

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

**April 19<sup>th</sup>, 2005**

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

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

**Barbara Graftan, 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**

# Call to Order and Salute to the Flag

## Approves minutes of April 5<sup>th</sup>, 2005

Blass

Offered the minutes to be approved, which

was seconded by

Den

5 yes

## REPORTS

Receiver of Taxes: Utility Collections report for March, 2005  
Total Collected: \$215,074.20

Total Collections to date: \$52,011,581.83

Code Enforcement: Total Collections for March, 2005  
Total Collected: \$2,513.00

Juvenile Aid Bureau: Monthly Report for March, 2005

Animal Shelter: 3 months Statistics-Jan. thru March 31, 2005

Open Bid Report: Connecticut Ave. Culvert  
Opened: April 15, 2005  
Six Bids were received

# APPLICATIONS

Parade Permit: Community Awareness Program-June 3 @10.00 a.m.

Chapter 90's: Riverhead Elks Lodge-April 17- 12:30-5:30 p.m.  
Barbecue with a band

Little Flower Children's Services-May 22, @1:00 to 5pm

Central Suffolk Hospital-May 5-8<sup>th</sup>-9am to 6 pm-  
Garden Festival

Site Plans: North Fork Bank (TF Maxx Shopping Center)  
(Extension and alteration of bank and installation of an  
ATM machine)

Kar-McVeigh-Jamesport-construct a restaurant &  
catering facility

1998 Peconic LLC-east of Edward's Avenue-Construct  
one 16,776 sq .ft. industrial building.

# CORRESPONDENCE

Ciarelli & Dempsey: Re: Riverhead Elks Lodge

# PUBLIC HEARINGS

- 7:05 p.m.** The consideration of the purchase of development rights on property owned by Alfred & Mary Jane Popp. Property located on the easterly side of Tuthills Lane.
- 7:10 p.m.** The Qualified and Eligible Sponsor Kenneth I. Wilpon, as Agent, Inc. for the redevelopment of approximately 755 acres of vacant land commonly known as the EPCAL site.
- 7:15 p.m.** The consideration of a proposed Local Law to amend Chapter 107 entitled, "Freshwater Wetlands".
- 7:20 p.m.** The consideration of a proposed Local law to amend Chapter 108 entitled, "Farm Stands". **(CANCELED)**
- 7:25 p.m.** The consideration of a Local Law to amend Chapter 108 (DC-3) The addition of a Movie Theater and Multiplex Cinema to the DC-3.
- 7:30 p.m.** The consideration of a Local Law to repeal and replace a portion of Chapter 108 "Signs".

**PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:**  
**REGULAR TOWN BOARD MEETING:**

- #337 Designates May 21, 2005 Riverhead Litter Awareness and Clean-up Day
- #338 1996 Clean Water/Clean Air Bond Act- Title 3 Section 56-0303 Water Quality Improvement Projects and Environmental Protection Fund Article 17-14 Environmental Conservation Law; Aquatic Habitat Restoration
- #339 Approves Site Plan of Calverton Enterprises, Inc. Hess Service Station- Expansion of Building
- #340 Approves Site Plan of Nextel of New York, Inc. d/b/a Nextel Communications
- #341 Adopts a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (108-3 Definitions)
- #342 Authorizes Town Clerk to Advertise for Bids Replacement of Well No. 5-2 Contract G- General And Mechanical Construction
- #343 Awards Bid- Riverhead Water District- Kelbridge Meadows
- #344 '05 Police TraCS Project Budget Adoption
- #345 Accepts 5% Certificate of Deposit of Kamal Kishore Singh
- #346 Accepts 5% Security Bond of NF Development LLC
- #347 Adopts a Local Law to Amend Chapter 52 and 108 of the Riverhead Town Code to Create §52-10 (F), §108-77 (A)(3), §108-96 (D)(4), §108-97 (F)(6), §108-131 (B)(6) Entitled, "Electronic Records Retention"

- #348 Adopts a Local Law to Amend Chapter 64 Entitled, "Fire Prevention" of the Riverhead Town Code (64-9)
- #349 Adopts a Local Law to Amend Chapter 108 of the Town Code of the Town of Riverhead Entitled, "Zoning" (108-3- Definitions)
- #350 Adopts a Local Law to Amend Chapter 108 of the Riverhead Town Code (§108-96 (A) Procedure, §108-131 Application procedure; fees)
- #351 Appoints a Park Attendant II to the Riverhead Recreation Department (D. Spruill)
- #352 Appoints a Provisional Water Treatment Plant Operator Trainees in the Water Dept. (P. Lennon, B. Gablenz, J. Kellar)
- #353 Approves Chapter 90 Application of Central Suffolk Hospital (Garden Festival)
- #354 Approves Chapter 90 Application of the Riverhead Central School District (American Cancer Society- Relay for Life)
- #355 Approves Temporary Sign Permit of Grace Gospel Church
- #356 Approves the Submission of a Grant Application to the State of New York Unified Court System
- #357 Approves the Submission of Grant Applications to the New York State Governor's Traffic Safety Committee
- #358 Authorization to Publish Advertisement for Specialty Vehicles for Use by Town of Riverhead Human Resource Center
- #359 Authorizing the Implementation, and Funding in the First Instance 100% of TEA-21 High Priority Project Program-Aid Eligible Costs, of a Transportation Federal-

Aid Project (Court Street Parking Improvements) and  
Appropriating Funds Therefore

- #360 Authorizing the Settlement of Claims of Kevin Conlan and Daniel Conlan with Respect to the Condemnation of their fee interest in 207 Railroad Street, SCTM 0600-128-03-005; 217 Railroad Street, SCTM 0600-128-03-004; the Claim of Riverhead Liquor Corp for Compensation for the Fuxtures Arising out of the Condemnation of 207 Railroad Street, SCTM 0600-128-03-005; 217 Railroad Street, SCTM 0600-128-03-004; The Claim of Kevin Conlan with respect to the Condemnation of his fee interest in 201 Railroad Street (SCTM 0600-128-03-006); and the Claim of Kevin Conlan for Compensation for the Fixtures Arising out of the Condemnation of 201 Railroad Street (SCTM 0600-128-03-006) Riverhead, New York
- #361 Authorizes Supervisor to Execute Intermunicipal Agreement for Reimbursement
- #362 Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for a Part Time Maintenance Mechanic II for the Seniors Helping Seniors Program
- #363 Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for a Part Time Maintenance Mechanic I for the Seniors Helping Seniors Program
- #364 Authorizes the Town Clerk to Readvertise for Bids on Precast Drainage Rings & associated Items
- #365 Authorizes Town Clerk to Publish and Post Notice to Bidders for Well & Pump Emergency Service for the Water District
- #366 Authorizes the Town Clerk to Publish and Post Notice of Public Hearing to Consider the Designation of Certain Structure(s) as a Landmark Pursuant to Chapter 73 Entitled, "Landmarks Preservation" of the Riverhead Town Code (Roanoke Avenue School)

- #367 Promotion to Ordinance Enforcement Officer (R. Downs)
- #368 Ratifies Appointment of Homemaker in the Nutrition Department (C. Trent)
- #369 Recommends Riverhead Town representative to the Suffolk County Planning Commission
- #370 Rescinds Local Law 12 of August 21, 2001 to Amend Riverhead Tax Bills by Creating a Separate Line (Riverhead Charter School)
- #371 Terminates a Crossing Guard (S. Woodson)
- #372 Terminates a Detention Attendant (P. Hewitt)
- #373 General Fund Budget Adjustment
- #374 Awards Bid for Disposal of Demolition & Construction debris
- #375 Awards Bid for Removal Town Generated Municipal Solid Waste
- #376 Awards Bid on Traffic Signs & Related Items
- #377 Awards Bid on Traffic Paint
- #378 Awards Bid on Traffic Line Striping
- #379 Authorizes Supervisor to Execute Application for State Assistance Payments Pursuant to the Clean Water/Clean Air Bond Act Water Quality Improvement Projects, Sanitary Wastewater Reuse, Phase 2
- #380 Authorizes Supervisor to Execute Application for State Assistance Payments Pursuant to the Clean Water/Clean Air Bond Act Water Quality Improvement Projects, Biosolids Application- Phase 1
- #381 Authorizes Supervisor to Execute Application for State Assistance Payments Pursuant to the Clean

Water/Clean Air Bond Act Calverton Wastewater  
Treatment Plant Upgrade and Recharge Bed Addition

- #382 Authorizes the Town Clerk to Advertise for Bids-  
replacement of Well No. 5-2- General G – General and  
Mechanical Construction
- #383 Authorizes Supervisor to Execute Agreement with the  
State of New York for Peconic Riverfront Project Funds
- #384 Senior Educational Enrichment Program Budget  
Adoption
- #385 Sets Senior Citizen Workshop Fees
- #386 A Resolution Authorizing the Issuance of \$500,000  
Serial Bonds of the Town of Riverhead, Suffolk County,  
New York, to Pay the Cost of the Resurfacing of Various  
Roads Located Throughout and in and for Said Town of  
Riverhead
- #387 Requiring Preparation of Supplement to EIS for  
Headriver, LLC Special Permit Application for Proposed  
Headriver, LLC/Wal-Mart Proposal
- #388 Authorizes Town Clerk to Publish and Post Notice of  
Public Hearing- Special Permit of David and Mary  
Andruszkiewicz
- #389 Authorizes Town Clerk to Publish and Post Notice of  
Public Hearing – Special Permit of Altaire  
Pharmaceuticals
- #390 Authorizes Town Clerk to Publish and Post Notice of  
Public Hearing- Special Permit of John E. Wherry
- #391 Establishes Metal Detector Program for the Riverhead  
Justice Court
- #392 Appoints Member to the Board of Ethics (A. Zilnicki)

- #393 Amend and Reappoint the Riverhead Animal Control Advisory Committee
- #394 Appoints Intern to the Riverhead Police Department (D. Destefino)
- #395 Sense of the Board in Support of the Implementation of New Measures for Financing Public education
- #396 Ratifies Attendance at a National Animal Control Association Training Course
- #397 Reapproves Special Permit of Linda & Jim Slezak
- #398 Approves Temporary Sign Permit of Hudson City Savings Bank
- #399 Pays Bills

04/19/05

Adopted

TOWN OF RIVERHEAD

Resolution # 337

DESIGNATES MAY 21, 2005 RIVERHEAD LITTER AWARENESS AND CLEAN-UP DAY

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

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

WHEREAS, the Town Board is interested in continually improving the appearance of the Town of Riverhead; and

WHEREAS, the Volunteer Litter Patrol Steering Committee has recognized a need to increase awareness of litter cleanup as part of improving the appearance of the Town; and

WHEREAS, a "Litter Awareness and Clean-Up Day" will help increase this awareness throughout the town;

NOW THEREFORE BE IT HEREBY RESOLVED, that the Riverhead Town Board designates May 21, 2005 "Riverhead Litter Awareness and Clean-Up Day" throughout the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Supervisor's office; the Volunteer Litter Patrol Steering Committee and the Office of 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

4/19/05

Town of Riverhead  
Resolution 338

# Adopted

1996 Clean Water/Clean Air Bond Act – Title 3 Section 56-0303  
Water Quality Improvement Projects and Environmental Protection Fund Article 17=14  
Environmental Conservation Law;  
Aquatic Habitat Restoration

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

**WHEREAS**, the Town of Riverhead, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

**WHEREAS**, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith; and

**WHEREAS**, the Municipality has made the Peconic River a priority in the pursuit of funding for aquatic habitat restoration, water quality and fish passage improvements; and

**WHEREAS**, the Municipality has developed a program to comprehensively provide for improvements in furtherance of these priorities.

**THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to execute any and all documents necessary for the submission of an application by the Community Development Director for funding not to exceed \$400,000 with an in-kind match of 25% to the NYS Department of Environmental Conservation; and

**BE IT FURTHER RESOLVED**, that the Supervisor is the representative authorized to act on behalf of the Town of Riverhead in all matters related to State assistance under ECL Article 56, Title 3 including submission of project documentation, execution of the State Assistance Contract, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance; and

**BE IT FURTHER RESOLVED**, that the Municipality agrees that it will fund its portion of the Project and that funds will be available to initiate the Project within twelve (12)

months of written approval of its application by the Department of Environmental Conservation; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall forward a certified copy of this resolution to NYS DEC, Sandra Allen, Director of Water, 625 Broadway, 4<sup>th</sup> Floor, Albany, NY 12233-3500, Shana Miller, Suffolk County Office of Ecology, County Center, Riverhead and Andrea Lohneiss, Community Development Director.

**THE VOTE**

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

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

Adopted

April 19th, 2005

RESOLUTION# 339

APPROVES SITE PLAN OF CALVERTON ENTERPRISES, INC.  
HESS SERVICE STATION – EXPANSION OF BUILDING

**COUNCILWOMAN SANDERS**

offered the following

Resolution, which was seconded by **COUNCILWOMAN BLASS**

WHEREAS, by resolution #504, dated May 6<sup>th</sup>, 2003, the Riverhead Town Board did approve the site plan of Calverton Enterprises to construct a gasoline station with service, inspection facilities and convenience store, upon real property located at Middle Country Road (SR25) and Parker Road, Calverton, New York, known and designated as Suffolk County Tax Map Number 0600-97-1-82; and

WHEREAS, Calverton Enterprises, Inc. is requesting a modification of the approved site plan in order to add an additional 625 sq. ft. to the proposed service station building which further requires the provision of one (1) additional parking stall; and

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

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

WHEREAS, the site plan fee, as required by Section 108-131 B (3) of the Code of the Town of Riverhead has been received and deposited per Receipt Number 2004-1101 of the office of the Financial Administrator.

NOW, THEREFORE BE IT

RESOLVED, that in the matter of the site plan application of Calverton Enterprises, Inc., the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the Action to be Type II pursuant to 6NYCRR Part 617.

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Riverhead does amend the site plan approval of Calverton Enterprises, Inc.; and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Calverton Enterprises, Inc., 2866 Locust Avenue,

Ronkonkoma, New York 11779, the Riverhead Planning Department, Building  
Department, Town Engineer, Assessor's Office and Office of the Town Attorney.

*Planning Dept.*

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

April 19th, 2005

TOWN OF RIVERHEAD

**Tabled**

Resolution # 340

**APPROVES SITE PLAN OF NEXTEL OF NEW YORK, INC.**  
**D/B/A NEXTEL COMMUNICATIONS**

**COUNCILWOMAN BLASS**

offered the following resolution,

**COUNCILMAN DENSIESKI**

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

**WHEREAS**, a site plan and elevations were submitted by Nextel of New York Inc., d/b/a Nextel Communications to collocate 12 public utility wireless telecommunications antennae with additional equipment cabinets onto an existing tower located at Sound Avenue (KeySpan Tower), Jamesport, New York known and designated as Suffolk County Tax Map Number 0600-3-1-2.5; and

**WHEREAS**, the Planning Department has reviewed the site plan dated March 29<sup>th</sup>, 2004, as prepared by Neil MacDonald, R.A. and elevations dated March 29th, 2004, as prepared by Neil MacDonald, 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 Nextel of New York, Inc., d/b/a Nextel Communications to collocate 12 public utility wireless telecommunications antennae with additional equipment cabinets onto an existing tower located at Sound Avenue (KeySpan Tower), Jamesport, New York, site plan dated March 29<sup>th</sup>, 2004 as prepared by Neil MacDonald, R.A. and elevations dated March 29<sup>th</sup>, 2004 as prepared by Neil MacDonald, 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 approves 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 Sound Avenue, Jamesport, 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, if feasible;
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, Jacalyn R. Fleming, 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.

Planning Dept.

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_\_ day of \_\_\_\_\_, 2005, made by Keyspan Corporate Services, LLC, Declarant:

### WITNESSETH:

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

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

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

### NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

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

4. That 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 Sound Avenue, Jamesport, 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 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 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 or other appropriate measures;
- 15. That a post construction certification be provided to the Town, from the applicant's engineer;

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

KEYSPAN CORPORATE  
SERVICES LLC

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

On the \_\_\_ day of \_\_\_\_\_ in the year 2005, 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**

4/19/05

TOWN OF RIVERHEAD

Adopted

Resolution # 341

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 OF THE TOWN CODE OF THE TOWN OF RIVERHEAD ENTITLED, "ZONING" (108-3 – DEFINITIONS)**

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

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Chapter 108 of the Town Code of the Town of Riverhead entitled, "Zoning"; and

**WHEREAS**, a public hearing was held on the 23<sup>rd</sup> day of September, 2004 at 10:30 o'clock a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law to amend Chapter 108 of the Town Code of the Town of Riverhead entitled, "Zoning" 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 Traveler Watchman newspaper and to post same on the signboard at Town Hall; and be it further

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

**THE VOTE**

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

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

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on April 19, 2005 as follows:

Chapter 108  
**Zoning**

**§ 108-3. Definitions.**

BISTRO/CAFÉ – An eating establishment of fifty (50) seats or less whether indoor or outdoor, without drive-thru or drive-in service.

COUNTRY CLUB – A land area and buildings containing recreational facilities, clubhouse, and usual accessory uses open only to members and their guests for a fee.

DORMITORY – A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery, or other similar institutional use.

DWELLING, TOWN HOUSE – A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.

Dated: Riverhead, New York  
April 19, 2005

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

BARBARA GRATTAN, Town Clerk

- Underline represents addition(s)

4/19/05

# Adopted

**AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS  
REPLACEMENT OF WELL NO. 5-2  
CONTRACT G - GENERAL AND MECHANICAL CONSTRUCTION**

Adopted \_\_\_\_\_

Resolution # 342

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

RESOLVED, that the town Clerk be and is hereby authorized to publish and post the attached Notice of Bidders in the April 28, 2005, edition of the Traveller Watchman Newspaper, with regard to receiving bids for the replacement of Well No. 5-2, Contract G - General and Mechanical Construction, and be it further

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

THIS RESOLUTION PREAPRED 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

**H2M GROUP**  
**NOTICE TO BIDDERS**

The Town Board of Riverhead will receive bids for the **REPLACEMENT WELL NO. 5-2 CONTRACT G-GENERAL AND MECHANICAL CONSTRUCTION** for the Riverhead Water District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, 11:00 A.M., on **May 12<sup>th</sup> 2005**, at which time and place all bids will be publicly opened and read for:

**PROJECT NO.: RDWD 03-07B,  
REPLACEMENT WELL NO. 5-2  
CONTRACT G - GENERAL AND MECHANICAL CONSTRUCTION**

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

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

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

Copies of the contract documents may be obtained at the above locations on or after **April 28<sup>th</sup>, 2005** upon deposit of Fifty Dollars (\$50.00) in cash, certified check, bank money order or postal money order, made payable to the TOWN OF RIVERHEAD for each set furnished.

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

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

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

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

ACTING AS THE GOVERNING BODY  
OF THE RIVERHEAD WATER DISTRICT

BARBARA GRATTAN, TOWN CLERK

DATED: April 28, 2005

4/19/05

Adopted

AWARDS BID  
RIVERHEAD WATER DISTRICT  
KELBRIDGE MEADOWS

Adopted \_\_\_\_\_

RESOLUTION # 343

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

WHEREAS, this Town Board did authorize the advertisement for bids for the installation of water mains and appurtenances for the project known as Kelbridge Meadows, and

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

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

WHEREAS, by letter dated April 8, 2005, H2M, consulting engineers to the Riverhead Water district, did recommend that the bid be awarded as follows:

Grimes Construction, Inc.  
Of East Hampton, NY  
\$42,285.00

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the installation of water mains and appurtenances for the project known as Kelbridge Meadows be and is hereby awarded to:

Grimes Construction Co.  
Of East Hampton, NY  
\$42,285,00

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

**Page 2, awards bid**

**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, and be it further

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

APRIL 19, 2005

Adopted

TOWN OF RIVERHEAD

'05 Police TraCS Project

BUDGET ADOPTION

RESOLUTION # 344

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 adoption:

		<u>FROM</u>	<u>TO</u>
406.031200.492000.40134	NYS Aid	\$21,788	
406.031200.524201.40134	Police Computer Equipment		\$21,788

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

04/19/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 345

### ACCEPTS 5% CERTIFICATE OF DEPOSIT OF KAMAL KISHORE SINGH

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, Kamal Kishore Singh has posted a Certificate of Deposit #3830031138 issued by North Fork Bank in the sum of Four Thousand Nine Hundred Sixty Nine Dollars (\$4,969) representing the 5% site plan security bond as noted in the approved site plan dated March 1, 2005 Resolution #199 for work located at 712 Roanoke Avenue, Riverhead, New York, Suffolk County Tax Map # 600-126.-2-38 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 5% certificate of deposit in the sum of Four Thousand Nine Hundred Sixty Nine Dollars (\$4,969) issued to the Town of Riverhead; and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Kamal Kishore Singh, 15 Crest Hollow Lane, Manorville, New York 11949-3235, the Building Department; the Planning Department 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   
Thereupon Duly Declared Adopted

04/19/05

Adopted

TOWN OF RIVERHEAD

Resolution #346

ACCEPTS 5% SECURITY BOND OF NF DEVELOPMENT LLC

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, NF Development LLC has posted a surety bond in the sum of Forty Eight Thousand Two Hundred Fifty Six Dollars (\$48,256.00) representing the 5% site plan security bond as noted in the approved site plan dated September 2, 2004 Resolution #796 for work located at Tyler Drive, Riverhead, New York, Suffolk County Tax Map # 600-064.00-01-077.00 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said security bond and deems it to be sufficient in its form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 5% performance bond in the sum of Forty Eight Thousand Two Hundred Fifty Six Dollars (\$48, 256.00) issued to the Town of Riverhead; and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to NF Development LLC, 308 West Main Street, Smithtown, New York 11787, 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

04/19/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 347

**ADOPTS A LOCAL LAW TO AMEND CHAPTERS 52 AND 108 OF THE RIVERHEAD TOWN CODE TO CREATE § 52-10 (F), § 108-77 (A)(3), § 108-96 (D)(4), § 108-97 (F)(6), § 108-131 (B)(6) ENTITLED "ELECTRONIC RECORDS RETENTION FEES"**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN DENSIESKI :

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapters 52 and 108 of the Riverhead Town Code to create § 52-10 (F), § 108-77 (A)(3), § 108-96 (D)(4), § 108-97 (F)(6), § 108-131 (B)(6) entitled "ELECTRONIC RECORDS RETENTION FEES"; and

**WHEREAS**, a public hearing was held on the 5<sup>th</sup> day of April, 2005 at 7:15 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 Chapters 52 and 108 of the Riverhead Town Code to create § 52-10 (F), § 108-77 (A)(3), § 108-96 (D)(4), § 108-97 (F)(6), § 108-131 (B)(6) entitled "ELECTRONIC RECORDS RETENTION FEES" 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 **Traveler Watchman** 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 Building Department; the Planning Department and the Town Attorney.

