47	50,053.47
R.I.F.T.A. FUND	23	\$ 45,000.00	3626.74	48,626.74
TOWN BOARD SPECIAL PROGRAM	24	\$ 270,000.00		270,000.00
YOUTH COURT SCHOLARSHIP FUND	25	\$ 1,500.00		1,500.00
SENIOR CITIZEN DAY CARE CENTER	27	\$ 50,000.00	2,089.06	52,089.06
COMMUNITY P.E.T.S. SHELTER	28	\$ 12,000.00		12,000.00
ECONOMIC DEVELOPMENT ZONE FUND	30	\$ 50,000.00	3,188.28	53,188.28
HIGHWAY FUND	111	\$ 750,000.00	119,112.69	869,112.69
WATER DISTRICT	112	\$ 850,000.00	113,151.96	963,151.96
REPAIR & MAINTENANCE	113	\$ 1,400,000.00		1,400,000.00
RIVERHEAD SEWER DISTRICT	114	\$ 1,550,000.00	42,771.48	1,592,771.48
REFUSE & GARBAGE COLLECTION DI	115	\$ 850,000.00	7,488.59	857,488.59
STREET LIGHTING DISTRICT	116	\$ 540,000.00	8,562.68	548,562.68
PUBLIC PARKING DISTRICT	117	\$ 90,000.00	5,324.62	95,324.62
BUSINESS IMPROVEMENT DISTRICT	118	\$ 18,000.00	3,411.31	21,411.31
AMBULANCE DISTRICT	120	\$ 285,000.00	174.2	285,174.20
EAST CREEK DOCKING FACILITY FU	122	\$ 85,000.00	1,032.87	86,032.87
CALVERTON SEWER DISTRICT	124	\$ 145,000.00	5,057.80	150,057.80
RIVERHEAD SCAVANGER WASTE DIST	128	\$ 835,000.00	23,427.40	858,427.40
SEWER DISTRICT FUND	130	\$ 110,000.00		110,000.00
WORKERS' COMPENSATION FUND	173	\$ 900,000.00	6,324.42	906,324.42
RISK RETENTION FUND	175	\$ 425,000.00	38,679.34	463,679.34
UNEMPLOYMENT INSURANCE FUND	176	\$ 50,000.00		50,000.00
CDBG CONSORTIUM ACOUNT	181	\$ -	2,863.47	2,863.47
PUBLIC PARKING DEBT	381	\$ 1,500.00		1,500.00
SEWER DISTRICT DEBT	382	\$ 85,000.00		85,000.00
WATER DEBT	383	\$ 250,000.00		250,000.00
GENERAL FUND DEBT SERVICE	384	\$ 10,350,000.00	9,610.07	10,359,610.07
SCAVENGER WASTE DEBT	385	\$ 7,000.00		7,000.00
TOWN HALL CAPITAL PROJECTS	406	\$ -	59,892.42	59,892.42
YOUTH SERVICES CAP PROJECT	452	\$ 25,000.00	3,457.40	28,457.40
SENIORS HELP SENIORS CAP PROJE	453	\$ -	3,126.30	3,126.30
EISEP CAP PROJECT	454	\$ -	447.95	447.95
MUNICIPAL FUEL FUND	625	\$ 125,000.00	2,586.83	127,586.83
MUNICIPAL GARAGE FUND	626	\$ 25,000.00	27,696.35	52,696.35
TRUST & AGENCY	735	\$ -	834,486.48	834,486.48
SPECIAL TRUST	736	\$ 1,350,000.00		1,350,000.00
COMMUNITY PRESERVATION FUND	737	\$ 1,425,000.00		1,425,000.00
CALVERTON PARK - C.D.A.	914	\$ 340,000.00	3,580.30	343,580.30
TOTAL ALL FUNDS		28,332,000.00	2,203,321.05	30,535,321.05

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