**THE VOTE**

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

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapters 52 and 108 of the Riverhead Town Code to create § 52-10 (F), § 108-77 (A)(3), § 108-96 (D)(4), § 108-97 (F)(6), § 108-131 (B)(6) entitled "ELECTRONIC RECORDS RETENTION FEES" at its regular meeting held on April 19, 2005 as follows:

**ELECTRONIC RECORDS RETENTION FEES**

An electronic records retention fee must also be paid in accordance with the fee schedule which shall be determined from time to time by resolution of the Town Board of the Town of Riverhead.

Dated: Riverhead, New York  
April 19, 2005

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

\* Underline represents addition(s)

**BARBARA GRATTAN, Town Clerk**

4/19/05

Adopted

TOWN OF RIVERHEAD

Resolution # 348

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 64 ENTITLED, "FIRE PREVENTION" OF THE RIVERHEAD TOWN CODE (64-9)**

COUNCILMAN DENSIESKI 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", once in the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and

**WHEREAS**, a public hearing was held on the 5th day of April, 2005 at 7:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law amending Chapter 64 entitled, "Fire Prevention" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the Traveler Watchman 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 Building Department; the Fire Marshal; the Planning Board; the Planning Department and the Board of Fire Commissioners.

**THE VOTE**

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

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

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 64 entitled, "Fire Prevention" of the Riverhead Town Code at its regular meeting held on April 19, 2005 as follows:

**Chapter 64  
Fire Prevention**

**§ 64-9. Fire prevention permit fees**

**A. Installation Permits**

1. Application for the installation, modification or removal of any fire prevention system, including but not limited to fire alarm system, fire and smoke detecting system, fire sprinkler system, fixed-pipe dry or wet chemical extinguishing system or vent system for the removal of hazardous or grease-laden vapors, new building construction plans or existing building alteration plans, shall be made to the Fire Marshal on forms provided by the Town Fire Marshal. Such forms shall be in accordance with § 64-8 D-1 and contain information as may be reasonably required by the Fire Marshal to establish compliance with the applicable codes, ordinances and Regulations.

**C. Installation and Operational Fire Prevention Permit and Fees**

The Town Board has determined fire prevention fees shall be as follows:

- (1) Installation Permit fees
  - (a) Installation of fire detection/alarm systems and water-based fire protection systems: ~~\$50~~ 150 for the first 25 devices and ~~\$1~~ 2 per device in excess thereof. A device shall include, but not be limited to, a heat detector, a smoke detector, a pull station, a bell or other sounding device, a speaker, a fire alarm control panel, a remote annunciator, a floor command station, an alarm and check valve, a deluge valve, an exhauster, an accelerator, a retard chamber or a Fire Department connection.
  - (b) Installation of automatic fixed pipe extinguishing systems: ~~\$50~~ 200.
  - (c) Installation of exhaust systems for the removal of smoke- and/or grease- laden or other vapors: ~~\$50~~ 100.
  - (d) Installation Permits required by Article XX, Liquefied Petroleum Gases: \$75 for the first 10,000 gallons and \$0.005 per gallon in excess thereof.
  - (e) Installation Permit required by Section 64-9 A-1 for review of new building construction plans or existing building alteration plans: \$50.

Dated: Riverhead, New York  
April 19, 2005

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

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

**BARBARA GRATTAN, Town Clerk**

Withdrawn

4/19/05

TOWN OF RIVERHEAD

Resolution # 349

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 OF THE TOWN CODE OF THE TOWN OF RIVERHEAD ENTITLED, "ZONING" (108-3 - DEFINITIONS)**

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Chapter 108 of the Town Code of the Town of Riverhead entitled, "Zoning"; and

**WHEREAS**, a public hearing was held on the 23<sup>rd</sup> day of September, 2004 at 10:30 o'clock a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law to amend Chapter 108 of the Town Code of the Town of Riverhead entitled, "Zoning" 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 Traveler Watchman newspaper and to post same on the signboard at Town Hall; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Planning Department; the Planning Board; the Riverhead Building Department and the Office of 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

Withdrawn  
Duplicate Resolution

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on April 19, 2005 as follows:

Chapter 108  
**Zoning**

**§ 108-3. Definitions.**

DORMITORY – A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery, or other similar institutional use.

CAFÉ – An eating establishment of fifty (50) seats or less whether indoor or outdoor, without drive-thru or drive-in service.

DWELLING, TOWN HOUSE – A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.

COUNTRY CLUB – A land area and buildings containing recreational facilities, clubhouse, and usual accessory uses open only to members and their guests for a fee.

Dated: Riverhead, New York  
April 19, 2005

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

**BARBARA GRATTAN, Town Clerk**

- Underline represents addition(s)

04/19/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 350

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE (§ 108-96 (A) Procedure, § 108-97 (A) Procedure, § 108-131 Application procedure; fees)**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

**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 108 of the Riverhead Town Code (§ 108-96 (A) Procedure, § 108-97 (A) Procedure, § 108-131 Application procedure; fees); and

**WHEREAS**, a public hearing was held on the 5<sup>th</sup> day of April, 2005 at 7:25 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 108 of the Riverhead Town Code (§ 108-96 (A) Procedure, § 108-97 (A) Procedure, § 108-131 Application procedure; fees) 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 **Traveler Watchman** and to post same on the signboard at Town Hall; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Planning Department and the 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 108 of the Riverhead Town Code (§ 108-96 (A) Procedure, § 108-97 (A) Procedure, § 108-131 Application procedure; fees) at its regular meeting held on April 19, 2005 as follows:

Chapter 108

Zoning

**§ 108-96. Minor subdivision.**

A. Procedure.

(1) Sketch plan. A sketch plan prepared in accordance with Subsection B of this section may be submitted. The subdivider shall submit ~~seven copies~~ six (6) paper prints of the sketch plan, clearly marked "Sketch Plan of Minor Subdivision," and a digital copy of the sketch plan in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. The subdivider will be advised of the time and place of the meeting when the Planning Board will consider the sketch plan, and the subdivider or his agents shall be present at this meeting or request an adjournment thereof. The Planning Board shall determine that the proposed minor subdivision does not create traffic, safety or drainage problems and does not significantly affect the development of surrounding properties. The Planning Board must be satisfied that the subdivision is not a plan to circumvent the Subdivision Regulations of the Planning Board of the Town of Riverhead for a larger parcel of property. If the Planning Board finds that the sketch plan, or sketch plan as modified, meets the purposes of this Article, the subdivider or his agents may proceed with the preparation of a minor subdivision plan.

(2) Minor subdivision plan.

(a) The subdivider shall submit ~~10 copies~~ ten (10) paper prints of a map, clearly marked "Minor Subdivision Plan," in accordance with the requirements herein set forth, and a digital copy of the minor subdivision plan in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. In the event that the minor subdivision plan is amended, the subdivider shall submit a digital copy of each amendment to the minor subdivision plan. If the subdivider has not submitted a sketch plan, the Planning Board shall determine that the proposed subdivision does not create traffic, safety or drainage problems and does not significantly affect the development of surrounding properties, and the Planning Board must be satisfied that the subdivision is not a plan to circumvent the Subdivision Regulations of the Planning Board of the Town of Riverhead for a larger parcel of property.

**§ 108-97. Major subdivision.**

**A. Procedure.**

(1) Sketch plans. Three alternative sketch plans prepared in accordance with § 108-96B may be required to be submitted. One of the three sketch plans may be required to be a cluster development. The subdivider shall submit ~~12~~ twelve (12) paper prints of each sketch plan, clearly marked "sketch plan," and a digital copy of the sketch plan in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. In the event that the sketch plan is amended, the subdivider shall submit a digital copy of each amendment to the sketch plan. The subdivider will be advised of the time and place of the meeting when the Planning Board will consider the sketch plans, and the subdivider or his agents shall be present at this meeting or request an adjournment thereof. The Planning Board shall determine whether any of the sketch plans meet the purposes of this Article and shall, where it deems necessary, make specific recommendations so that the subdivider or his agents may proceed with the preparation of a preliminary plat.

(2) Preliminary plat. The subdivider shall submit ~~13~~ thirteen 13 paper prints of the preliminary plat, clearly marked "Preliminary Plat," in accordance with the requirements herein set forth, and the Planning Board will hold a public hearing in accordance with Subdivision 3 of § 276 of the Town Law. The subdivider shall submit a digital copy of the preliminary plat in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. In the event that the preliminary plat is amended, the subdivider shall submit a digital copy of each amendment to the preliminary plat. Subsequent to the preliminary plat hearing, the Planning Board shall forward one copy of said preliminary plat to the respective fire district. The fire district shall forward comments to the Planning Board within 10 working days of referral.

(3) Final plat. The subdivider shall submit one linen print and ~~12~~ twelve (12) paper prints and shall submit the copies required for filing in the County Clerk's office and may submit the linen tracing to the Planning Board within the time and in accordance with the requirements set forth in § 276 of the Town Law, in accordance with the requirements herein set forth and in accordance with any other applicable state law or local law, ordinance, rule, regulation or resolution. The subdivider shall submit a digital copy of the final plat in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. In the event that the final plat is amended, the subdivider shall submit a digital copy of each amendment to the final plat.

**§ 108-131. Application procedure; fees.**

**B. Formal application.**

(1) Subsequent to preliminary review, an application for site plan approval shall be made on the form for the same provided by the Planning Department. Twelve copies, plus additional

copies as may be required by other levels of government with jurisdiction over the site, of the application, a current survey prepared by a licensed surveyor, the site plan (if separate from the survey) and any other submission or exhibit required by this article shall be submitted, together with the appropriate fee, to the Planning Department. The applicant shall submit a digital copy of the site plan in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. In the event that the site plan is amended, the applicant shall submit a digital copy of each amendment to the site plan.

Dated: Riverhead, New York  
April 19, 2005

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

**BARBARA GRATTAN, Town Clerk**

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

4/19/05

TOWN OF RIVERHEAD

Adopted

Resolution # 351

**APPOINTS A PARK ATTENDANT II  
TO THE RIVERHEAD RECREATION DEPARTMENT**

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

**COUNCILMAN BARTUNEK**

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

**RESOLVED**, that Daytwon Spruill is hereby appointed as a Park Attendant II, Level I effective, April 20, 2005 to serve as needed on an at will basis 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; and

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

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	Densleski	<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

<sup>1</sup> Rec. Colleen/ Resolution. Park Attend II Daytwon Spruill

April 19, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 3522

**APPOINTS PROVISIONAL WATER TREATMENT PLANT OPERATOR  
TRAINEES IN THE WATER DEPARTMENT**

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

**WHEREAS**, vacancies exist for the position of Water Treatment Plant Operator Trainee in the Water Department; and

**WHEREAS**, this position was duly posted, posting #6, advertised and interviews have been conducted, and

**WHEREAS**, all eligible candidates were interviewed and the personnel committee and the Department Head for the Water Department have recommended candidates; Patrick Lennon, Brian Gablenz, and John Kellar

**NOW, THEREFORE, BE IT RESOLVED**, that effective May 9, 2005 the Town Board hereby appoints Patrick Lennon, Brian Gablenz, and John Kellar to the provisional position of Water Treatment Plant Operator Trainee in the Water Department on Group 9 Step P of the Operational and Technical Salary Schedule of the CSEA Contract.

**BE IT FURTHER RESOLVED**, that the Town Clerk be, and is hereby, authorized to forward a copy of this resolution to Patrick Lennon, Brian Gablenz, John Kellar and the Office of Accounting.

**THE VOTE**

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

4/19/05

Adopted

TOWN OF RIVERHEAD

Resolution # 353

**APPROVES CHAPTER 90 APPLICATION OF CENTRAL SUFFOLK HOSPITAL**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

**WHEREAS**, Central Suffolk Hospital has submitted a Chapter 90 Application for the purpose of conducting a Garden Festival and Plant Sale to be held in the Central Suffolk Hospital parking lot (1300 Roanoke Avenue, Riverhead, New York) on May 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>, 2005 between the hours of 9:00 a.m. and 6:00 p.m.; and

**WHEREAS**, Central Suffolk Hospital has requested the applicable Chapter 90 fee be waived due to its not-for-profit status; and

**WHEREAS**, Central Suffolk Hospital has completed and filed and Short Form Environmental Assessment Form in accordance with 6 NYCRR 617, and

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

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

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

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

**RESOLVED** that the Chapter 90 Application of Central Suffolk Hospital for the purpose of conducting a Garden Festival and Plant Sale to be held in the Central Suffolk Hospital parking lot (1300 Roanoke Avenue, Riverhead, New York) on May 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>, 2005 between the hours of 9:00 a.m. and 6:00 p.m., is hereby approved; and be it further

**RESOLVED**, that the applicable Chapter 90 Application fee is hereby waived; and be it further

**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**

**RESOLVED**, that the tent installation and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 and the Tents & Membrane Structures; and be it further

**RESOLVED**, that traffic cones shall be placed along the east curb of Roanoke Avenue from the traffic circle, north, to the traffic light (hospital entrance) to prevent parking on the east (northbound) lane of Roanoke Avenue; 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 tent installation shall be ready for inspection no later than 1:00 p.m. on Wednesday, May 4, 2005; 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 the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Central Suffolk Hospital, Attn: Deborah Kneidl, Director of Development, 1300 Roanoke Avenue, Riverhead, New York 11901; the Riverhead Fire Marshal and the Riverhead Police Department.

**APPROVES CHAPTER 90 APPLICATION OF THE RIVERHEAD CENTRAL SCHOOL DISTRICT (AMERICAN CANCER SOCIETY – RELAY FOR LIFE)**

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

**WHEREAS**, the Riverhead Central School District has submitted a Chapter 90 Application for the purpose of conducting a fund-raiser for the American Cancer Society Relay for Life to be held on the grounds of the school district at Pulaski Street and Osborne Avenue, Riverhead, New York, between the hours of 12:00 noon on Friday, June 17, 2005 and 10:00 a.m. on Saturday, June 18, 2005; and

**WHEREAS**, the Riverhead Central School District has completed and filed and Short Form Environmental Assessment Form in accordance with 6 NYCRR 617, and

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

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

**WHEREAS**, the applicant has requested the Chapter 90 Application fee 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 Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2), and be it further

**RESOLVED**, that the application of the Riverhead Central School District for the purpose of conducting a fund-raiser for the American Cancer Society Relay for Life to be held on the grounds of the school district at Pulaski Street and Osborne Avenue, Riverhead, New York, between the hours of 12:00 noon on Friday, June 17, 2005 and 10:00 a.m. on Saturday, June 18, 2005 is hereby approved; 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

**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**

**RESOLVED**, that this event shall be exempt from Riverhead Town Code Chapter 81 entitled, "Noise Control"; and be it further

**RESOLVED**, that off-premises signs will be permitted at the locations indicated on the Chapter 90 Application; 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 and 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 Central School District, Attn: Theresa Drozd, Student Government Advisor, 700 Osborne Avenue, Riverhead, New York, 11901; the Riverhead Fire Marshal and Chief David Hegermiller of the Riverhead Police Department.

April 19, 2005

# Adopted

TOWN OF RIVERHEAD  
Resolution # 355

## APPROVES TEMPORARY SIGN PERMIT OF GRACE GOSPEL CHURCH

COUNCILMAN DENSIESKI offered the following resolution, which was seconded by

COUNCILMAN BARTUNEK

**WHEREAS**, a temporary sign permit and sketch were submitted by Reverend James Banks for property located at 721-735 East Main Street, Riverhead, New York also known as SCTM# 127.00-07-020.01; 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 Grace Gospel Church submitted by Reverend James Banks and be it

**RESOLVED**, that said temporary sign permit shall expire on July 19, 2005 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 Reverend James Banks, Grace Gospel Church, PO Box 179, Riverhead, New York 11901, 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

**Application**  
FOR SIGN PERMIT  
**Town of Riverhead**  
Suffolk County, New York

Fee <u>100 -</u>	Receipt No. <u>31189</u>
Application No. <u>34255</u>	Date Permit Issued <u>3/17/05</u>
ZB No. <u>2-2-49</u>	Date Approved or Denied
Building Inspector <u>USE ZB 29104</u>	
Board of Appeals No.	Date Granted
Date Denied	

Dated: 3/17/05  
SCTM# 127-7-20.1

APPLICATION IS HEREBY MADE to the Building Inspector in the Town of Riverhead for the issuance of a Permit pursuant to the Zoning Ordinance of the Town of Riverhead, Suffolk County, New York, for the use and the erection or the structural alteration of a sign or signs, as hereinafter described and as shown on the accompanying layout or plot plan:

- The sign to be located at 731-735 EAST MAIN ST in the Town of Riverhead, Use District, is to be DC-3 TAPED TO GLASS DOOR ONLY DURING SUNDAY MORNING WORSHIP SERVICE.  
Erected or Structurally altered
- The sign will have an area of 1 1/2 Sq. feet, and will be 20 INCHES feet in height. The base of the sign will be ABOUT 5 feet above ground level.
- The sign will be Permanent or Temporary installation.  
(Circle one)
- Description of sign: (Check appropriate items below)
  - a. Lighted
  - b. Single Face
  - c. Double Faced
  - d. Attached to Building TAPED TO GLASS DOOR REMOVED AFTER SERVICE
  - e. Facial (Painted or Affixed)
  - f. Independent Construction
  - g. Advertising
  - h. Business

Materials to be used: LAMINATED PAPER SIGN WITH PRINTING ON IT. (3 PHOTOCOPIES OF ACTUAL SIGN ATTACHED) + ACTUAL SIGN

6. Has permission been obtained from property owner, if other than the applicant, upon which the sign is to be erected? YES

All statements made in this application and shown on the attached plot plan are true to the best of my knowledge and belief.

Property Owner Name & Address: ANTONIO MILITELLO

120 BLYDENBURGH AVE, SMITHTOWN NY 11787

Applicant Name: REV JAMES B BANKS

Business Name: GRACE GOSPEL CHURCH OF RIVERHEAD

Address: PO BOX 179, RIVERHEAD, NY 11901 Phone Number: 631-728-0716

James B Banks  
(Signature of owner or applicant)

Sworn to before me this 17 day of

March, 2005

[Signature]  
Notary Public

LYNN V. SKOGLUND  
Notary Public, State of New York  
No. 524715038  
Qualified in Suffolk County  
Commission Expires February 28, 192007

JAMES B BANKS

has submitted papers for a sign permit, dated 3/17/05.

NO SIGN CAN BE ERECTED UNTIL THE TOWN BOARD APPROVAL IS OBTAINED AND A SIGN PERMIT IS ISSUED. IT IS ADVISABLE NOT TO ORDER YOUR SIGN UNTIL ALL APPROVALS ARE OBTAINED.

James B Banks  
Name

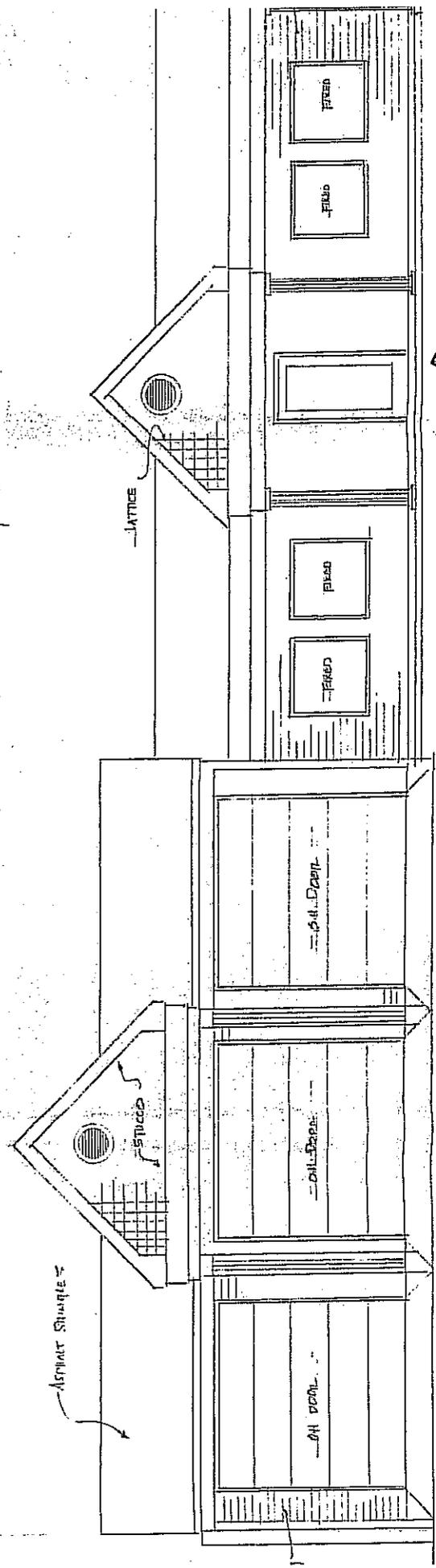
3/17/05  
Date

**108-56.1. Penalties for offenses against sign provisions.** [Added 10-19-1993; amended 8-2-1994]

Any sign installed without benefit of a sign permit pursuant to 108-56 of the Riverhead Town Code shall be charged a civil penalty of **five hundred dollars (\$500.)** in addition to the sign permit and application fee as specified in 52-10 of the Riverhead Town Code. Said civil penalty shall be due and payable upon application for a sign permit.

1/4" = 1' 0" (EXISTING)

REAR BUILDING

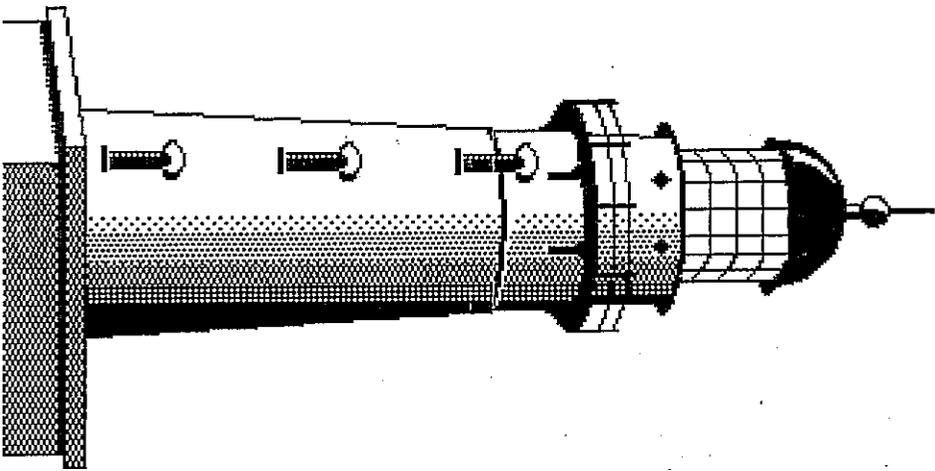


FRONT ELEVATION (EXISTING)  
1/4" = 1' 0"

sign to be taped to glass door for Sunday Morning Service & removed after.

# Grace Gospel Church

Blue



Actual size of  
sign to be  
put in door  
only on  
Sunday  
mornings.

# Riverfront

Blue





April 19, 2005

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 356

APPROVES THE SUBMISSION OF A GRANT APPLICATION  
TO STATE OF NEW YORK UNIFIED COURT SYSTEM

COUNCILMAN BARTUNEK offered the following resolution, which was seconded by

COUNCILWOMAN BLASS

WHEREAS, grant funding is available from the State of New York Unified Court System through its Justice Court Assistance Program (JCAP); and

WHEREAS, JCAP provides grants up to \$20,000 to assist localities in the operation of their Justice Courts, including the purchase of security equipment; and

WHEREAS, the Town of Riverhead Justice Court building is in need of an entryway scanning device to provide greater security and safety; and

WHEREAS, the Town Board is committed to supporting efforts to increase safety and security in the Justice Court building; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Grants Coordinator to submit a grant application supporting the purchase of security equipment and the Town Supervisor to sign the grant application.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to The Honorable Judge Smith, The Honorable Judge Ehlers, Chief of Police David Hegermiller, Grants Coordinator Jennifer Mesiano, and the Office of Accounting.

THE VOTE

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

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

April 5, 2005

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 357

APPROVES THE SUBMISSION OF GRANT APPLICATIONS TO NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE

COUNCILMAN DENSIESKI offered the following resolution, which was seconded by

COUNCILWOMAN SANDERS

WHEREAS, grant funding is available from the New York State Governor's Traffic Safety Committee under Buckle Up New York (BUNY), Selective Traffic Enforcement (STEP), Highway Safety Program (HSP) and Child Passenger Safety Program (CPSP); and

WHEREAS, the Town of Riverhead Police Department proposes to utilize the grants as follows:

- BUNY: To support expanded efforts to enforce seatbelt laws
STEP: To support police patrols targeting speeding and aggressive driving
HSP: To support traffic calming measures and decrease speeding in the Town
CPSP: To increase proper usage of child safety seats

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes Chief of Police David Hegermiller and Grants Coordinator Jennifer Mesiano to complete and submit grant applications supporting the stated activities and the Town Supervisor to sign the grant applications.

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

THE VOTE
Bartunek [checked] yes \_\_\_ no Sanders [checked] yes \_\_\_ no
Blass [checked] yes \_\_\_ no Densieski \_\_\_ yes \_\_\_ no
Cardinale \_\_\_ yes \_\_\_ no
THE RESOLUTION [checked] WAS \_\_\_ WAS NOT THEREFORE DULY ADOPTED

April 19, 2005

# Adopted

TOWN OF RIVERHEAD

Resolution # 358

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR SPECIALTY VEHICLES  
FOR USE BY TOWN OF RIVERHEAD HUMAN RESOURCE CENTER

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for SPECIALTY VEHICLES for the Senior Center and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the April 28th issue of the Traveler Watchman and;

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

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for 2005 SPECIALTY VEHICLES FOR USE BY THE SENIOR CENTER of 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 11:10 a.m. on MAY 12<sup>TH</sup>, 2005.

Bid packets, including Specifications, may be obtained on our website @[www.riverheadli.com](http://www.riverheadli.com) or at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

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

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

All bids are to be submitted in a sealed envelope bearing the designation 2005 SPECIALTY VEHICLES FOR USE BY THE SENIOR CENTER OF THE TOWN OF RIVERHEAD.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

4/19/05

Town of Riverhead  
Resolution 359

Authorizing the Implementation, and Funding in the First Instance 100% of TEA-21 High Priority Project Program-aid Eligible Costs, of a Transportation Federal-Aid Project (Court Street Parking Improvements) and Appropriating Funds Therefore

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

**WHEREAS**, a project for the Town of Riverhead, P.I.N. 0757.46. (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% federal funds and 0% non-federal funds; and

**WHEREAS**, TEA-21 High Priority funds are subject to apportionments over the six Federal Fiscal Years of TEA-21, and annually established special obligation authority. These actions limit available funds to this project's proportionate share of special obligation authority, which may result in total funding of less than 100% of the federally authorized amount, which shortfall would then become a local responsibility; and

**WHEREAS**, the Town of Riverhead desires to advance the Project by making a commitment of 100% of the anticipated non-federal share of the costs (based on the amount of assumed federal aid in the amount currently identified for the Project) in the amount of \$985,000.

**NOW, THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board hereby approves the above-subject project; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the Financial Administrator of the Town of Riverhead to pay in the first instance 100% of such federal and non-federal share of the cost of design and construction work for the Project or portions thereof; and

**BE IT FURTHER RESOLVED**, that pursuant to Resolution 745 (8/17/04), a budget has been established for the Project; and

**BE IT FURTHER RESOLVED**, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town of Riverhead shall appropriate the excess amount upon notification by the Financial Administrator; and

**BE IT FURTHER RESOLVED**, that the Supervisor of the Town of Riverhead is authorized to execute the attached Project Agreement, all necessary agreements, certifications or reimbursement requests for Federal Aid and/or any applicable State Aid on behalf of the Town of Riverhead with the New York State Department of

Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be provided to Andrea Lohneiss, CDA Director, Ken Testa, Town Engineer, and Jack Hansen, Financial Administrator.

**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

4/19/05

TOWN OF RIVERHEAD

Resolution # 360

AUTHORIZING THE SETTLEMENT OF THE CLAIMS OF KEVIN CONLAN AND DANIEL CONLAN WITH RESPECT TO THE CONDEMNATION OF THEIR FEE INTEREST IN 207 RAILROAD STREET, SCTM 0600-128-03-005; 217 RAILROAD STREET, SCTM 0600-128-03-004; THE CLAIM OF RIVERHEAD LIQUOR CORP FOR COMPENSATION FOR THE FIXTURES ARISING OUT OF THE CONDEMNATION OF 207 RAILROAD STREET, SCTM 0600-128-03-005; 217 RAILROAD STREET, SCTM 0600-128-03-004; THE CLAIM OF KEVIN CONLAN WITH RESPECT TO THE CONDEMNATION OF HIS FEE INTEREST IN 201 RAIL ROAD STREET (SCTM 0600-128-03-006); AND THE CLAIM OF KEVIN CONLAN FOR COMPENSATION FOR THE FIXTURES ARISING OUT OF THE CONDEMNATION OF 201 RAIL ROAD STREET (SCTM 0600-128-03-006) RIVERHEAD, NEW YORK

COUNCILMAN BARTUNEK

offered the following resolution, was seconded

by COUNCILMAN DENSIESKI:

**WHEREAS**, the Town has acquired title through eminent domain to the following parcels:

207 Rail Road Street  
(Kevin & Daniel Conlan)  
0600-128-03-005

217 Rail Road Street (Kevin Conlan)  
0600-128-03-004;

and

**WHEREAS**, claims have been filed against the Town to receive additional compensation for the condemnation of the fee interests and the fixtures located at said properties, over and above the advance payments previously authorized by this Board; and

**WHEREAS**, the claims are on for trial under the following for cases:

Kevin D. Conlan and Daniel F. Conlan v. Town of Riverhead  
Index No. 04-18306

Riverhead Liquor Corp. v. Town of Riverhead  
Index No. 04-18305

Kevin F. Conlan v. Town of Riverhead  
Index Nos. 04-18308 and 04-18307

and

**WHEREAS**, the claimants have agreed to settlement all claims against the Town for the sum of Five Hundred Ninety Eight

Thousand Three Hundred and Fifty Six (\$ 598,356) Dollars,  
together with statutory interest; and

**WHEREAS,** the amount of the settlement is within the range of  
market value for said parcels and fixtures; and

**WHEREAS,** in light of the costs attendant to proceeding to a  
second trial with the attendant uncertainties of litigation it is  
in the best interests of the Town to accept the settlement  
proposal;

**NOW BE IT RESOLVED,** that the Town Board of the Town of  
Riverhead hereby accepts the terms of the Stipulations of  
Settlement; and it is further

**RESOLVED** that Supervisor is hereby authorized to sign the  
Stipulations of Settlement on behalf of the Town as well as any  
other documents necessary to effectuate the settlement of the  
litigation; and it is further

**RESOLVED,** that the Town Clerk is hereby directed to forward  
a certified copy of this resolution to Frank A. Isler at Smith,  
Finkelstein, Lundberg, Isler & Yakaboski, LLP.; the Town  
Attorney; John H. Hansen, and Andrea Lohneiss.

THIS RESOLUTION WAS PREPARED BY FRANK A. ISLER COUNSEL FOR THE  
RIVERHEAD 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**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

-----X  
In the Matter of the Claim of

KEVIN D. CONLAN AND DANIEL F. CONLAN,

Index No. 04-18306

Claimants,

-against-

**STIPULATION OF  
SETTLEMENT**

TOWN OF RIVERHEAD,

Respondent.  
-----X

It is hereby Stipulated and Agreed by the parties hereto that the above matter is settled with prejudice and without costs to either party in accordance with the following terms:

**SETTLEMENT OF ALL CLAIMS**

1. The claimants' claims for direct and consequential damages, inclusive of all interest, attorney and expert witness fees, all costs, expenses and additional allowances, and any and all other claims that have been or could be made by claimant arising out of or due to the Town's acquisition herein of **207 Railroad Street**, Riverhead, N.Y., are hereby settled, with prejudice, for the sum of Two Hundred Four Thousand (\$ 204,000) Dollars (hereinafter the Settlement Amount).

2. The claimants have heretofore been paid One Hundred Six Thousand (\$ 106,000) Dollars of the Settlement Amount leaving a balance of Ninety Eight Thousand (\$ 98,000) Dollars to be paid by the Town of Riverhead. In addition, claimants shall be paid interest on the sum of Ninety Two Thousand (\$ 92,000) Dollars at the rate of 6% per annum for the period from November 19, 2002 to the date of payment.

DISCONTINUANCE OF ACTION

3. The above action is hereby discontinued with prejudice and without any additional costs not specified in the Settlement Amount to either party as against the other.

4. This stipulation may be filed with the Court without further notice to the other party.

Dated: April \_\_, 2005

TOWN OF RIVERHEAD

\_\_\_\_\_  
KEVIN D. CONLAN

BY: \_\_\_\_\_  
SUPERVISOR

\_\_\_\_\_  
DANIEL F. CONLAN

\_\_\_\_\_  
MICHAEL RIKON, ESQ.  
GOLDSTEIN, GOLDSTEIN, RIKON,  
& GOLDSTEIN, P.C.  
Attorneys for claimants

\_\_\_\_\_  
FRANK A. ISLER, ESQ.  
SMITH, FINKELSTEIN, LUNDBERG,  
ISLER & YAKABOSKI, LLP.  
Attorneys for the Town of  
Riverhead

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

-----X  
In the Matter of the Claim of

RIVERHEAD LIQUOR CORP.,

Index No. 04-18305

Claimant,

**STIPULATION OF  
SETTLEMENT**

-against-

TOWN OF RIVERHEAD,

Respondent.

-----X

It is hereby Stipulated and Agreed by the parties hereto that the above matter is settled with prejudice and without costs to either party in accordance with the following terms:

**SETTLEMENT OF ALL CLAIMS**

1. The claimant's claims for direct and consequential damages, inclusive of all interest, attorney and expert witness fees, all costs, expenses and additional allowances, and any and all other claims that have been or could be made by claimant arising out of or due to the Town's acquisition of the fixtures located in **207 Railroad Street**, Riverhead, N.Y., are hereby settled, with prejudice, for the sum of One Hundred and Eight Nine Thousand Four Hundred and Forty One (\$ 189,441) Dollars (hereinafter the Settlement Amount).

2. The claimant has heretofore been paid Thirty Two Thousand Two Hundred and Thirty Five (\$ 32,235) Dollars and the parties have further settled the Town's claim for use and occupancy of the premises at the sum of Twelve Thousand Five Hundred (\$ 12,500) Dollars leaving a balance due claimant in the sum of One Hundred and Forty Four Thousand Seven Hundred and Six

(\$ 144,706) Dollars. In addition, claimant shall be paid interest on the sum of One Hundred and Forty Seven Thousand Two Hundred and Six (\$ 147,206) Dollars at the rate of 6% per annum for the period from November 19, 2002 to the date of payment.

**DISCONTINUANCE OF ACTION**

3. The above action is hereby discontinued with prejudice and without any additional costs not specified in the Settlement Amount to either party as against the other.

4. This stipulation may be filed with the Court without further notice to the other party.

Dated: April \_\_, 2005

Riverhead Liquor Corp.

TOWN OF RIVERHEAD

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

BY: \_\_\_\_\_  
SUPERVISOR

\_\_\_\_\_  
MICHAEL RIKON, ESQ.  
GOLDSTEIN, GOLDSTEIN, RIKON,  
& GOLDSTEIN, P.C.  
Attorneys for claimant

\_\_\_\_\_  
FRANK A. ISLER, ESQ.  
SMITH, FINKELSTEIN, LUNDBERG,  
ISLER & YAKABOSKI, LLP.  
Attorneys for the Town of  
RIVERHEAD

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

-----X  
In the Matter of the Claim of

KEVIN F. CONLAN,

Index No. 04-18308

Claimant,

**STIPULATION OF  
SETTLEMENT**

-against-

TOWN OF RIVERHEAD,

Respondent.  
-----X

It is hereby Stipulated and Agreed by the parties hereto that the above matter is settled with prejudice and without costs to either party in accordance with the following terms:

**SETTLEMENT OF ALL CLAIMS**

1. The claimant's claims for direct and consequential damages, inclusive of all interest, attorney and expert witness fees, all costs, expenses and additional allowances, and any and all other claims that have been or could be made by claimant arising out of or due to the Town's acquisition herein of **217 Railroad Street**, Riverhead, N.Y., are hereby settled, with prejudice, for the sum of Two Hundred and Six Thousand (\$ 206,000) Dollars (hereinafter the Settlement Amount).

2. The claimant has heretofore been paid One Hundred Thousand (\$ 100,000) Dollars of the Settlement Amount leaving a balance of One Hundred and Six Thousand (\$ 106,000) Dollars to be paid by the Town of Riverhead. In addition, claimant shall be paid interest on the sum of One Hundred Thousand (\$ 100,000) Dollars at the rate of 6% per annum for the period from November 19, 2002 to the date of payment.

**DISCONTINUANCE OF ACTION**

3. The above action is hereby discontinued with prejudice and without any additional costs not specified in the Settlement Amount to either party as against the other.

4. This stipulation may be filed with the Court without further notice to the other party.

Dated: April \_\_, 2005

TOWN OF RIVERHEAD

\_\_\_\_\_  
KEVIN F. CONLAN

BY: \_\_\_\_\_  
SUPERVISOR

\_\_\_\_\_  
MICHAEL RIKON, ESQ.  
GOLDSTEIN, GOLDSTEIN, RIKON,  
& GOLDSTEIN, P.C.  
Attorneys for claimant

\_\_\_\_\_  
FRANK A. ISLER, ESQ.  
SMITH, FINKELSTEIN, LUNDBERG,  
ISLER & YAKABOSKI, LLP.  
Attorneys for the Town of  
Riverhead

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

-----X  
In the Matter of the Claim of

KEVIN F. CONLAN,

Index No. 04-18307

Claimant,

-against-

**STIPULATION OF  
SETTLEMENT**

TOWN OF RIVERHEAD,

Respondent.  
-----X

It is hereby Stipulated and Agreed by the parties hereto that the above matter is settled with prejudice and without costs to either party in accordance with the following terms:

**SETTLEMENT OF ALL CLAIMS**

1. The claimant's claims for direct and consequential damages, inclusive of all interest, attorney and expert witness fees, all costs, expenses and additional allowances, and any and all other claims that have been or could be made by claimant arising out of or due to the Town's acquisition of the fixtures located in **217 Railroad Street**, Riverhead, N.Y., are hereby settled, with prejudice, for the sum of Twenty Eight Thousand Nine Hundred and Fourteen (\$ 28,914) Dollars (hereinafter the Settlement Amount).

2. The claimant has heretofore been paid Four Thousand Three Hundred and Forty Three (\$ 4,343) Dollars of the Settlement Amount and the parties have further settled the Town's use and occupancy claim for the sum of Seventeen Thousand Five Hundred (\$ 17,500) Dollars, leaving a balance of Seven Thousand Seventy One (\$ 7,071) Dollars to be paid by the Town of Riverhead. In

addition, claimant shall be paid interest on the sum of Nineteen Thousand Five Hundred and Seventy One (\$ 19,571) Dollars at the rate of 6% per annum for the period from November 19, 2002 to the date of payment.

**DISCONTINUANCE OF ACTION**

3. The above action is hereby discontinued with prejudice and without any additional costs not specified in the Settlement Amount to either party as against the other.

4. This stipulation may be filed with the Court without further notice to the other party.

Dated: April \_\_, 2005

TOWN OF RIVERHEAD

\_\_\_\_\_  
KEVIN F. CONLAN

BY: \_\_\_\_\_  
SUPERVISOR

\_\_\_\_\_  
MICHAEL RIKON, ESQ.  
GOLDSTEIN, GOLDSTEIN, RIKON,  
& GOLDSTEIN, P.C.  
Attorneys for claimant

\_\_\_\_\_  
FRANK A. ISLER, ESQ.  
SMITH, FINKELSTEIN, LUNDBERG,  
ISLER & YAKABOSKI, LLP.  
Attorneys for the Town of  
Riverhead

# Adopted

4/19/05

TOWN OF RIVERHEAD

RESOLUTION 361

Authorizes Supervisor to Execute Intermunicipal Agreement for Reimbursement

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

**WHEREAS**, the Town of Riverhead is undertaking to construct improvements in Grangebél Park to be funded as a High Priority Project under the TEA-21 program; and

**WHEREAS**, Suffolk County maintains jurisdiction over a portion of the project improvements involving culverts and pedestrian pathways (as depicted on the attached plan) which are proposed to be improved by the Town of Riverhead with a pedestrian bridge to improve utilization of the park; and

**WHEREAS**, Suffolk County has committed to and budgeted a \$50,000 contribution towards the improvements to be made to this specific component of the project and has agreed to reimburse the Town of Riverhead for 50% of the total cost, not to exceed \$50,000, upon successful completion of the project.

**THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to execute the attached Intermunicipal Agreement as approved by the Town Attorney.

**BE IT FURTHER RESOLVED**, that the Town Clerk shall forward a certified copy of this resolution to Christine Malafi, Suffolk County Attorney, Eileen Reilly, Chief Engineer's Office Suffolk County DPW, Sean Walter, Deputy Town Attorney, Ken Testa, Town Engineer, and Andrea Lohneiss, CDA Director.

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

# DRAFT

## INTERMUNICIPAL AGREEMENT

**THIS AGREEMENT** (the "Agreement") made between the **COUNTY OF SUFFOLK** ("COUNTY"), a municipal corporation of the State of New York, having its principal offices at the County Center, Riverhead, New York 11901 acting through its duly constituted **DEPARTMENT OF PUBLIC WORKS** ("DEPARTMENT"), located at 335 Yaphank Avenue, Yaphank, New York 11980 and the **TOWN OF RIVERHEAD** ("TOWN"), having its principal offices at 200 Howell Avenue, Riverhead, NY 11901.

The parties hereto desire to enter into an agreement to enable the **TOWN** to enter into a joint venture project with **SUFFOLK COUNTY** for the replacement of a Suffolk County culvert in Grangebel Park in the Town of Riverhead.

**TERM OF AGREEMENT:** Shall be as set forth in Exhibit A attached.

**TOTAL COST OF AGREEMENT** \$50,000

**TERMS AND CONDITIONS:** Shall be as set forth in Exhibits A and B 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: \_\_\_\_\_  
PHILIP J. CARDINALE  
Supervisor

By: \_\_\_\_\_  
PAUL SABATINO II  
Chief Deputy County Executive

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED:**  
**DEPARTMENT OF PUBLIC WORKS**

### APPROVED AS TO LEGALITY:

CHRISTINE MALAFI  
Suffolk County Attorney

By: \_\_\_\_\_  
CHARLES J. BARTHA, P.E.  
Commissioner

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Assistant County Attorney

Date: \_\_\_\_\_

**EXHIBIT A**

**WHEREAS**, the COUNTY maintains three corrugated metal pipes that carry the Peconic River through County parkland adjoining Grangebél Park in the Towns of Riverhead and Southampton; and

**WHEREAS**, these pipes are in a extremely deteriorated condition; and

**WHEREAS**, the TOWN is rebuilding their facilities in Grangebél Park; and

**WHEREAS**, in order to mitigate continuing problems with the culvert and enhance the aesthetics of the area, the Town has recommended a joint venture whereby the TOWN would replace our severely deteriorated metal pipes with a pedestrian bridge connecting County parkland with Grangebél Park, provided the County share in the cost of the pedestrian bridge; and

**WHEREAS**, by entering into a joint venture with the TOWN, the COUNTY will recognize cost savings associated with design and administration, construction and maintenance of the existing culvert; and

**WHEREAS**, the COUNTY is desirous of entering into a joint venture with the TOWN for the construction of this pedestrian bridge, at a cost not to exceed \$50,000; and

**WHEREAS**, County Legislative Resolution No.1104-2004, Exhibit B, appropriated \$50,000 and authorized the COUNTY to enter into an agreement with the TOWN for the replacement of these deteriorated metal pipes with a pedestrian bridge;

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

**1. Term and Effective Date**

This Agreement shall commence on the date this agreement is fully executed by the COUNTY and shall terminate upon final payment of County funds to the TOWN.

**2. Compliance**

The TOWN shall comply with all Federal, State and local laws, rules, regulations, codes and ordinances in the performance of this Agreement and shall obtain, pay for and comply with any conditions contained in any permits, approvals and renewals thereof which are required to be obtained in the legal performance of this Agreement.

**3. Contact Persons**

The contact persons for the parties to this Agreement shall be; for the COUNTY, the Public Works Commissioner; for the TOWN, the Supervisor. 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).

**4. Method of Payment**

The Town will submit contractor's invoices on a monthly basis for reimbursement by the County, in an amount not to exceed \$50,000.

## Insurance and Indemnification

The Town shall furnish to the County Declaration Pages for each such policy of insurance, and, upon request, a true and certified original copy of each such policy, evidencing compliance with the insurance requirements. The County of Suffolk shall be named as an additional insured on all applicable policies and the Town shall furnish a Declaration Page and endorsement page evidencing the County's status as an additional insured on said policy.

All such Declaration Pages and other evidence of insurance shall provide for the County of Suffolk to be notified in writing thirty (30) days prior to any cancellation, nonrenewal, or material change in said policies. Such Declaration Pages, policies, and other evidence of insurance and notices shall be mailed to the Department at its address set forth in this contract.

Prior to commencement to work under this agreement, the TOWN shall provide the COUNTY with proof of insurance in the following types and amounts.

### 1. Workers Compensation Insurance

**Worker's Compensation and Employer's Liability** insurance in compliance with all applicable New York State laws and regulations and **Disability Benefits** insurance, if required by law. Contractor shall furnish to the County, prior to its execution of this Agreement, the documentation required by the State of New York Workers' Compensation Board of coverage or exemption from coverage pursuant to §§ 57 and 220 of the Workers' Compensation Law. In accordance with General Municipal Law § 108, this Agreement shall be void and of no effect unless the Contractor shall provide and maintain coverage during the term of this Agreement for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

### 2. General Liability Insurance

Commercial General Liability Insurance, including contractual liability coverage in and amount not less than two million dollars (\$2,000,000) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage.

At the Contractor's option, the Contractor may furnish a minimum one million dollar (\$1,000,000) Umbrella Policy or Excess Liability Policy to meet the two million dollar (\$2,000,000) General Liability Insurance requirement of item No. 2a.

### 3. Automobile Liability Insurance including owned, non-owned, and hired cars, with minimum limits of not less than One Million Dollars (\$1,000,000) per person, per accident bodily injury and not less than Five Hundred Thousand Dollars (\$500,000) for property damage per occurrence.

All policies shall be issued by insurance companies with an A.M. Best rating of A- or better which are licensed to do business in the State of New York. The TOWN shall furnish to the COUNTY certificates of insurance, or, on request, original policies, evidencing compliance with the aforesaid insurance requirements. In the case of commercial general liability insurance, said certificates or other evidence of insurance shall name the County of Suffolk as an additional insured. All such certificates or other evidence of insurance shall provide for the County of Suffolk to be a certificate holder and to be notified in writing thirty (30) days prior to any cancellation, non-renewal or material change. Such certificates, policies or other evidence of insurance and notices shall be mailed to the

Suffolk County Department of Public Works, 335 Yaphank Avenue, Yaphank, NY 11980. If the TOWN has a self-insurance program under which it acts as a self-insurer for any of such required coverage, it may provide self-funded coverage and certificates of other evidence of such self-insurance in lieu of insurance issued by insurance companies.

Furthermore, the TOWN shall defend, indemnify and hold harmless the COUNTY, its officers, employees, agents, subconsultants and other persons from and against all losses, claims, costs, judgments, liens, encumbrances and expenses, including attorney's fees, by reason of liability imposed by law, for damage because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons, or on account of damage to property, arising out of this Agreement or out of acts or omissions or negligence of the TOWN, its agents, employees or subconsultants or of other persons, in connection with the services described or referred to in this Agreement even if such injuries to persons or damage to property are due, or are claimed to be due, to passive negligence of the COUNTY, its officers, employees, agents or subconsultants or other persons, except only in cases of the County's sole active negligence.

5. Gratuities

The TOWN represents and warrants that they have 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).

6. Independent Contractor

It is expressly agreed that the status of the TOWN hereunder is that of an independent contractor. Neither the TOWN nor any person hired by the TOWN shall be considered employees of the COUNTY for any purpose whatsoever.

7. Assignment of Agreement

The TOWN shall not assign, transfer, convey, sublet or otherwise dispose of this Agreement, or any of its right, title or interest therein, or its power to execute this Agreement, or assign all or any portion of the monies that may be due or become due to the COUNTY under the terms of this Agreement, to any other person or corporation, without the prior consent in writing of the COUNTY, and any attempt to do any of the foregoing without such consent shall be of no effect.

8. Severability

It is expressly agreed that if any term or provision of this Agreement and any amendment hereto, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this Agreement and any amendment hereto, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Agreement and any amendment hereto shall be valid and shall be enforced to the fullest extent permitted by law.

### 9. Entire Agreement

It is expressly agreed that this instrument represents the entire agreement of the parties and that all previous understandings are merged in this Agreement.

### 10. Modification of Agreement

No modification of this Agreement shall be valid unless written in the form of an Addendum or Amendment signed by both parties.

### 11. Living Wage Law

This Agreement is subject to the Living Wage Law of the County of Suffolk. The law requires that, unless specific exceptions apply, or a waiver is granted, all employers (as defined) under service contracts and recipients of County financial assistance (as defined) shall provide payment of a minimum wage to employees (as defined) of \$9.29 per hour with health benefits of at least \$1.29 per hour or otherwise \$10.58 per hour. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law, County of Suffolk.

Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate this contract and to seek other remedies as set forth therein, for violations of this law.

### 12. Child Sexual Abuse Reporting Policy

The TOWN agrees to comply with the Chapter 577, Article IV, of the Suffolk County Code, entitled "Child Sexual Abuse Reporting Policy", as now in effect or amended hereafter or of any other Suffolk County Law that may become applicable during the term of this Agreement with regard to the child sexual abuse reporting policy and any regulations promulgated thereunder, and the CONTRACTOR represents and warrants that he has read and is familiar with Chapter 577, Article IV, of the Suffolk County Code.

# EXHIBIT B

Intro. Res. No. 2054-2004

Laid on Table 10/27/2004

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. 1104 - 2004, AMENDING THE ADOPTED 2004 OPERATING BUDGET TO FUND PAY AS YOU GO CAPITAL PROJECTS AND APPROPRIATING THE 2004 CAPITAL BUDGET AND PROGRAM PAY AS YOU GO FUNDS IN CONNECTION WITH THE RECONSTRUCTION OF CULVERTS (CP 5371)**

**WHEREAS**, there are now sufficient excess operating appropriations within the 2004 Adopted Operating Budget to fund the required pay as you go capital projects as Adopted or Modified in the 2004 Capital Budget and Program; and

**WHEREAS**, the Commissioner of Public Works has requested funds for the County's participation with the Town of Riverhead to reconstruct the culvert at Grangebél Park; and

**WHEREAS**, there are sufficient capital authorizations within the 2004 Capital Budget and Program to fund said request; and

**WHEREAS**, Resolution 471-1994, as revised by Resolution 571-1998 and reaffirmed by Resolution 209-2000, established the use of a priority ranking system, implemented in the Adopted 2004 Capital Budget, as the basis for funding capital projects such as this project; and

**WHEREAS**, there are available general operating funds to support the appropriation of this pay as you go project within the 2004 Capital Budget and Program; now, therefore be it

**RESOLVED**, pursuant to the State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA") Resolution No. 1168 of 1995 classified the action contemplated by this as a Type II Action, pursuant to the provisions of Title 6 NYCRR, Part 617.13(d)(1), (8) and (21), since it involves the replacement of a facility in-kind on the same site, or construction of minor structures; and be it further

**RESOLVED**, that it is hereby determined that this project, with a priority ranking of forty nine (49) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 571-1998 and reaffirmed by Resolution No. 209-2000; and be it further

**RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (W) of the Suffolk County Charter; and be it further

**RESOLVED**, that the Adopted 2004 Operating Budget be and hereby is amended and that the following appropriations be and hereby are transferred:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Retirement:	Interfund Transfer	\$50,000
Employee Benefits	Transfer to Capital Reserve Fund	
001-EMP-9010-8280	001-IFT-E401-9600	

and be it further

**RESOLVED**, that the Adopted 2004 Operating Budget be and hereby is amended increasing interfund revenues and expenditures within the Capital Reserve Fund (Fund 401) and that the additional interfund revenues and expenditures be and hereby are accepted and appropriated as follows:

**REVENUES:**

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
---------------	-------------	-------------------	---------------------	--------------------	---------------

IFT 401 R001 E401 Transfer from General Fund \$50,000

**EXPENDITURES:**

<u>Agency</u>	<u>Fund</u>	<u>Organization</u>	<u>Object</u>	<u>Description</u>	<u>Amount</u>
IFT	401	E525	9600	Transfer to Capital Fund	\$50,000

and be it further

**RESOLVED**, that these interfund revenues be and hereby are transferred and accepted within the Capital Fund as follows:

**REVENUES:**

<u>Agency</u>	<u>Fund</u>	<u>Rev Source</u>	<u>Organization</u>	<u>Description</u>	<u>Amount</u>
IFT	525	R401	E525	Transfer from Gen. Capital Reserve	\$50,000

and be it further

**RESOLVED**, that the proceeds of \$50,000 in Capital Reserve Funds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>I.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-5371.317	50	Reconstruction of Culverts	\$50,000

and be it further

**RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers, to and from the Capital Reserve Fund required to finance this capital project; and be it further

**RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute an inter-municipal agreement with the Town of Riverhead on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED: November 16, 2004

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: November 18, 2004

Young & Young  
Land Surveyors  
Riverhead, New York

ITEM 31 - CONCRETE BRIDGE

31.1 - SCOPE

The work includes furnishing all labor, materials, and equipment necessary to furnish and install a concrete bridge in accordance with the plans and specifications, and as directed by and to the approval of the Engineer.

31.2 - MATERIALS

31.2.a. - Wood Bulkhead

Wood bulkhead materials shall be as specified in Item 30 - Wood Bulkhead.

31.2.b. - Concrete Footing

Concrete footing materials shall be as specified in Item 9 - Concrete Sidewalk.

31.2.c. - Prefabricated Concrete Bridge

Prefabricated concrete bridge shall be as manufactured by Conspan, Intermediate Span Series, or approved equal.

31.2.d. - Rip Rap

Rip rap shall be 4" nominal stone.

31.2.e. - Steel Railing

Steel railing shall be molded steel as manufactured by Tennessee Fabricating Co., or approved equal.

31.2.f. - Concrete Coping

Concrete coping shall be Type 'A' concrete coping, in 4' - 0" sections, with fiber reinforcing, or approved equal.

31.2.g. - Stabilized Soil Base

Stabilized soil base shall be as specified in Item 20 - Stabilized Soil Base.

31.2.h. - Recycled Concrete Aggregate

Recycled concrete aggregate shall be as specified in Item 21 - Recycled Concrete Aggregate.

31.2.i. - Sand Bedding Material

Sand bedding material shall be concrete sand, as specified in Item 9 - Concrete Sidewalk.

31.2.j. - Brick Pavers

Brick paver material shall be as specified in Item 15 - Brick Pavers.

31.3 - METHOD

31.3.a. - Wood Bulkhead

Wood bulkhead shall be constructed as specified in Item 30 - Wood Bulkhead.

31.3.b. - Concrete Footing

Concrete footing shall be constructed as specified in Item 9 - Concrete Sidewalk.

31.3.c. - Prefabricated Concrete Bridge

Prefabricated concrete bridge shall be constructed in accordance with the manufacturer's installation requirements.

31.3.d. - Rip Rap

Rip rap shall be placed at the locations shown on the plans, or as directed by the Engineer.

31.3.e. - Steel Railing

Steel railing shall be installed in accordance with the plans and construction details, or as directed by the Engineer.

#### 31.3.f. - Concrete Coping

Concrete coping shall be installed in accordance with the plans and construction details, or as directed by the Engineer.

#### 31.3.g. - Stabilized Soil Base

Stabilized soil base shall be in accordance with the plans and construction details, or as directed by the Engineer.

#### 31.3.h. - Recycled Concrete Aggregate

Recycled concrete aggregate shall be installed in accordance with the plans and construction details, or as directed by the Engineer.

#### 31.3.i. - Sand Bedding Material

Sand bedding material shall be placed in accordance with the plans and construction details, or as directed by the Engineer.

#### 31.3.j. - Brick Pavers

Brick pavers shall be constructed as specified in Item 15 - Brick Pavers.

### 31.4 - BASIS OF PAYMENT

Payment under this item shall be made at the lump sum price bid for concrete bridge. Payment under this item shall include all wood bulkhead, concrete footing, prefabricated concrete bridge components, 4" rip rap, steel railing, concrete coping, stabilized soil base, recycled concrete aggregate, sand bedding material, brick pavers, hardware, on site treatment of cut lumber, joint material, and all other incidental labor, materials, and equipment required to satisfactorily complete the work.

Payment for removal and proper disposal of the existing culverts shall be under Item 1 - Demolition and Site Clearance.

055 + 07

February 22, 2005

PRELIMINARY CONSTRUCTION COST ESTIMATE  
for Proposed Concrete Bridge  
GRANGEBEL PARK IMPROVEMENT PROJECT  
at Riverhead, Town of Riverhead, New York

<u>Item No.</u>	<u>Qty. &amp; Unit</u>	<u>Description</u>	<u>Unit / L.S. Cost</u>	<u>Total Cost</u>
31a	177	L.F. Wood Bulhead	\$350.00	\$61,950.00
31b		L.S. Concrete Footing	\$5,000.00	\$5,000.00
31c		L.S. Prefabricated Concrete Bridge	\$30,000.00	\$30,000.00
31d	12	C.Y. Rip Rap -4"	\$150.00	\$1,800.00
31e	85	L.F. Steel Railing	\$60.00	\$5,100.00
31f	177	L.F. Concrete Coping	\$20.00	\$3,540.00
31g		L.S. Stabilized Soil Base	\$2,500.00	\$2,500.00
31h	14	C.Y. Recycled Concrete Aggregate	\$100.00	\$1,400.00
31i	81	S.Y. Sand Bedding Material - 1 "	\$15.00	\$1,215.00
31j	728	S.F. Brick Pavers	\$20.00	\$14,560.00
		Total		\$127,065.00





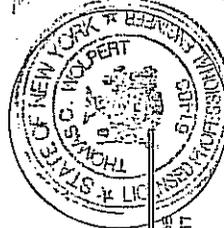
**Young & Young**  
 400 Ostrander Avenue, Riverhead, N.Y. 11901  
 631-727-2308

Howard W. Young, Land Surveyor  
 Thomas C. Holpert, Professional Engineer  
 Robert C. Tust, Architect  
 Ronald E. Pfuhl, Landscape Architect  
 Douglas E. Adams, Professional Engineer

**ENGINEER'S CERTIFICATION**

*Thomas C. Holpert*

THOMAS C. HOLPERT, N.Y.S. P.E. NO. 61482  
 DOUGLAS E. ADAMS, N.Y.S. P.E. NO. 80841



**MAP OF GRANGEBEL PARK**  
 NYS DOT PIN 0T57.46

At Riverhead, Town of Riverhead  
 Suffolk County, New York

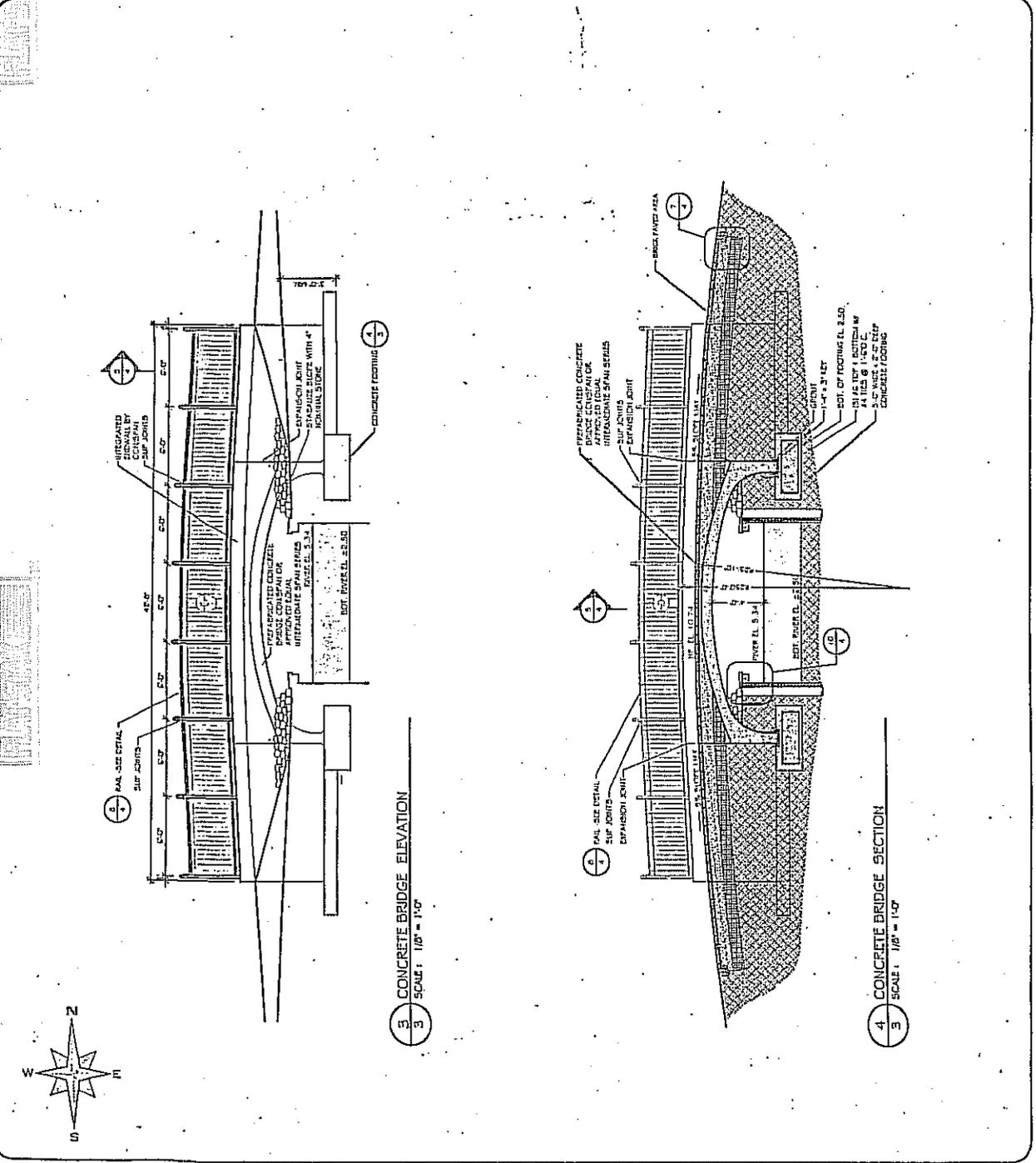
County Tax Map District 600 Section 12B Block B Lot 721

**CONCRETE BRIDGE DETAIL**

MAP PREPARED FEB. 15, '72

SCALE: AS SHOWN

JOB NO. 2008-0024  
 DWG. 2008\_0024\_CONC-BRIDGE





April 19, 2005

Adopted

TOWN OF RIVERHEAD

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST  
A HELP WANTED AD FOR A PART TIME MAINTENANCE MECHANIC II FOR THE  
SENIORS HELPING SENIORS PROGRAM

RESOLUTION # 362

COUNCILMAN DENSIESKI offered the following  
resolution, which was seconded by COUNCILWOMAN BLASS

**BE IT RESOLVED**, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in April 28, 2005 issue of The Traveler Watchman

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

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

## HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Part Time Maintenance Mechanic II in the Seniors Helping Seniors Program with a minimum trade experience of 2 years. Applications are to be submitted to the Accounting Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on Friday, May 6, 2005. EOE

BY ORDER OF:

THE RIVERHEAD TOWN BOARD

BARBARA GRATTAN, TOWN CLERK

April 19, 2005

Adopted

TOWN OF RIVERHEAD

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST  
A HELP WANTED AD FOR A PART TIME MAINTENANCE MECHANIC I FOR THE SENIORS  
HELPING SENIORS PROGRAM

RESOLUTION # 363

COUNCILWOMAN BLASS \_\_\_\_\_ offered the following

resolution, which was seconded by \_\_\_\_\_ COUNCILMAN BARTUNEK \_\_\_\_\_.

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in April 28, 2005 issue of The Traveler Watchman

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

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

## HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Part Time Maintenance Mechanic I in the Seniors Helping Seniors Program with a minimum trade experience of 1 year. Applications are to be submitted to the Accounting Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on Friday, May 6, 2005. EOE

BY ORDER OF:

THE RIVERHEAD TOWN BOARD

BARBARA GRATTAN, TOWN CLERK

TB 4/19/05

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 364  
ADOPTED APRIL 19, 2005

AUTHORIZES THE TOWN CLERK TO READVERTISE FOR BIDS ON  
PRECAST CONCRETE DRAINAGE RINGS & ASSOCIATED ITEMS

COUNCILMAN BARTUNEK

OFFERED THE FOLLOWING

RESOLUTION WHICH WAS SECONDED BY COUNCILMAN DENSIESKI

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for the purchase of PRECAST CONCRETE DRAINAGE RINGS & ASSOCIATED ITEMS for the use of the Town of Riverhead Highway Department, AND BE IT,

RESOLVED, that the specifications and forms for bidding be prepared by the Superintendent of Highways, and all bids to be returnable up to 11:05 A.M. on MAY 9, 2005, AND BE IT FURTHER,

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to open publicly and read aloud on MAY 9, 2005 at 11:05 A.M. at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation "BID ON PRECAST CONCRETE DRAINAGE RINGS & ASSOCIATED ITEMS".

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

**NOTICE TO BIDDERS**

Sealed bids for **“PRECAST CONCRETE DRAINAGE RINGS & ASSOCIATED ITEMS”** for the use of the Riverhead Highway Department will be received by the Town Clerk of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York 11901 until **11:05 A.M. on May 9, 2005.**

Instructions for bidders, specifications and forms may be obtained at the office of the Town Clerk at the Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M..

All bids will be submitted on the bid form provided. Any and all exceptions to the specifications will be listed on a separate sheet of paper bearing the designation **“Exceptions to the Specifications”**, and attached to the bid form.

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

All bids will be submitted in a sealed envelope bearing the designation **“BID on PRECAST CONCRETE DRAINAGE RINGS & ASSOCIATED ITEMS”**.

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD  
BARBARA A. GRATTAN, TOWN CLERK**

April 19, 2005

Adopted

TOWN OF RIVERHEAD

AUTHORIZES TOWN CLERK TO PUBLISH & POST NOTICE TO BIDDERS FOR WELL & PUMP EMERGENCY SERVICE FOR THE WATER DISTRICT

RESOLUTION # 365

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for well and pump emergency service for the Riverhead Water District; 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 Water District and the Purchasing Department.

THE VOTE

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

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

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **WELL & PUMP EMERGENCY SERVICE** 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 **11:00 a.m. on May 9, 2005.**

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

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

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR WELL & PUMP EMERGENCY SERVICE.**

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

Barbara Grattan, Town Clerk

Adopted

TOWN OF RIVERHEAD

Resolution # 366

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING TO CONSIDER THE DESIGNATION OF CERTAIN STRUCTURE(S) AS A LANDMARK PURSUANT TO CHAPTER 73 ENTITLED, "LANDMARKS PRESERVATION" OF THE RIVERHEAD TOWN CODE (ROANOKE AVENUE SCHOOL)**

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

WHEREAS, pursuant to Article IV of Chapter 73 of the Riverhead Town Code, a procedure exists for Designation of Landmarks; and

WHEREAS, the Town Board of the Town of Riverhead desires to have the Raonoke Avenue School attain Landmark status and has submitted the appropriate application to the Landmarks Preservation Commission for consideration; and

WHEREAS, proper notice of a public hearing will be given to the owners of all property located within two hundred fifty (250) feet of the exterior boundary lines of the subject parcel; and

WHEREAS, the Landmarks Preservation Commission has carefully considered the merits of this application and has approved it for landmark status; and

WHEREAS, the Town Board in its discretion may call a public hearing on this application and wishes to exercise its option.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby directed to publish and post the attached Notice of Public Hearing, once in the April 28, 2005 issue of the Traveler Watchman, the official newspaper for this purpose and to cause such additional notification as required pursuant to Article IV, Section 73-7 (E) of the Riverhead Town Code; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Landmarks Preservation Commission; the Building Department; the Assessor's Office and the Office of the Town Attorney

Z:\Melissa\Landmarks-RoanokeAvePH.doc

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  
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 17<sup>th</sup> day of May, 2005 at 7:05 o'clock p.m. at Riverhead Senior Center, Shade Tree Lane, Riverhead, New York to consider the designation of the following structure(s) as a landmark:

Roanoke Avenue School: Suffolk County Tax Map #0600-128-4-4

DATED: April 19, 2005

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

April 19, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 367

PROMOTION TO ORDINANCE ENFORCEMENT OFFICER

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

**WHEREAS**, the position of Ordinance Enforcement Officer has been created in the Code Enforcement Office; and

**WHEREAS**, all willing applicants appearing on the Suffolk County Civil Service List of Eligibles have been interviewed; and

**WHEREAS**, the current Ordinance Inspector has placed on the Suffolk County Civil Service List of Eligibles and it is the recommendation of the Personnel Committee to promote this current employee:

**NOW, THEREFORE, BE IT RESOLVED**, that Richard Downs is hereby promoted to the position of Ordinance Enforcement Officer effective April 25, 2005 at Group 7 Step 3A of the Salary Administration Schedule.

**BE IT FURTHER RESOLVED**, that the newly vacant position of Ordinance Inspector is hereby abolished.

THE VOTE

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

Adopted

APRIL 19, 2005

TOWN OF RIVERHEAD

Resolution # 368

RATIFIES APPOINTMENT OF HOMEMAKER  
IN THE NUTRITION DEPARTMENT

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

**WHEREAS**, due to the resignation of an employee there is a vacancy in the Nutrition Department for the position of Part Time Homemaker, and

**WHEREAS**, it is the recommendation of the Personnel Committee that Cynthia Trent be appointed to said position.

**NOW, THEREFORE, BE IT RESOLVED**, that effective April 12, 2005 the Town Board hereby appoints Cynthia Trent to the position of Part Time Homemaker at an hourly rate of \$11.5741.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Cynthia Trent, the Nutrition Department and the Office of Accounting.

**THE VOTE**

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

TOWN OF RIVERHEAD

Adopted

Resolution No. 369

RECOMMENDS RIVERHEAD TOWN REPRESENTATIVE  
TO SUFFOLK COUNTY PLANNING COMMISSION

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

WHEREAS, the term of office of Richard M. O'Dea, representing the town of Riverhead, expired as of December 31, 2002; and

WHEREAS, Richard M. O'Dea has continued to serve in a holdover capacity volunteering his services in good standing; and

WHEREAS, Richard M. O'Dea's experience and wealth of knowledge of land use issues in the Town of Riverhead and County of Suffolk is desirable and beneficial to town government and the residents of the Town of Riverhead; and

NOW THEREFORE, BE IT

RESOLVED, that Richard O'Dea is willing and able to continue to serve as the representative for the Town of Riverhead on the Suffolk County Planning Commission.

BE IT FURTHER RESOLVED, that Suffolk County Executive Steve Levy and the Suffolk County Legislature receive this recommendation from the great Town of Riverhead and approve the reappointment of Richard O'Dea.

THE VOTE

Sanders ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Bartunek ~~Yes~~ No

Cardinale ~~Yes~~ No

*abstain*

04/19/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 370

### RESCINDS LOCAL LAW 12 OF AUGUST 21, 2001 TO AMEND RIVERHEAD TAX BILLS BY CREATING A SEPARATE LINE (RIVERHEAD CHARTER SCHOOL)

COUNCILWOMAN BLASS 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 rescinding Local Law # 12 of August 21, 2001 to amend Riverhead tax bills by creating a separate line (Riverhead Charter School); and

**WHEREAS**, a public hearing was held on 5<sup>th</sup> day of April, 2005 at 7:20 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that Local Law # 12 of August 21, 2001 to amend Riverhead tax bills by creating a separate line (Riverhead Charter School) be and is hereby rescinded as specified in the attached notice of rescission; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached notice of rescission once in the **Traveler Watchman** 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 Tax Assessor and the Town Attorney.

THE VOTE

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

THE RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF RESCISSION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead rescinded Local Law # 12 of August 21, 2001 to amend Riverhead tax bills by creating a separate line (Riverhead Charter School) at its regular meeting held on April 19, 2005.

Dated: Riverhead, New York  
April 19, 2005

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

**BARBARA GRATTAN, Town Clerk**

# Adopted

April 19, 2005

## TOWN OF RIVERHEAD

Resolution # 371

### TERMINATES A CROSSING GUARD

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

**WHEREAS**, Chief of Police David J. Hegermiller has recommended that Stanley G. Woodson be terminated from his position as Crossing Guard with the Riverhead Police Department.

**NOW, THEREFORE, BE IT RESOLVED**, effective immediately, Stanley G. Woodson is terminated from his position as Crossing Guard.

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Stanley G. Woodson, the Chief of Police 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

April 19, 2005

# Adopted

## TOWN OF RIVERHEAD

Resolution # 372

### TERMINATES A DETENTION ATTENDANT

COUNCILMAN DENSIESKI  
seconded by COUNCILWOMAN BLASS offered the following resolution, which was

**WHEREAS**, Chief of Police David J. Hegermiller has recommended that Patricia A. Hewitt be terminated from her position as a Detention Attendant with the Riverhead Police Department.

**NOW, THEREFORE, BE IT RESOLVED**, effective immediately, Patricia A. Hewitt is terminated from her position as Detention Attendant.

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Patricia A. Hewitt, the Chief of Police 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

APRIL 19, 2005

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 373

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

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

		<u>FROM</u>	<u>TO</u>
001.031200.541403	Police, Recording Equip Maint	440	
001.031200.541407	Police, Typewriter Maint		440
001.080250.547600	Seed Clam Program, Seed Clams	500	
001.080250.540000	Seed Clam Program, Contr Exp		500
001.000000.390599	Appropriated Fund Balance	7,500	
001.010100.542607	Town Board, Ord Codification		7,500
001.000000.390599	Appropriated Fund Balance	16,000	
001.013100.524000	Finance, Equipment		16,000
001.000000.390599	Appropriated Fund Balance	1,500	
001.035100.549000	Control of Dogs, Misc		1,000
001.035100.543400	Control of Dogs, Education		500
001.000000.390599	Appropriated Fund Balance	3,700	
001.065100.544140	Veteran's Services- Flag Exp		3,700

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

APRIL 14, 2005

Adopted

TOWN OF RIVERHEAD

AWARDS BID FOR DISPOSAL OF DEMOLITION & CONSTRUCTION DEBRIS

RESOLUTION # 374

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

**WHEREAS,** the Town Clerk was authorized to publish and post a notice to bidders for **DISPOSAL OF DEMOLITION & CONSTRUCTION DEBRIS.**

**WHEREAS,** bids were received, opened and read aloud on the 24<sup>th</sup> day of March, 2005, at 11:10 A.M. at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, the date, time and place given in the notice to bidders.

**NOW, THEREFORE BE IT RESOLVED,** that the bid for DISPOSAL OF DEMOLITION & CONSTRUCTION DEBRIS be and is hereby awarded to WASTE MANAGEMENT OF NEW YORK LLC.

**RESOLVED,** that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Waste Management of NY, LLC, 123 Varick Avenue, Brooklyn, NY, Sanitation Superintendent and the Purchasing Department.

THE VOTE

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

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

Adopted

APRIL 14, 2005

TOWN OF RIVERHEAD

AWARDS BID FOR REMOVAL TOWN GENERATED MUNICIPAL  
SOLID WASTE

RESOLUTION # 375

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

**WHEREAS,** the Town Clerk was authorized to publish and post a notice to  
bidders for **REMOVAL OF TOWN GENERATED MUNICIPAL SOLID WASTE.**

**WHEREAS,** bids were received, opened and read aloud on the 24<sup>th</sup> day of  
March, 2005, at 11:10 A.M. at Town Hall, 200 Howell Avenue, Riverhead, New York  
11901, the date, time and place given in the notice to bidders.

**NOW, THEREFORE BE IT RESOLVED,** that the bid for **REMOVAL OF  
TOWN GENERATED MUNICIPAL SOLID WASTE,** be and is hereby awarded to  
CROWN RECYCLING FACILITY.

**RESOLVED,** that the Town Clerk be and is hereby authorized to forward a  
certified copy of this resolution to **Crown Recycling Facility PO Box 215, Calverton,  
NY 119331, John Reeve, Sanitation Superintendent and the Purchasing  
Department.**

**THE VOTE**

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

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

TB 4/19/05

Adopted

TOWN OF RIVERHEAD

Resolution # 376  
Adopted April 19, 2005

AWARDS BID ON TRAFFIC SIGNS & RELATED ITEMS

COUNCILMAN DENSIESKI

\_\_\_\_\_ offered the following resolution which was

seconded by COUNCILWOMAN BLASS

WHEREAS, the Town Clerk was authorized to advertise for sealed bids on a "TRAFFIC SIGNS & RELATED ITEMS" for the use of the Riverhead Highway Department, and

WHEREAS, all bids were received and read aloud on the 8<sup>TH</sup> of April at 11:05 A.M. at the Town Hall, 200 Howell Avenue, Riverhead, New York the date, time and place given in the Notice to Bidders, and

WHEREAS, one bid was received,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Traffic Signs and Related Items be and is hereby awarded to Vulcan, Inc., PO Box 1805, Foley, AL 36536, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Vulcan, Inc. and the Riverhead Highway Department.

THE VOTE

Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardin  yes \_\_\_ no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

# Adopted

TB 4/19/05

## TOWN OF RIVERHEAD

Resolution # 377  
Adopted April 19, 2005

### AWARDS BID ON TRAFFIC PAINT

COUNCILWOMAN BLASS

\_\_\_\_\_ offered the following resolution which was

seconded by \_\_\_\_\_

~~COUNCILMAN BARTUNEK~~

WHEREAS, the Town Clerk was authorized to advertise for sealed bids on a "TRAFFIC PAINT" for the use of the Riverhead Highway Department, and

WHEREAS, all bids were received and read aloud on the 8<sup>TH</sup> of April at 11:15 A.M. at the Town Hall, 200 Howell Avenue, Riverhead, New York the date, time and place given in the Notice to Bidders, and

WHEREAS, one bid was received,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Traffic Paint be and is hereby awarded to Sherwin Williams, 1704 Old Country Rd., Riverhead, NY 11901, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Sherwin Williams and the Riverhead Highway Department.

#### THE VOTE

<del>Bartunek</del>	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blas	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densuski	<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

TB 4/19/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 378  
Adopted April 19, 2005

### AWARDS BID ON TRAFFIC LINE STRIPING

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

WHEREAS, the Town Clerk was authorized to advertise for sealed bids on a "TRAFFIC LINE STRIPING" for the use of the Riverhead Highway Department, and

WHEREAS, all bids were received and read aloud on the 8<sup>TH</sup> of April at 11:10 A.M. at the Town Hall, 200 Howell Avenue, Riverhead, New York the date, time and place given in the Notice to Bidders, and

WHEREAS, one bid was received,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Traffic Line Striping be and is hereby awarded to M & S Striping Inc., 134 Florence St., Mamaroneck, NY 10543, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to M & S Striping, Inc. and the Riverhead Highway Department.

#### THE VOTE

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

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

Adopted

4/19/05

**AUTHORIZES SUPERVISOR TO EXECUTE  
APPLICATION FOR STATE ASSISTANCE PAYMENTS  
PURSUANT TO THE CLEAN WATER/CLEAN AIR BOND ACT  
WATER QUALITY IMPROVEMENT PROJECTS, SANITARY  
WASTEWATER REUSE, PHASE 2**

RESOLUTION # 379

**RIVERHEAD SEWER DISTRICT**

Adopted \_\_\_\_\_

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

**RESOLVED**, that the Supervisor be and is hereby authorized to execute the application for the State Assistance Payments pursuant to the Clean Water/Clean Air Bond Act for the Peconic Estuary Reserve Management Plans for Water Quality Improvement Projects, Sanitary Wastewater Reuse, Phase 2, Riverhead Sewer District, and be it further

**RESOLVED**, that the Town Clerk shall forward certified copies of this resolution to the Riverhead Sewer District, H2M, Accounting Department, Frank Isler, Esq.

**THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD SEWER 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

**DRAFT**

April , 2005

Wastewater Quality Improvement Projects  
NYS Department of Environmental Conservation  
Division of Water, 4<sup>th</sup> Floor  
625 Broadway  
Albany, New York 12233-3507

**Re: Town of Riverhead/Riverhead Sewer District  
Clean Water/Clean Air Bond Act  
Water Quality Improvement Projects  
2005 Application for State Assistance Payments  
Sanitary Wastewater Reuse – Phase 2 (Off-Site Implementation)**

Dear Sir or Madam:

By submittal of the enclosed application (signed original and fourteen (14) copies), the Town of Riverhead requests State Assistance Payments pursuant to the Clean Water/Clean Air Bond Act for the Peconic Estuary Reserve Management Plans for Water Quality Improvement Projects. This project provides for the advanced treatment of 350,000 gallons per day of the wastewater effluent for use in the irrigation of the Indian Island Golf Course. Any assistance and support from your office will be appreciated.

Should you require any additional information, please do not hesitate to contact my office.

Very truly yours,

Phil Cardinale, Supervisor

Enclosure

PC:fmr

cc: Mr. Tony Leung, P.E. – NYSDEC, Stony Brook (w/o encl.)  
Mr. Timothy P. Burns, P.E. – NYSEFC Albany (w/o encl.)  
Mr. Frank M. Russo, P.E. (w/o encl.)

Adopted

4/19/05

**AUTHORIZES SUPERVISOR TO EXECUTE  
APPLICATION FOR STATE ASSISTANCE PAYMENTS  
PURSUANT TO THE CLEAN WATER/CLEAN AIR BOND ACT  
WATER QUALITY IMPROVEMENTS PROJECTS, BIOSOLIDS  
APPLICATION - PHASE 1**

RESOLUTION # 380

**RIVERHEAD SEWER DISTRICT**

Adopted \_\_\_\_\_

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

**RESOLVED**, that the Supervisor be and is hereby authorized to execute the application for the State Assistance Payments pursuant to the Clean Water/Clean Air Bond Act for the Peconic Estuary Reserve Management Plans for Water Quality Improvement Projects, Biosolids Application - Phase 1, Riverhead Sewer District, and be it further

**RESOLVED**, that the Town Clerk shall forward certified copies of this resolution to the Riverhead Sewer District, H2M, Accounting Department, Frank Isler, Esq.

**THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD SEWER 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

**DRAFT**

April , 2005

Wastewater Quality Improvement Projects  
NYS Department of Environmental Conservation  
Division of Water, 4<sup>th</sup> Floor  
625 Broadway  
Albany, New York 12233-3507

**Re: Town of Riverhead/Riverhead Sewer District  
Clean Water/Clean Air Bond Act  
Water Quality Improvement Projects  
2005 Application for State Assistance Payments  
Biosolids Application – Phase 1 (On-Site Implementation)**

Dear Sir or Madam:

By submittal of the enclosed application (signed original and fourteen (14) copies), the Town of Riverhead requests State Assistance Payments pursuant to the Clean Water/Clean Air Bond Act for the Peconic Estuary Reserve Management Plans for Water Quality Improvement Projects. This project provides for the construction of facilities for the land application of stabilized sludge to a 20,000 square foot land parcel to be used to evaluate soil and leachate characteristics for determining the feasibility of implementing a full scale project for the purpose of decreasing the use of fertilizers with nutrient and insecticide chemicals on the east end farmlands in the Town of Riverhead. Any assistance and support from your office will be appreciated.

Should you require any additional information, please do not hesitate to contact my office.

Very truly yours,

Phil Cardinale, Supervisor

Enclosure  
PC:fmr

cc: Mr. Tony Leung, P.E. – NYSDEC, Stony Brook (w/o encl.)  
Mr. Timothy P. Burns, P.E. – NYSEFC Albany (w/o encl.)  
Mr. Frank M. Russo, P.E. (w/o encl.)

Adopted

4/19/05

**AUTHORIZES SUPERVISOR TO EXECUTE  
APPLICATION FOR STATE ASSISTANCE PAYMENTS  
PURSUANT TO THE CLEAN WATER/CLEAN AIR BOND ACT  
CALVERTON WASTEWATER TREATMENT PLANT  
UPGRADE AND RECHARGE BED ADDITION**

**CALVERTON SEWER DISTRICT**

RESOLUTION # 38.1

Adopted \_\_\_\_\_

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

**RESOLVED**, that the Supervisor be and is hereby authorized to execute the application for the State Assistance Payments pursuant to the Clean Water/Clean Air Bond Act for the Peconic Estuary Reserve Management Plans for Water Quality Improvement Projects, Calverton Wastewater Treatment Plant Upgrade and Recharge Bed Addition for the Calverton Sewer District, and be it further

**RESOLVED**, that the Town Clerk shall forward certified copies of this resolution to the Calverton Sewer District, H2M, Accounting Department, Frank Isler, Esq.

**THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE  
CALVERTON SEWER DISTRICT**

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

## DRAFT

April , 2005

Wastewater Quality Improvement Projects  
NYS Department of Environmental Conservation  
Division of Water, 4<sup>th</sup> Floor  
625 Broadway  
Albany, New York 12233-3507

**Re: Town of Riverhead/Calverton Sewer District  
Clean Water/Clean Air Bond Act  
Water Quality Improvement Projects  
2005 Application for State Assistance Payments  
Calverton Wastewater Treatment Plant Upgrade & Recharge Bed Addition**

Dear Sir or Madam:

By submittal of the enclosed application (signed original and fourteen (14) copies), the Town of Riverhead requests State Assistance Payments pursuant to the Clean Water/Clean Air Bond Act for the Peconic Estuary Reserve Management Plans for Water Quality Improvement Projects. This project provides for the tertiary upgrade of the existing treatment facility using Membrane BioReactor (MBR) technology with an associated capacity of 150,000 gallons per day and the relocation of the effluent discharge from the Peconic Estuary to groundwater recharge beds located north of the groundwater divide. Any assistance and support from your office will be appreciated.

Should you require any additional information, please do not hesitate to contact my office.

Very truly yours,

Phil Cardinale, Supervisor  
Enclosure  
PC:fmr

cc: Mr. Tony Leung, P.E. – NYSDEC, Stony Brook (w/o encl.)  
Mr. Timothy P. Burns, P.E. – NYSEFC Albany (w/o encl.)  
Mr. Frank M. Russo, P.E. (w/o encl.)

Withdrawn

4/19/05

AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS  
REPLACEMENT OF WELL NO. 5-2  
CONTRACT G - GENERAL AND MECHANICAL CONSTRUCTION

Adopted \_\_\_\_\_

Resolution # 382

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

RESOLVED, that the town Clerk be and is hereby authorized to  
publish and post the attached Notice of Bidders in the April 28, 2005,  
edition of the Traveller Watchman Newspaper, with regard to receiving  
bids for the replacement of Well No. 5-2, Contract G - General and  
Mechanical Construction, and be it further

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

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

Withdrawn  
Duplicate Resolution

The Town Board of Riverhead will receive bids for the REPLACEMENT WELL NO. 5-2 CONTRACT G-GENERAL AND MECHANICAL CONSTRUCTION for the Riverhead Water District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, 11:00 A.M, on May 12th 2005, at which time and place all bids will be publicly opened and read for:

PROJECT NO.: RDWD 03-07B,  
REPLACEMENT WELL NO. 5-2  
CONTRACT G - GENERAL AND MECHANICAL CONSTRUCTION

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

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

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

Copies of the contract documents may be obtained at the above locations on or after April 28th, 2005 upon deposit of Fifty Dollars (\$50.00) in cash, certified check, bank money order or postal money order, made payable to the TOWN OF RIVERHEAD for each set furnished.

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

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

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

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

ACTING AS THE GOVERNING BODY  
OF THE RIVERHEAD WATER DISTRICT

# Adopted

4/19/05

Town of Riverhead  
Resolution 383

4

Authorizes Supervisor to Execute Agreement with the State of New York  
For Peconic Riverfront Project Funds

COUNCILWOMAN BLASS offered the following resolution, which was seconded

by COUNCILMAN DENSIESKI

**WHEREAS**, the State of New York has authorized funding in the amount of \$200,000 for improvements on the Peconic Riverfront, including the reconstruction of deteriorated bulkhead, extension of 10' wide pedestrian bulkhead, lighting and landscaping improvements as well as the installation of marine utilities; and

**WHEREAS**, said improvements are essential for the continued use of the waterfront by boaters, enjoyment of pedestrians and visitors to the Town of Riverhead, and is essential for the continued economic development of the downtown area; and

**WHEREAS**, the Town Board has authorized the publishing and posting of an advertisement to bidders for the construction of said improvements by Resolution 306 dated 4/5/05.

**THEREFORE, BE IT RESOLVED**, that the Town Board authorizes the Supervisor to execute the attached contract with the NYS Office of Parks, Recreation and Historic Preservation for funding in the amount of \$200,000.

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to Andrea Lohneiss, CD Director and Dawn Thomas, 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

STATE AGENCY (Name & Address):

New York State Offices of Parks,  
Recreation and Historic  
Preservation  
Agency Building One  
Empire State Plaza  
Albany, New York 12238

NYS COMPTROLLERS NUMBER: C540230

NYS AGENCY NUMBER: EPF-540230-L4

ORIGINATING AGENCY CODE: 49070

REGION: LI

CONTRACTOR (Name & Address):

Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901

TYPE OF PROGRAM

ENVIRONMENTAL PROTECTION FUND  
PKS

CHARITIES REGISTRATION NUMBER:  
N/A

INITIAL CONTRACT PERIOD:

FEDERAL TAX ID NUMBER:  
N/A

FROM: November 18, 2002  
TO: December 31, 2006

MUNICIPALITY NUMBER:  
47037160000

FUNDING AMOUNT FOR INITIAL PERIOD:  
\$200,000.00

STATUS

MULTI-YEAR TERM: (if applicable)

CONTRACTOR IS NOT A  
SECTARIAN ENTITY

FROM: N/A  
TO: N/A

CONTRACTOR IS NOT A  
NON-FOR-PROFIT ORGANIZATION

APPENDICES ATTACHED AND PART OF THIS AGREEMENT:

- APPENDIX A...Standard Clauses for All New York State Contracts
- APPENDIX A1... Clauses Required by Office of Parks, Recreation and Historic Preservation
- APPENDIX B...Budget
- APPENDIX C...Payment and Reporting Schedule
- APPENDIX D...Program Workplan
- APPENDIX X...Modification Agreement Form (to accompany modified appendices for changes in term or consideration on an existing period or for renewal periods)
- APPENDIX E...Special Conditions and Requirements
- APPENDIX F...Program Specific Requirements



## STATE OF NEW YORK AGREEMENT

This AGREEMENT is hereby made by and between the State of New York agency (STATE) and the public or private agency (CONTRACTOR) identified on the face page hereof.

WITNESSETH:

WHEREAS, the STATE has the authority to regulate and provide funding for the establishment and operation of program services and desires to contract with skilled parties possessing the necessary resources to provide such services; and

WHEREAS, the CONTRACTOR is ready, willing and able to provide such program services and possesses or can make available all necessary qualified personnel, licenses, facilities and expertise to perform or have performed the services required pursuant to the terms of this AGREEMENT.

NOW THEREFORE, in consideration of the promises, responsibilities and covenants herein, the STATE and the CONTRACTOR agree as follows:

### I. Conditions of Agreement

A. This AGREEMENT may consist of successive periods (PERIOD), as specified within the AGREEMENT or within a subsequent Modification Agreement(s) (Appendix X). Each additional or superseding PERIOD shall be on the forms specified by the particular State agency, and shall be incorporated into this AGREEMENT.

B. Funding for the first PERIOD shall not exceed the funding amount specified on the face page hereof. Funding for each subsequent PERIOD, if any, shall not exceed the amount specified in the appropriate appendix for that PERIOD.

C. This AGREEMENT incorporates the face pages attached and all of the marked appendices identified on the face page hereof.

D. For each succeeding PERIOD of this AGREEMENT, the parties shall prepare new appendices, to the extent that any require modification, and a Modification Agreement (the attached Appendix X is the blank form to be used). Any terms of this Agreement not modified shall remain in effect for each PERIOD of the AGREEMENT. To modify the AGREEMENT within an existing PERIOD, the parties shall revise or complete the appropriate appendix form(s). Any change in the amount of consideration to be paid, or change in the term, is subject to the approval of the Office of the State Comptroller. Any other modifications shall be processed in accordance with agency guidelines as stated in Appendix A1.

E. The CONTRACTOR shall perform all services to the satisfaction of the STATE. The CONTRACTOR shall provide services and meet the program objectives summarized in the Program Workplan (Appendix D) in accordance with: provisions of the AGREEMENT; relevant laws, rules and regulations, administrative and fiscal guidelines; and where applicable, operating certificates for facilities or licenses for an activity or program.

F. If the CONTRACTOR enters into subcontracts for the performance of work pursuant to this AGREEMENT, the CONTRACTOR shall take full responsibility for the acts and omissions of its subcontractors. Nothing in the subcontract shall impair the rights of the STATE under this AGREEMENT. No contractual relationship shall be deemed to exist between the subcontractor and the STATE.

G. Appendix A (Standard Clauses for All New York State contracts, attached hereto and made a part hereof) takes precedence over all other parts of the AGREEMENT.

## II. Payment and Reporting

A. The CONTRACTOR, to be eligible for payment, shall submit to the STATE's designated payment office (identified in Appendix C) any appropriate documentation as required by the Payment and Reporting Schedule (Appendix C) and by agency fiscal guidelines, in a manner acceptable to the STATE.

B. The STATE shall make payments and any reconciliations in accordance with the Payment and Reporting Schedule (Appendix C). The STATE shall pay the CONTRACTOR, in consideration of contract services for a given PERIOD, a sum not to exceed the amount noted on the face page hereof or in the respective Appendix designating the payment amount for that given PERIOD. This sum shall not duplicate reimbursement from other sources for CONTRACTOR costs and services provided pursuant to this AGREEMENT.

C. The CONTRACTOR shall meet the audit requirements specified by the STATE.

## III. Terminations

A. This AGREEMENT may be terminated at any time upon mutual written consent of the STATE and the CONTRACTOR.

B. The STATE may terminate the AGREEMENT immediately, upon written notice of termination to the CONTRACTOR, if the CONTRACTOR fails to comply with the terms and conditions of this AGREEMENT and/or with any laws, rules, regulations, policies or procedures affecting this AGREEMENT.

C. The STATE may also terminate this AGREEMENT for any reason in accordance with provisions set forth in Appendix A1.

D. Written notice of termination, where required, shall be sent by personal messenger service or by certified mail, return receipt requested. The termination shall be effective in accordance with the terms of the notice.

E. Upon receipt of notice of termination, the CONTRACTOR agrees to cancel, prior to the effective date of any prospective termination, as many outstanding obligations as possible, and agrees not to incur any new obligations after receipt of the notice without approval by the STATE.

F. The STATE shall be responsible for payment on claims pursuant to services provided and costs incurred pursuant to terms of the AGREEMENT. In no event shall the STATE be liable for expenses and obligations arising from the program(s) in this AGREEMENT after the termination date.

## IV. Indemnification

A. The CONTRACTOR shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the CONTRACTOR or its subcontractors pursuant to this AGREEMENT. The CONTRACTOR shall indemnify and hold harmless the STATE and its officers and employees from claims, suits, actions, damages and costs of every nature arising out of the provision of services pursuant to this AGREEMENT.

B. The CONTRACTOR is an independent contractor and may neither hold itself out nor claim to be an officer, employee or subdivision of the STATE nor make any claim, demand or application to or for any right based upon any different status.

## **V. Property**

Any equipment, furniture, supplies or other property purchased pursuant to this AGREEMENT is deemed to be the property of the STATE except as may otherwise be governed by Federal or State laws, rules or regulations, or as stated in Appendix A1.

## **VI. Safeguards for Services and Confidentiality**

A. Services performed pursuant to this AGREEMENT are secular in nature and shall be performed in a manner that does not discriminate on the basis of religious belief, or promote or discourage adherence to religion in general or particular religious beliefs.

B. Funds provided pursuant to this AGREEMENT shall not be used for any partisan political activity, or for activities that may influence legislation or the election or defeat of any candidate for public office.

C. Information relating to individuals who may receive services pursuant to this AGREEMENT shall be maintained and used only for the purposes intended under the contract and in conformity with applicable provisions of laws and regulations, or specified in Appendix A1.

STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licensor, licensee, lessor, lessee or any other party):

1. **EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.
2. **NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the previous consent, in writing, of the State and any attempts to assign the contract without the State's written consent are null and void. The Contractor may, however, assign its right to receive payment without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.
3. **COMPTROLLER'S APPROVAL.** In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$ 15,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$30,000 (State Finance Law Section 163.6.a).
4. **WORKERS' COMPENSATION BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.
5. **NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work;

or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. **WAGE AND HOURS PROVISIONS.** If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

7. **NON-COLLUSIVE BIDDING CERTIFICATION.** In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. **INTERNATIONAL BOYCOTT PROHIBITION.** In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. **SET-OFF RIGHTS.** The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. **RECORDS.** The Contractor shall establish and maintain a complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as

the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

**11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.** (a) FEDERAL EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER. All invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

(b) PRIVACY NOTIFICATION. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law.

(2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in New York State's Central Accounting System by the Director of Accounting Operations, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

**12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.** In accordance with Section 312 of the Executive Law, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgrades, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State; or (iii) banking services, insurance policies or the sale of securities. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Governor's Office of Minority and Women's Business Development pertaining hereto.

**13. CONFLICTING TERMS.** In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

**14. GOVERNING LAW.** This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

**15. LATE PAYMENT.** Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

**16. NO ARBITRATION.** Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

**17. SERVICE OF PROCESS.** In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or

undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

**18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS.** The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of State Finance Law §165. (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in § 165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

**19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES.** In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

**20. OMNIBUS PROCUREMENT ACT OF 1992.** It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development  
Division for Small Business  
30 South Pearl St -- 7<sup>th</sup> Floor  
Albany, New York 12245  
Telephone: 518-292-5220

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development  
Division of Minority and Women's Business Development  
30 South Pearl St -- 2nd Floor  
Albany, New York 12245  
<http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned

business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

**21. RECIPROCITY AND SANCTIONS PROVISIONS.** Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

**22. PURCHASES OF APPAREL.** In accordance with State Finance Law 162 (4-a), the State shall not purchase any apparel from any vendor unable or unwilling to certify that: (i) such apparel was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hours laws and workplace safety laws, and (ii) vendor will supply, with its bid (or, if not a bid situation, prior to or at the time of signing a contract with the State), if known, the names and addresses of each subcontractor and a list of all manufacturing plants to be utilized by the bidder.

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APPENDIX A1

Clauses Required by  
Office of Parks, Recreation and Historic Preservation

1. Changes to Budget and Program Workplan. Changes shall not be made in the work described in the Program workplan as described in Appendix D or the proposed expenditure of funds as shown in the Budget, Appendix B, without the prior written approval of the STATE. Such approval will be granted if the changes are not substantive and do not alter the scope, intent or basic elements of the contract. Changes may be made in the Budget to reallocate funds between budget items provided such changes do not exceed ten percent of the total value of the contract and have the STATE's written approval. Changes in the Program Workplan which are substantive or alter the scope, intent or basic elements of the contract, or Budget changes which are in excess of ten percent of the total value of the contract, if agreed to by the STATE, will be implemented by an amendment to this AGREEMENT. (See Section I, Paragraph D of the AGREEMENT).
2. The New York State Department of Transportation has established, and will monitor, EEO Requirements and goals for the participation of Disadvantaged Business Enterprises on this project. The CONTRACTOR shall comply with the provisions of the following documents which are attached to and made a part of the SCENIC BYWAYS project identified as pin 0806.62.
  - A. Disadvantaged Business Enterprise Utilization
  - B. Equal Opportunity Requirements
3. Non-Discrimination:
  - A. The CONTRACTOR shall not limit access or discriminate in the operation of the facilities against any person on the basis of place of residence, race, creed, color, national origin, sex, age, disability or marital status.
  - B. The CONTRACTOR agrees to comply with all applicable Federal, State, and local Civil Rights and Human Rights laws with reference to equal employment opportunities and the provisions of service.

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APPENDIX B - BUDGET

The detailed estimated budget for the project as outlined in this AGREEMENT is as follows:

**EXPENSES:**

Pre-Development \$ 120,000  
To include:  
Engineering

Development \$2,020,000  
To include:  
Demolition, drainage, pavement & markings  
curbs & sidewalks, landscaping, lighting,  
bulkhead and boardwalk, wood bridge, benches,  
trash receptacles, marine pedestals, dredging,  
brick pavers, iron railing, signs

Administration \$ 60,000  
To include:  
Construction management,  
project sign, final report,  
audit

**TOTAL COST \$2,200,000**

**FUNDING BREAK DOWN:**

STATE Share \$ 200,000  
CONTRACTOR Share \$ 200,000  
Scenic Byways \$1,800,000

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APPENDIX C - PAYMENT AND REPORTING SCHEDULE  
DEVELOPMENT

I. Amount of Grant Award: \$200,000.00

II. The STATE agrees to make available to the CONTRACTOR a sum not to exceed the funding amount identified on the face page hereof. The STATE share shall cover no more than fifty percent of eligible expenditures for any reimbursement request under this AGREEMENT. The grant reimbursement rate is determined by the ratio of funding amount to the total project cost in accordance with the budget (Appendix B).

III. The STATE'S share of the project cost as set forth in this AGREEMENT shall be paid to the CONTRACTOR in installment payments as follows:

A. INSTALLMENTS: CONTRACTOR shall be reimbursed as expenditures accrue for costs incurred from the project as outlined in APPENDIX B. Payments shall be made upon review and approval of appropriate plans, specifications, expenditure and project documentation to the satisfaction of the STATE. No more than 4 installments shall be allowed prior to the final installment.

B. A FINAL INSTALLMENT of not less than 10% of the STATE'S share of the total cost shall be made upon, to the satisfaction of the STATE: (1) completion of the project to the satisfaction of the STATE, (2) expenditure and project documentation, (3) review and approval of the Project Completion Report, (4) performance of a Final On-Site Inspection by the STATE, (5) if an amendment is required, a fully executed document must be on file prior to release of final reimbursement and formal close-out of the project, (6) documentation verifying the recording of the Preservation Covenant (a copy of the recorded document, showing Liber and Page Number) for Historic Preservation projects only, (7) for Parks projects, documentation verifying the recording of the Conservation Easement (a copy of the recorded document, showing Liber and Page Number) if project is sponsored by a not-for-profit organization, a list of facilities developed and acres acquired, an as-built and as-acquired site map\* and a final boundary map\*. When parkland is involved, a map of the entire park, even if the subject of the grant involves property that is less than the entire park. The boundary map should show both: {a} the actual boundaries of the entire park in yellow, and in enough detail to be legally sufficient to identify the parkland, and {b} the actual boundaries of those parcels that are the subject of an acquisition or donation, color-coded and keyed to the "Schedule 1 - Summary Sheet Per Parcel" form. Acceptable methods of identification are: {1} metes and bounds (preferred), {2} deed references, {3} adjoining water bodies or other natural landmarks, {4} government survey, {5} adjoining ownership's and/or {6} adjoining easements of record. Where one or more of these methods are not suitable for identification, measurements from permanent locators may be used. It is recommended that the map itself clearly show pertinent features such as roads, road names and numbers, bodies of water, buildings, structures, etc. The map must also identify all known outstanding rights and interests held by others, as well as known easements, deed/lease restrictions, reversionary interests, etc. The map must also include the title and number of the project, date of map preparation and name and signature of authorized officer, (8) approval by the STATE of documentation showing efforts made to satisfy requirements for the participation by New York State Businesses and Minority Group Members and Women with Respect to State Contracts, (9) Capital construction projects and/or acquisition projects with a grant amount of \$99,999 or less shall provide an *Agreed Upon Procedure Review* of the grant, performed by a certified public accountant currently licensed by the NYS Board of Public Accountancy, in accordance with attestation standards established by the American Institute of Certified Public Accountants and in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States of America. Capital construction projects and/or acquisition projects with a grant amount of \$100,000 or more shall provide an audit of the *Statement of Contract Revenues and Contract Expenditures* as performed by a certified public accountant currently licensed by the NYS Board of Public Accountancy in accordance with auditing

\*May be prepared on one map

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standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

IV. Payment shall be made upon approval by the STATE and audit and warrant of the State Comptroller of vouchers executed by an authorized officer of the CONTRACTOR accompanied by such receipts and documents verifying expenditures as may be required by the STATE.

V. The CONTRACTOR shall submit, with each payment request, a certificate executed by an authorized officer, which shall attest that said payment does not duplicate a request for payment, or any payment received, from any other source for goods or services under this AGREEMENT.

VI. The designated payment office shall be New York State Office of Parks, Recreation and Historic Preservation, Agency Building One, Empire State Plaza, Albany, New York 12238, Attention: Grants Unit, 16th Floor.

VII. Within fifteen days of receiving the voucher, the STATE shall notify the CONTRACTOR of any problem with the voucher; for example, whether there are mistakes on the voucher or additional documents must be submitted. Once the CONTRACTOR has submitted a voucher to the STATE, the STATE will review and audit the voucher and submit it to the State Comptroller within thirty days.

VIII. The STATE shall make periodic inspections of the project both during its implementation and after its completion to assure compliance with this AGREEMENT. The CONTRACTOR shall allow the STATE unrestricted access to work during the preparation and progress of the work, and provide for such access and inspection by the STATE in all construction contracts relating to the project.

IX. The CONTRACTOR can receive reimbursements of all or any part of the above referenced schedule provided the appropriate expenditure and project documentation is submitted and approved by the STATE.

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APPENDIX D - PROGRAM WORKPLAN

**I. PROJECT NARRATIVE:** The Town of Riverhead in cooperation with the NYS Department of Transportation will construct Phase II of the Peconic River Park Revitalization and Improvements Project in downtown Riverhead. This project will encourage public access and awareness of the Peconic River Estuary. This project entails the installation of pedestrian walkways, lighting and bulkheading. Upon completion, the new pedestrian walkway will provide the physical link between the new Atlantic Marine Aquarium and Grangebél Park.

**II. ARTICLE 15A PARTICIPATION:**

The New York State Department of Transportation has established and will monitor EEO Requirements and the following goals for the participation of disadvantaged business enterprises (DBE's) on this project:

DBEs, 8% of total contract price

The CONTRACTOR shall comply with the provisions of the document labelled Appendix A1, which is attached to and made a part of this AGREEMENT.

**III. PROJECT TERM:** November 18, 2002 – December 31, 2006

**IV. PROJECT SCHEDULE:**

The following Schedule is a recommended timeframe for monitoring major thresholds which will result in completion of the grant by the scheduled ending date. This does NOT describe all the required steps involved in meeting these thresholds, nor is it intended to be a precise calendar. Nevertheless, not only is the schedule to be used as a monitoring tool by the CONTRACTOR and by the STATE, non-adherence to these timeframes without acceptable justification will be used as criteria in determining grant cancellation. The project documentation listed below should be submitted for approval/acceptance by the STATE as follows:

<u>ITEM</u>	<u>DATE DUE</u>
Construction Bidding Process Commences	March, 2005
Bid Award	April, 2005
Start of Construction	May, 2005
Payment Requests	ONGOING
Project Completion	December, 2006
Close-out Documentation Requirements (See Appendix C)	January, 2007

APPENDIX X - MODIFICATION AGREEMENT FORM

Period From: Agency Code: 49070

To: Project #:

Funding Amount for Period: Contract

This is an AGREEMENT between THE STATE OF NEW YORK, acting by and through the Office of Parks, Recreation and Historic Preservation, having its principal office at Agency Building One, Empire State Plaza, Albany, New York 12238 (hereinafter referred to as the STATE), and the \*Contractor\* having its principal office at Address (hereinafter referred to as the CONTRACTOR), for modification of Contract Number C \_\_\_\_\_, as amended in attached Appendix \_\_\_\_\_.

All other provisions of said AGREEMENT shall remain in full force and effect.

IN WITNESS THEREOF, the parties hereto have executed or approved this AGREEMENT on the dates appearing under their signatures.

CONTRACTOR:

STATE AGENCY:

New York State Offices of Parks, Recreation, and Historic Preservation

By:

By:

Printed Name:

Date:

Printed Title:

State Agency Certification:

"In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this contract."

Date:

STATE OF NEW YORK )

COUNTY OF )

) SS.:  
)

On the \_\_\_\_\_ day of \_\_\_\_\_ personally appeared

in the year \_\_\_\_\_

, before me, the undersigned,

, 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)

STATE COMPTROLLER

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APPENDIX E - SPECIAL CONDITIONS AND REQUIREMENTS  
PKS PROJECTS

**\*I.** With the commencement of the project, the CONTRACTOR shall erect a project sign at the project site noting the State's assistance to the project. The project sign specifications are available from the STATE. The project sign shall remain in place in **perpetuity**.

**II.** In the event of any unanticipated archeological discoveries, the CONTRACTOR shall stop all work and notify the STATE immediately. Work shall not resume until the STATE determines how any previously undiscovered archeological remains will be treated. Special attention shall be given to any discovery of burials, graves, or human remains.

**III.** The CONTRACTOR will consult with the STATE's Historic Preservation Field Services Bureau (FSB) when any development is proposed for this parcel. Development encompasses the partial or complete demolition, rehabilitation or construction of structures or landscape features, including changes to topography (the height, depth or shape of natural and man-made ground features), vegetation (hedges, fields, wooded areas), circulation features (roads, paths, trails, parking areas, navigable waterways), natural and man-made water features, and structures, site furnishing and objects. All work will conform with The Secretary of the Interior's Standards for the Treatment of Historic Properties. Materials describing the proposed work will be submitted for FSB review and approval, along with photographs documenting existing conditions.

**IV.** The CONTRACTOR will consult with the STATE's Historic Preservation Field Services Bureau (FSB) when work is proposed for any property (e.g., building, structure or object) on this parcel more than 50 years old; all work performed will conform with The Secretary of the Interior's Standards for the Treatment of Historic Properties. Materials describing the proposed work will be submitted for FSB review and approval, along with photographs documenting existing conditions. The 50-year date will be based on the structure's age at the time work is to occur, and not at the time the easements are executed or the grant is awarded.

\*Conditions noted with an asterisk must be satisfied prior to commencement of work on this project.

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APPENDIX F - PROGRAM SPECIFIC REQUIREMENTS

**I. Construction Requirements.**

A. Any consultant contract in the amount of twenty-five thousand dollars (\$25,000) or more for architectural, engineering or design services shall be awarded on a competitive basis after the CONTRACTOR has developed and publicized a Request for Proposal; a copy of the Request for Proposal and documentation of all responses shall be included with submission by the CONTRACTOR of any voucher for payment for such services.

B. Contract plans, specifications, and cost estimates shall be submitted to the STATE for review prior to the letting of any construction contract by the CONTRACTOR. Once all changes have been made and agreed to by the STATE and the CONTRACTOR, the CONTRACTOR shall submit three copies of the plans, specifications and cost estimates to the STATE. The STATE shall verify that the plans, specifications and cost estimates are in conformance with the work described in "APPENDIX B - BUDGET" and shall so notify the CONTRACTOR in writing; the STATE shall further verify that appropriate documents have been prepared by a professional licensed to practice in the State of New York. A complete set shall be returned to the CONTRACTOR by the STATE and shall be kept on the project site at all times. All plans and specifications as reviewed shall become part of this AGREEMENT, and no change or revision may be made to such plans and specifications without the express written consent of the STATE.

C. Contracts for construction in excess of twenty thousand dollars (\$20,000) shall be awarded after competitive bidding in accordance with the provisions of the General Municipal Law. A certified copy of a summary of all bids shall be submitted to the STATE prior to awarding a contract, and an executed copy of the construction contract will thereafter be submitted to the STATE.

D. The CONTRACTOR shall be responsible for assuring that the project is designed and constructed in conformance with the Uniform Federal Accessibility Standards (UFAS -- Appendix A to 41 CFR part 101-19.6), the Americans with Disabilities Act Accessibility Guidelines (ADAAG -- Appendix A to 28 CFR part 36) and the New York State Uniform Fire Prevention and Building Code (parts 1100-1102 of Title 9 NYCRR). Where there are discrepancies among the sets of standards with regard to a particular design /construction requirement, the one providing for the greatest degree of accommodation for the disabled shall apply.

E. It is the CONTRACTOR'S responsibility to assure that all work on the project complies with all applicable state and/or local laws including, but not limited to, zoning ordinances and building codes.

F. All purchase contracts involving an expenditure of more than ten thousand dollars (\$10,000) shall be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided for in section 103 of the General Municipal Law.

G. It is the CONTRACTOR's responsibility, pursuant to Section 57 of the Workers' Compensation Law, to maintain for STATE audit and review either proof that they have Workers' Compensation coverage for any employees, or a waiver statement from the New York State Department of Labor. The CONTRACTOR must also obtain from any contractor or sub-contractor hired to provide a service pursuant to this AGREEMENT, similar proof or waiver from the contractor or sub-contractor, and must maintain such documentation on file for audit.

H. Goods and services which are not required by this contract to be procured by the CONTRACTOR pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of grant moneys, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

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**II. Fees.** The CONTRACTOR may charge a reasonable fee for the use of any facility, which is part of the project.

A. Except for the imposition of a differential fee schedule for non-residents of the municipality in which the project is located, the establishment of any preferential user fee for any person or entity is prohibited. Fees charged to non-residents shall not exceed twice those charged to residents.

B. Where there is no charge for residents but a fee is charged to non-residents, non-resident fees cannot exceed fees charged for residents at comparable State or local public facilities.

C. Reservation, membership or annual permit systems available to residents must also be available to non-residents and the period of availability must be the same for both residents and non-residents.

D. This provision does not apply to non-resident fishing and hunting license fees.

**III. Funding.** The CONTRACTOR hereby certifies that the funds made available by the STATE under this AGREEMENT shall not supplant local funds already appropriated or identified by the CONTRACTOR for the project.

**IV. Termination.** The CONTRACTOR shall complete the project as set forth in this AGREEMENT, and failure to render satisfactory progress or to complete the project to the satisfaction of the STATE may be deemed an abandonment of the project and cause for the suspension or termination of any obligation of the STATE. In the event the CONTRACTOR should be deemed to have abandoned the project for any reason or cause other than a national emergency or an Act of God, all monies paid to the CONTRACTOR by the STATE and not expended in accordance with this AGREEMENT shall be repaid to the STATE upon demand. If such monies are not repaid within one year after such demand, the State Comptroller of the State of New York may cause to be withheld from any State assistance to which the CONTRACTOR would otherwise be entitled an amount equal to the monies demanded (see Section III of this AGREEMENT).

**V. Alienation.**

A. The CONTRACTOR shall not at any time sell or convey any facility acquired or developed pursuant to this AGREEMENT or convert such facility to other than public park purposes without the express authority of an act of the Legislature, which shall provide for the substitution of other lands of equal fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by the STATE.

B. In addition to the provisions of subparagraph (A) of this section, and notwithstanding anything to the contrary contained herein, the CONTRACTOR shall not sell, lease or otherwise convey in any manner or permit a change in use of the project, in whole or in part, unless it shall have first received the approval of the STATE.

C. The CONTRACTOR agrees to own or hold by lease and to maintain and operate the project in perpetuity. The CONTRACTOR shall not authorize the operation of the project, or any portion thereof, by any other person, entity, or organization pursuant to any management agreement, lease or other arrangement without first obtaining the written approval of the STATE.

APRIL 19, 2005

Adopted

TOWN OF RIVERHEAD

Senior Educational Enrichment Program

BUDGET ADOPTION

RESOLUTION # 384

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

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

	<u>FROM</u>	<u>TO</u>
006.067720.492299 Empire State Development Corp Grant	1,500	
006.067720.421000 Program Fees	100	
006.067720.524000 Equipment		920
006.067720.542100 Office Supplies		680

**THE VOTE**

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

# Adopted

April 19, 2005

## TOWN OF RIVERHEAD

Resolution # 385

### SETS SENIOR CITIZEN WORKSHOP FEES

COUNCILMAN BARTUNEK offered the following

resolution, which was seconded by COUNCILWOMAN SANDERS

**WHEREAS**, the Town wishes to establish a Senior Educational Enrichment Program; and

**WHEREAS**, the first two programs to be established under this program will be a Birding Workshop and a Cultural Workshop; and

**NOW, THEREFORE, BE IT RESOLVED**, that the following fees are hereby established:

#### FEE SCHEDULE

##### Six Week Session

Resident Seniors (60+)	\$ 5.00/ Person
Resident Adult	15.00/ Person
Non Residents	25.00/ Person

##### Birding Field Trips

Resident Seniors(50+)	\$ 2.50/ Person
Resident Adult	8.00/ Person
Non Residents	15.00/ Person

#### THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on April 19, 2005, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Cardinale, and upon roll being called, the following were

PRESENT: Supervisor Philip Cardinale  
Councilwoman Rose Sanders  
Councilwoman Barbara Blass  
Councilman Edward Densieski  
Councilman George Bartunek

ALSO PRESENT: Town Clerk, Barbara Grattan  
Town Attorney, Chris Kent

ABSENT:

The following resolution was offered by Councilman COUNCILWOMAN SANDERS, who moved its adoption, seconded by Councilman COUNCILWOMAN BLASS, to-wit:

**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**

BOND RESOLUTION DATED APRIL 19, 2005.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$500,000 SERIAL BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE RESURFACING OF VARIOUS ROADS LOCATED THROUGHOUT AND IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the resurfacing of various roads located throughout and in and for the Town of Riverhead, Suffolk County, New York, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$500,000 serial bonds of the Town of Riverhead, Suffolk County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$500,000, and that the plan for the financing thereof is by the issuance of the \$500,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of

paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Riverhead, Suffolk County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller

applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in full in Traveler-Watchman, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The resolution was thereupon declared duly adopted.

\* \* \* \*

STATE OF NEW YORK     )  
                                  )ss:  
COUNTY OF SUFFOLK    )

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO  
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board  
of said Town, including the resolution contained therein, held on April 19, 2005, with the original  
thereof on file in my office, and that the same is a true and correct transcript therefrom and of the  
whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open  
Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public  
notice of the time and place of said meeting to be given to the following newspapers and/or other  
news media as follows:

Newspaper and/or other news media

Date given

**Traveler-Watchman**

**April 19, 2005**

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

<u>Designated Location(s) of posted notice</u>	<u>Date of Posting</u>
Town Clerk's Bulletin board	April 20, 2005

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on April 19, 2005.

---

Town Clerk

(CORPORATE  
SEAL)

LEGAL NOTICE OF ADOPTION

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, Suffolk County, New York, at a meeting held on April 19, 2005, duly adopted the resolution published herewith subject to a permissive referendum.

Dated: Riverhead, New York  
April \_\_\_\_\_, 2005

\_\_\_\_\_  
Town Clerk

AFFIDAVIT OF POSTING

STATE OF NEW YORK        )  
  ) ss.:  
COUNTY OF SUFFOLK        )

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DEPOSE  
AND SAY:

That on the \_\_\_\_\_ day of April, 2005, I caused to be posted on the official signboard maintained by me pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of Adoption of a resolution adopted by the Town Board of said Town on the 19th day of April, 2005.

A true and correct copy of such Notice of Adoption is attached hereto.

\_\_\_\_\_  
Town Clerk

Sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2005

\_\_\_\_\_  
Notary Public

4/19/05

**Adopted**

TOWN OF RIVERHEAD

Resolution # 387

**DECLARES LEAD AGENCY, DETERMINES ENVIRONMENTAL SIGNIFICANCE  
AND AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE  
OF SCOPING HEARING SITE PLAN PETITION OF  
HEADRIVER, LLC/WAL-MART STORE**

**COUNCILWOMAN BLASS**

offered the following resolution which was seconded by

**COUNCILMAN DENSIESKI**

**WHEREAS**, Headriver LLC (the "Applicant") filed an application for a special permit to construct a 135,000 square foot Lowe's lumberyard and a 38,000 square foot outdoor display area upon real property located at Suffolk County Route 58 and more particularly described as Suffolk County Tax Map Parcel No. 0600-119-1-1.2 (hereinafter, the "Property") and also filed an application for preliminary site plan on August 21, 2001; and

**WHEREAS**, the Town Board, as lead agency, undertook a full and complete review of the special permit application in accordance with the State Environmental Quality Review Act; and

**WHEREAS** by Resolution # 1051, dated October 2, 2001, the Town Board adopted a Findings Statement pursuant to the State Environmental Quality Review Act; and

**WHEREAS** a majority of the Town Board voted to adopt Resolution #167, dated February 20, 2002, which resolution would have granted approval to the special permit application, subject to conditions enumerated therein; and

**WHEREAS** a simple majority vote was insufficient to constitute an approval of the application due to the operation of the provisions of General Municipal Law § 239-m and thus the Resolution was deemed not adopted; and

**WHEREAS** the property has been rezoned on the Town Board's own motion and in conformance with recommendations of the Town of Riverhead Comprehensive Plan, from Industrial A to Destination Retail Center; and

**WHEREAS** the Applicant has proposed a modified project which proposes the development of the property with the construction of a destination retail center, a use that complies with the current zoning of the property, and has filed an amended application for preliminary site plan approval of a modified site plan; and

**WHEREAS** the modified site plan presents an overall lot coverage of 22%, which, pursuant to the Dimensional Regulations of the Riverhead Zoning Ordinance, is permissible subject to the Applicant's purchase of development rights by the rules established by the Town of Riverhead Transfer of Development Rights Local law; and

**WHEREAS** the extensive review previously undertaken by the Town Board pursuant to State Environmental Quality Review Act and the Findings Statement with respect to the original special permit application also included consideration of the original site plan and is applicable to the project as shown on the modified site plan.

**NOW BE IT RESOLVED**, that the Town Board has reviewed the FEIS and the Findings Statement as issued on October 5, 2001, and the environmental impacts as identified therein, and finds that the revised development proposal presents different uses, including the proposed storage and use of lubricants and oil in connection with a limited automotive service department, and potential differences in traffic generation, as compared with the development proposal originally presented to the Town Board, which have the potential for an adverse environmental effect; and be it further

**RESOLVED**, that the Riverhead Town Board hereby declares itself to be Lead Agency of the site plan petition of Headriver LLC Wal-Mart Store and further determines the petition to be a Type I Action with potential adverse impacts to the natural or social environment and that a Draft Supplemental Environmental Impact Statement be prepared; and be it further

**RESOLVED**, that the Town Clerk be authorized to publish and post the attached Notice of Scoping Hearing; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Riverhead Town Attorney; the Riverhead Planning Department and Linda U. Margolin, Esq., Bracken, Margolin & Gouvis, LLP, One Suffolk Square, Suite 300, Islandia, New York 11749.

**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**

Adopted

April 19, 2005

TOWN OF RIVERHEAD

Resolution # 388

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING – SPECIAL PERMIT OF DAVID AND MARY ANDRUSZKIEWICZ

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

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from David and Mary Andruszkiewicz to allow for a two family dwelling upon real property located at Washington Avenue, Jamesport, New York; such property more particularly described as Suffolk County Tax Map Number 0600-90-2-19, and

WHEREAS, by resolution dated March 1, 2005, the Riverhead Town Board did classify the action as Type II pursuant to 6NYCRR Part 617 and did refer the matter to the Riverhead Planning Board for its report and recommendation, and

WHEREAS, the Town Board desires to hold a public hearing on this matter at this time, now

THEREFORE BE IT

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the official newspaper of the Town of Riverhead.

Planning/RH

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 PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 3rd day of May, 2005 at 7:05 o'clock p.m. at Riverhead Senior Center, Shade Tree Lane, Riverhead, New York to consider the special permit petition of David and Mary Andruzkiewicz to allow a two family dwelling upon real property located at Washington Avenue, Jamesport, New York; such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-90-2-19.

DATED: April 19, 2005  
Riverhead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

April 19, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 389

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING – SPECIAL PERMIT OF ALTAIR PHARMACEUTICALS, INC.

COUNCILMAN BARTUNEK

offered the following resolution which

COUNCILWOMAN SANDERS

was seconded by

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Altaire Pharmaceuticals to allow the expansion of a non-conforming industrial us upon real property located at West Lane, Aquebogue, New York; such property more particularly described as Suffolk County Tax Map Number 0600-45-1-16, and

WHEREAS, by resolution dated February 15, 2005, the Riverhead Town Board did refer the matter to the Riverhead Planning Board for its report and recommendation, and

WHEREAS, the Town Board desires to hold a public hearing on this matter at this time, now

THEREFORE BE IT

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the official newspaper of the Town of Riverhead.

Planning/RH

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 PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 3rd day of May, 2005 at 7:10 o'clock p.m. at Riverhead Senior Center, Shade Tree Lane, Riverhead, New York to consider the special permit petition of Altaire Pharmaceuticals to allow the expansion of a non-conforming industrial use upon real property located at West Lane, Aquebogue, New York; such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-45-1-16.

DATED: April 19, 2005  
Riverhead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

April 19, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 390

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING – SPECIAL PERMIT OF JOHN E. WHERRY

COUNCILWOMAN BLASS

offered the following resolution which

was seconded by COUNCILMAN DENSIESKI

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from John E. Wherry to allow a two family dwelling on real property located at Sixth Street, Jamesport, New York; such property more particularly described as Suffolk County Tax Map Number 0600-90-2-38, and

WHEREAS, by resolution dated March 1, 2005, the Riverhead Town Board did determine the action to be Type II pursuant to 6NYCRR Part 617 and did refer the petition to the Riverhead Planning Board for its report and recommendation, and

WHEREAS, the Town Board desires to hold a public hearing on this matter at this time, now

THEREFORE BE IT

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the official newspaper of the Town of Riverhead.

Planning/RH

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 PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 3rd day of May, 2005 at 7:15 o'clock p.m. at Riverhead Senior Center, Shade Tree Lane, Riverhead, New York to consider the special permit petition of John E. Wherry to allow a two family dwelling upon real property located at Sixth Street, Jamesport, New York; such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-90-2-38.

DATED: April 19, 2005  
Riverhead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

04/19/05

Adopted

TOWN OF RIVERHEAD

Resolution # 391

ESTABLISHES METAL DETECTOR POLICY FOR  
THE RIVERHEAD JUSTICE COURT

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS :

**WHEREAS**, it is the primary responsibility of the Town of Riverhead to protect its citizens and to provide for as safe and secure environment for its employees; and

**WHEREAS**, the Town Board has determined that it is the best interest of the Town Justices and employees to install a magnetometer in the Police Department/Justice Court complex, and

**WHEREAS**, the Town Board has previously banned all weapons from the Justice Court

**NOW, THEREFORE, BE IT,**

**RESOLVED**, that no other person other than an on-duty member of law enforcement shall be authorized to carry a weapon within the Justice Court/Police Department complex, and be it further

**RESOLVED**, that this prohibition shall also apply to those duly licensed to carry a firearm or pistol under New York State Law, and be it further

**RESOLVED**, that all persons desiring to enter the Justice Court area shall be subject of a search for weapons and any other contraband; and be it further

**RESOLVED**, that the Town Board hereby adopts the attached rules and regulations to implement this policy, and be it further

**RESOLVED**, that the Town Clerk shall provide a copy of this resolution to the Justice Court, Riverhead Police Department, Office of the Town of Riverhead and the Office of Accounting.

X:\Dawn Thomas\resolutions\justice court security.doc

**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



## Magnetometer Policy & Procedure Manual

## INTRODUCTION

The Chief of Police of the Town of Riverhead has been historically responsible for providing security for the Riverhead Town Justice Court.

The Town Board's policy has been to provide up to date security for the Courthouse facilities. That being the case the Town Board has determined that it is appropriate and necessary to institute a Metal Detector Program within the Riverhead Justice Court. The purpose of the Metal Detector Program is to take proactive measures to ensure a safe environment for all individuals working in and visiting our courthouse. This objective will be accomplished by ensuring all officers assigned to this post are properly trained. Officers must participate in an annual Magnetometer Procedure training cycle.

To achieve this objective officers also must exhibit professionalism, respect and courtesy at all times.

## LEGAL JUSTIFICATION

The case of *McMorris V. Alioto* (567 F2d 897, 9<sup>th</sup> Circuit Court) tested the constitutionality of Magnetometer/X-Ray machine searches. The court ruled that there was an infringement upon a person's fourth amendment right against unreasonable searches and seizures by representatives of the government. The court however upheld the right to conduct these searches. The need to protect government buildings and the person's right to terminate the search at any time were cited as the reasons for permitting such searches. The right to terminate the search is not permissible upon the discovery of illegal contraband.

TOWN OF RIVERHEAD  
POLICY REGULATIONS  
THE USE OF MAGNETOMETERS

**I. Policy Statement**

- A. All individuals entering the Riverhead Justice Court where magnetometers are utilized will be subject to screening procedures or will be allowed to voluntarily leave the facility.
- B. All magnetometers will be operated within a predetermined authorized calibration.
- C. All individuals in Section II (A), (B), and (D), (general Exceptions), and Section III (Special Exceptions) listed below, are prohibited from carrying weapons, or any other dangerous items in the court facility. All such individuals will be subject to search procedures and if armed will not be permitted to enter the court facilities. For the purpose of this policy officers assigned to the Riverhead Town Justice Court will determine what items will not be permitted into the court facility.

**II. General Exceptions**

- A. **Court Personnel;** All judicial and non-judicial personnel will be allowed to by pass the screening procedures provided they produce a valid employee identification card.
- B. **Other Agencies;** Employees employed by the Town of Riverhead or other agencies within Town Hall coming to the court in an official capacity may be allowed to bypass the screening procedures at the discretion of the officer, produce a valid employee identification card and state their purpose and destination. These agencies also must provide court security with a copy of their agency employee identification card and a current list of employees. The list will be updated on a regular basis.
- C. **Law Enforcement Personnel;** Law enforcement personnel who are in court in an official capacity will be allowed to bypass the screening procedures provided they produce both an official shield and employee identification card. Law enforcement personnel who are in court on personal business must go through the screening procedures. Those in possession of firearms will not be permitted to enter the court facility.
- D. **Attorneys;** All attorneys will be subjected to screening procedures. However, attorneys who are in possession of a valid UCS Attorney Secure Pass Identification Card may be permitted to bypass the magnetometer. All attorneys who identification cards indicate FIREARM will not be permitted to bypass the magnetometer and will be subject to screening procedures. Attorneys who are in possession of a firearm will not be permitted to enter the court facility.

## SPECIAL/UNUSUAL CIRCUMSTANCES

- III. Officers must be prepared to deal with unusual circumstances. These include, but are not limited to wheel chairs, pacemakers, prosthetic devices, baby carriages, etc.
- A. **Wheelchairs**– Officers will make special arrangements to search persons with disabilities. The officer will try to conduct a hand scan of the individual. If this is possible this will be done in an area, which will provide as much privacy as possible. If there are blankets covering the individuals lap, the officer will request that if possible the blankets be removed. This will allow the officer to visually examine the area. The officer will conduct the best search possible while always maintaining the individual's dignity. The same applies to individuals who may be using crutches.
- B. **Pacemaker**- Any person advising the officer of a medical device such as a pacemaker or implantable defibrillator will not be required to undergo a magnetometer search. Instead the officer brings the individual to a non-public area of the courthouse and if possible an officer of the same gender will conduct a hand search.
- C. **Prosthetic Devices**- Officers will not require or allow any individual to remove a prosthetic device. The officer will send the individual through the magnetometer once, if the metal is detected, the officer will then conduct a hand scan in an attempt to detect, identify and isolate the metal.
- D. **Baby Carriages**- Officers will ask the parent or guardian to remove the child from the carriage. If the child is too young to walk the parent or guardian will pass through the magnetometer while holding the child. The officer will then search the carriage.

## SEARCH PROCEDURES

It is imperative that personnel assigned to the Metal Detector post be familiar with the operation of all equipment and be familiar with all laws, agency rules and procedures pertaining to their duties.

### ONLINE OF SEARCH PROCEDURES

- I. Hand searches will be conducted to search handbags, packages and other sundry items. Officers will provide the least intrusive method to search these items. The officers assigned to this post **must** be courteous and respectful at all times.
  - A. Officers will advise individuals entering the court facility to place items that need to be searched on a designated area.
  - B. Individuals having items searched will remain close by as the officer conducting the search evaluates the items.
  - C. Upon completion of the search, individuals are advised of the next step in the search process. If there is any confusion, it is the officer's duty to clarify and answer any questions that may arise.
  - D. It is important to note that most people entering the court facility are not armed. This must not preclude an officer from being cautious at all times. (Complacency is dangerous).
  - E. The officer should ask the individual if they are carrying anything that might be dangerous. The officer should also ask the individual to open their bag or package. The search will be conducted in plain view of the individual. If the search reveals nothing unusual the officer will explain the next step in the search process.
  - F. If an item is discovered that will not be permitted into the court facility the officer will ask the individual to secure the item outside of the court facility (car, vehicle etc.). If it is not possible for an individual to secure the item outside of the court facility than the officer at his/her discretion may voucher the item(s) until the individual exits the facility. The individual will be given a written receipt and permitted to enter the facility.

II. METAL DETECTORS- Provide the least intrusive method of searching for metal objects which are or may be used as weapons.

- A. In order to be effective, magnetometers must be properly installed, maintained and calibrated. UCS guidelines may be adopted by the Riverhead Town Police Department for these purposes. The magnetometer must be calibrated daily using the standard calibration device. The procedure is outlined in UCS Directive 14. It is the responsibility of the Senior Court Officer (or designee) to adhere to the policy.
- B. After an individual has had their bag, packages, etc. searched (if applicable) they will be processed through the magnetometer (walk through metal detector). The officer will ask the individual to remove any metal from his/her person. These items will be placed in a tray or designated container in front of the officer. The officer will observe the items being placed in the tray or container and determine what items may be allowed into the court facility.
- C. The individual will then be directed to walk through the magnetometer at a normal pace. The officer will also explain to the individual not to touch the sides or any part of the magnetometer as they pass through. If the magnetometer is set off the individual will be asked to step back out. The officer will reiterate the request that all metal objects be removed. The officer will request the individual to step through the magnetometer once more. The individual can terminate the search before stepping through the magnetometer a second time. If the audible alarm is activated again the officer will then ask the individual to move on to the next step of the search process (hand scanning). An individual will be sent through the magnetometer no more than two times.
- D. If the individual passes through the magnetometer two times and activates the alarm during each pass, the officer will advise the individual to continue on to the next step of the search process (hand scanning).

III. HAND SCANNERS- Provide the ability to detect and isolate metal. Hand scanning is a more intrusive search. Officers must be cognizant of this. The officer must address an individual's perception of having their privacy invaded. A professional courteous demeanor will allay many of these concerns.

- A. Officers should always explain and must demonstrate what action they want an individual to perform (ex. "Please move your arms away from you side" etc.).
- B. Whenever possible hand scanning should be performed by officers of the same gender. If an officer of the same gender is unavailable, officers must take extra precautions to avoid any appearance of impropriety. Proper non-offensive language must always be used. An officer must always maintain an individual's dignity.
- C. If the hand scanner alerts the officers to the presence of metal, the officer should ask the individual to produce the item. An officer will not touch a person with the hand scanner. If the hand scanner continues to alert at the officer's discretion he/she may physically pat down the individual with their consent if the individual does not consent they will not be permitted to enter the facility. Until the discovery of illegal contraband a person is permitted to terminate the search.
- D. If an item is detected that will not be permitted into the court facility the individual will be asked to secure the item(s) outside of the court facility. If this is not possible, the item(s) may be vouchered and the individual will be given a written receipt. Upon exiting the court the individual will have their property returned.
- E. Officers should always try to provide reasonable accommodations. However all persons must go through a screening process in order to gain access to the court facility.



Town of Riverhead  
Justice Court  
SECURITY POSTS

**There shall be two designated Security Post assignments in the Riverhead Justice Court.**

**1) Post 1- Magnetometers**

- A. Officers assigned to the magnetometers shall pick up hand scanner and radios and test for proper operation. Officers will also pick up keys for property lockers, OC Spray and the Tazer Gun. All items will be signed for and logged in the equipment logbook. OC Spray and Tazer Gun will be placed in and locked in the property locker at the magnetometer. At the end of the day all equipment will be returned to the security office and secured properly.
- B. Magnetometers shall be tested for proper operation, calibrate magnetometers utilizing calibration device, and fill out calibration sheet. This shall be done by the contractor.
- C. Open magnetometer at 8:30 A.M.
- D. All individuals entering the court facility, including attorneys must be screened by passing through magnetometers, with the following exceptions:

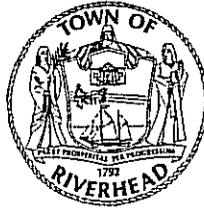
Judicial and non-judicial personnel of the Riverhead Justice Court may avoid magnetometer screening by producing a valid Town of Riverhead issued employee identification, individuals not able to produce these items will be subject to screening.

Law enforcement personnel in court facility on official business are not subject to magnetometer screening, provided they produce an employee identification card and, as appropriate, an official shield.

- E. Law enforcement personnel in plain clothes on official business shall display a photo I.D. card and official shield to bypass the magnetometer. They shall be challenged as to their purpose and destination.
- F. Individuals, including jurors, must pass through magnetometers upon initial entry and re-entry.
- G. To the extent feasible all employees, attorneys and jurors shall be sent to the head of the line or a separate line to accommodate them.
- H. Post 1 shall be manned at all hours (including lunch break), officers assigned will not leave their post unless relieved by another officer.
- I. Post 1 will be in operation until 4:00 P.M.
- J. Utilize radio communication if assistance is needed or you need to be relieved for any reason.
- K. The magnetometer Duty Log Book will be properly maintained.

**1) Post 1- Courtroom**

- A. Officers assigned to Post 2 shall pick up radios and test for proper operation.
- B. Officers assigned to Post 2 shall be at their respective post @ 8:30 A.M.
- C. Officers assigned to this Post shall maintain security in the courtroom. At least one (1) officer will remain in the courtroom at all times while a Judge is sitting on the bench.
- D. If a situation arises outside of the courtroom and you are needed to assist ask the sitting Judge to leave the bench until the situation is controlled.
- E. Utilize radio communication if assistance is needed or you need to be relieved for any reason.



**TOWN OF RIVERHEAD**  
200 Howell Avenue  
Riverhead, NY 11901

## **NOTICE**

**ALL SUBJECTS ENTERING THE RIVERHEAD JUSTICE COURT SHOULD BE PREPARED TO HAVE ALL HAND BAGS, BRIEFCASES AND ALL OTHER CARRY IN ITEMS SEARCHED BEFORE ENTERING THIS FACILITY AND PASSING THROUGH THE METAL DETECTOR**

**BY ORDER OF THE RIVERHEAD TOWN BOARD**



**TOWN OF RIVERHEAD**  
200 Howell Avenue  
Riverhead, NY 11901

To: All Riverhead Town Employees  
From: Riverhead Town Board  
Date:  
Subject: Implementation of Metal Detector in Justice Court

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ALL EMPLOYEES OF THE TOWN OF RIVERHEAD ENTERING THE RIVERHEAD JUSTICE COURT SHOULD BE ADVISED THAT A METAL DETECTOR PROGRAM WILL BE IMPLEMENTED IN THE RIVERHEAD TOWN JUSTICE COURT. THIS PROGRAM IS TO TAKE PROACTIVE MEASURES TO ENSURE A SAFE ENVIRONMENT FOR ALL INDIVIDUALS WORKING IN AND VISITING OUR COURTHOUSE.

EFFECTIVE (date), ALL RIVERHEAD TOWN EMPLOYEES WITH THE EXCEPTION OF COURT PERSONNEL AND LAW ENFORCEMENT PERSONNEL WHO ARE IN COURT IN AN OFFICIAL CAPACITY AND PRODUCE A VALID EMPLOYEE IDENTIFICATION CARD AND SHIELD WILL NOT BE SUBJECT TO SCREENING PROCEDURES.

WITH THE EXCEPTION OF ON-DUTY LAW ENFORCEMENT PERSONNEL, ALL PERSONS ENTERING THIS FACILITY ARE PROHIBITED FROM ENTERING THE AREA WITH A FIREARM.

**BY THE DIRECTION OF THE RIVERHEAD TOWN BOARD**

Adopted

April 19, 2005

TOWN OF RIVERHEAD

Resolution No. 392

APPOINTS MEMBER TO THE BOARD OF ETHICS

Councilwoman Blass offered the following resolution which was seconded by COUNCILWOMAN SANDERS

WHEREAS, on November 16, 2004, the Town Board adopted a revised Ethics Code; and

WHEREAS, the revised Code of Ethics creates a five member Ethics Board with no more than two members from the same political party; and

WHEREAS, the Town Board has agreed on the individuals it wishes to appoint to the Board of Ethics; and

WHEREAS, there exists one vacant position on the Board of Ethics;

NOW THEREFORE, BE IT

RESOLVED, the Town Board hereby appoints Ann Marie Zilnicki to fill the vacant position on the Town of Riverhead Board of Ethics for a 2 year term.

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

THE VOTE

Sanders ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Bartunek ~~Yes~~ No

Cardinale ~~Yes~~ No

April 19, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 393

**AMEND AND REAPPOINT THE RIVERHEAD  
ANIMAL CONTROL ADVISORY COMMITTEE**

Councilwoman Sanders offered the following resolution, was seconded by COUNCILWOMAN BLASS :

**WHEREAS** on February 20, 1996, the Town Board Adopted resolution #150, establishing The Riverhead Animal Shelter Advisory Group; and

**WHEREAS**, the Town Board is interested in continually implementing the most comprehensive and humane animal control policy within its power; and

**WHEREAS**, the town currently has a limited relationship between the animal control agency and wildlife management organizations, animal care professionals, animal advocacy groups, community safety groups, and concerned individuals; and

**WHEREAS**, there exists within the Town of Riverhead, professional and lay people with experience and working relationships with such individuals and groups;

**NOW THEREFORE BE IT RESOLVED**, that the Riverhead Town Board hereby amends and reappoints the Riverhead Animal Control Advisory Committee; and be it further

**RESOLVED**, that the Committee shall be comprised of:

- An Animal Control Officer – John Reeve;
- A member of the Town Board – Rose Sanders;
- An accredited animal healthcare provider – Dr. Dexter Archer, or
- A member of the wildlife management community – Michele Janlewicz or both;
- A member of the animal rights community – Frank Mosca;
- A member of a community safety organization – Maura Frankman or
- A member of a community health organization or both and;
- A member of the community, and be it further,

**RESOLVED**, that the committee shall advise the Town Board on issues of animal control, including adoption, relocation, education, rehabilitation, and euthanasia; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Supervisor's office; division of Animal Control; the Office of the Town Attorney and the Office of Accounting.

THE VOTE

Sanders ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Bartunek ~~Yes~~ No

Cardinale ~~Yes~~ No

April 19, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 394

APPOINTS INTERN TO THE RIVERHEAD POLICE DEPARTMENT

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

WHEREAS, the Catherine Gibbs School has requested the Riverhead Police Department to partner with them in an Internship Program; and

WHEREAS, the Riverhead Police Department agrees to expose the students to the Police Profession as part of their education through a 180 hour training program.

NOW, THEREFORE, BE IT RESOLVED, effective April 22, 2005, Dominick Destefino, a Catherine Gibbs School Student, is appointed as an Intern for the Riverhead Police Department through completion of the program; and,

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

THE VOTE

Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no

Blass  yes \_\_\_ no Dartsieski  yes \_\_\_ no

Cardinale  yes \_\_\_ no

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

April 19, 2005

# Adopted

Town of Riverhead

Resolution # 395

Sense of the Board in Support of the Implementation of

New Measures for Financing Public Education

COUNCILMAN BARTUNEK offered the following resolutions, which was seconded  
by COUNCILMAN DENSIESKI.

WHEREAS, the residents of the Town of Riverhead have collectively considered the local issues of greatest concern to them and identified high property taxes as one of the highest priorities among them; and

WHEREAS, funding for local governmental services, including public education, is provided primarily through a tax on the estimated value of property; and

WHEREAS, the welfare of Riverhead homeowners is jeopardized by the rapid increase in the costs of public education and the inability of many homeowners to pay these increased costs; and

WHEREAS, the increasing burden of public education on taxpayers also impacts on the ability to raise other taxes to provide services and to fund Town-specific and local initiatives important to the well-being of their community.

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

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead appeals to New York State public officials to implement new measures for financing public education, including the following actions:

1. Refrain from imposing state mandated requirements upon school systems without corresponding state funding.
2. Adjust the formula on revenues earmarked as aid to education from state lottery and other future gaming activities so that the annual percentage is substantially increased from current levels.
3. Maintain the enhanced STAR exemption for the town's neediest citizens and the STAR exemption for senior citizens.
4. Obtain tax revenue through consideration of income tax based on school funding.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to send a certified copy of this resolution to New York State Senators Kenneth P. LaValle and Joseph Bruno, New Your State Assembly Representatives Patricia Acampora and Sheldon Silver, and Governor George Pataki

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Bartunek Yes No

Cardinale Yes No

April 19, 2005

Adopted

TOWN OF RIVERHEAD

RATIFIES ATTENDANCE AT A NATIONAL ANIMAL CONTROL ASSOCIATION TRAINING COURSE

Resolution # 396

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

**WHEREAS**, the National Animal Control Association conducted a training course in Albany, NY from Sept. 27 through Oct. 4, 2004; and

**WHEREAS**, Sean McCabe, Animal Control Officer had requested authorization to attend this workshop in Sept 2004 prior to this conference; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby ratifies the attendance of the Animal Control Officer, Sean McCabe at this training course in Albany, NY with reimbursement of expenses upon submission of proper receipts; and

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

THE VOTE

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Sanders  Yes  No

Cardinale  Yes  No

April 19, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 397

GRANTS SPECIAL PERMIT OF LINDA AND JIM SLEZAK - BED & BREAKFAST - HERRICKS LANE, JAMESPORT

Councilman Densieski offered the following resolution which was seconded by Councilwoman Sanders

WHEREAS, by resolution dated December 7, 1999, the Riverhead Town Board did grant the special permit of Linda and Jim Slezak to operate a bed and breakfast upon property located at Herricks Lane, Jamesport; such real property more particularly described as SCTM No. 0600-9-2-5.1, and

WHEREAS, Section 108-64.5 (K) of the Riverhead Zoning Ordinance requires that the special permit granting such bed and breakfast be renewed every five (5) years, and

WHEREAS, Linda and Jim Slezak has made application for renewal of the relevant special permit, and

WHEREAS, the subject special permit petition was referred to the Riverhead Planning Board; such Board recommending the granting of the petition, and

WHEREAS, a public hearing was held on this matter, and

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

THEREFORE, BE IT

RESOLVED, that in the matter of the special permit petition of Linda and Jim Slezak, the Riverhead Town Board hereby makes the following findings:

FIRST: That the use will not impair the orderly development of other properties in the vicinity;

SECOND: That the health, safety, welfare, comfort and order of the Town will not be adversely affected by the proposed land use;

THIRD: That the proposed land use will be in harmony with and note the general purpose and intent of the Town of Riverhead Zoning Ordinance; and

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

April 19, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 397

GRANTS SPECIAL PERMIT OF LINDA AND JIM SLEZAK – BED & BREAKFAST – HERRICKS LANE, JAMESPORT

Councilman Densieski offered the following resolution which was seconded by Councilwoman Sanders

WHEREAS, by resolution dated December 7, 1999, the Riverhead Town Board did grant the special permit of Linda and Jim Slezak to operate a bed and breakfast upon property located at Herricks Lane, Jamesport; such real property more particularly described as SCTM No. 0600-9-2-5.1, and

WHEREAS, Section 108-64.5 (K) of the Riverhead Zoning Ordinance requires that the special permit granting such bed and breakfast be renewed every five (5) years, and

WHEREAS, Linda and Jim Slezak has made application for renewal of the relevant special permit, and

WHEREAS, the subject special permit petition was referred to the Riverhead Planning Board; such Board recommending the granting of the petition, and

WHEREAS, a public hearing was held on this matter, and

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

THEREFORE, BE IT

RESOLVED, that in the matter of the special permit petition of Linda and Jim Slezak, the Riverhead Town Board hereby makes the following findings:

FIRST: That the use will not impair the orderly development of other properties in the vicinity;

SECOND: That the health, safety, welfare, comfort and order of the Town will not be adversely affected by the proposed land use;

THIRD: That the proposed land use will be in harmony with and promote the general purpose and intent of the Town of Riverhead Zoning Ordinance; and

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

**BE IT FURTHER**

**RESOLVED**, that based upon its findings, the Riverhead Town Board hereby grants the special permit petition of Linda and Jim Slezak.

Rh/planning



# Adopted

April 19, 2005

TOWN OF RIVERHEAD  
Resolution # 398

APPROVES TEMPORARY SIGN PERMIT OF HUDSON CITY SAVINGS BANK

COUNCILWOMAN SANDERS offered the following resolution, which was seconded by

COUNCILWOMAN BLASS

**WHEREAS**, a temporary sign permit and sketch were submitted by Ing Clarion & Craig Tagen for property located at Riverhead Center, Pad 6, Riverhead, New York also known as SCTM# 101.00-02-011.01; 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 Ing Clarion & Craig Tagen submitted by NW Sign Industries for Hudson City Savings Bank and be it

**RESOLVED**, that said temporary sign permit shall expire on July 1, 2005 and the applicant shall remove 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 NW Sign Industries, 360 Crider Ave, Morrestown, New Jersey 08057 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

**Application  
FOR SIGN PERMIT**

**Town of Riverhead**  
Suffolk County, New York

Dated: 3/23/05  
SCTM# 101-2-11.1

Fee <u>100</u>	Receipt No. <u>31215</u>
Application No. <u>31072</u>	Date Permit Issued .....
ZB No. <u>29266</u>	Date Approved or Denied .....
<u>Building Inspector</u>	
Board of Appeals No. ....	
Date Granted .....	
Date Denied .....	

APPLICATION IS HEREBY MADE to the Building Inspector in the Town of Riverhead for the issuance of a Permit pursuant to the Zoning Ordinance of the Town of Riverhead, Suffolk County, New York, for the use and the erection or the structural alteration of a sign or signs, as hereinafter described and as shown on the accompanying layout or plot plan:

- The sign to be located at Riverhead Centre in the Town of Riverhead, Use District, is to be erected previously - Permit Continuation Permit #  
Erected or Structurally altered
- The sign will have an area of 32 Sq. feet, and will be 7 feet in height. The base of the sign will be 3' feet above ground level. 101-2-11.1  
ZB 28928
- The sign will be Permanent or Temporary installation.  
(Circle one)
- Description of sign: (Check appropriate items below).
 

..... a. Lighted	..... d. Attached to Building	<input checked="" type="checkbox"/> ..... g. Advertising	<u>Non-L11</u> <u>3 sided</u>
..... b. Single Face	..... e. Facial (Painted or Affixed)	..... h. Business	
..... c. Double Faced	..... f. Independent Construction		
- Materials to be used: Aluminum panel on alum post w/vinyl copy
- Has permission been obtained from property owner, if other than the applicant, upon which the sign is to be erected? Yes

All statements made in this application and shown on the attached plot plan are true to the best of my knowledge and belief.

Property Owner Name & Address: ING Clarion 230 Park Ave. 12th floor New York, NY  
10169

Contacts: Craig Tegen

Applicant Name: NW Sign Industries / Joy Ann Shimizu

Business Name: NW Sign Industries

Address: 360 Crider Ave Moorestown NJ 08057 Phone Number: 800-998-6366 x 173

Joy Ann Shimizu  
(Signature of owner or applicant)

Sworn to before me this 22nd day of

March, 2005

Wendy Werner

Notary Public

Joy Ann Shimizu 40 has submitted papers for a sign permit, dated 3/22/05.  
NW Sign Industries

NO SIGN CAN BE ERECTED UNTIL THE TOWN BOARD APPROVAL IS OBTAINED AND A SIGN PERMIT IS ISSUED. IT IS ADVISABLE NOT TO ORDER YOUR SIGN UNTIL ALL APPROVALS ARE OBTAINED.

Joy Ann Shimizu  
Name

3/22/05  
Date

**108-56.1. Penalties for offenses against sign provisions.** [Added 10-19-1993; amended 8-2-1994]

Any sign installed without benefit of a sign permit pursuant to 108-56 of the Riverhead Town Code shall be charged a civil penalty of **five hundred dollars (\$500.)** in addition to the sign permit and application fee as specified in 52-10 of the Riverhead Town Code. Said civil penalty shall be due and payable upon application for a sign permit.



# BUILDING ~ ZONING USE PERMIT TOWN OF RIVERHEAD

Suffolk, New York

SCTM# 101.-2-11.1

Building

Permit #: **ZB 28928**

Date Issued: 1/6/2005

Permission is hereby granted to

**Riverhead Centre**

Owner

**ERECT**

**Sign**

**Temporary sign "Hudson City Savings Bank"  
renewal ZB 28237**

A Building (s) Structure (s) or land located at

**Old Country Rd**

Street

**Riverhead**

Hamlet

Pursuant to the Building-Zoning Permit application, together with a layout or plot plan(s), and specifications filed with the Town of Riverhead Building Inspector as Application No. 34907 on 12/16/2004.

This Use/Building Permit certifies only that the use identified conforms to the Riverhead Town Code. This Use/Building Permit does not permit the occupancy of any structures on the premises. A separate Certificate of Occupancy or a Letter of Pre-existing Use is required for each structure located on the premises.

**The Building-Zoning Use Permit shall be posted conspicuously on the premise throughout the progress of the work, in the provided permit pouch. (Yellow copy) If not posted, no inspections will be performed.**

The construction authorized by this permit must be commenced within four months and completed within eighteen months from date of this permit.

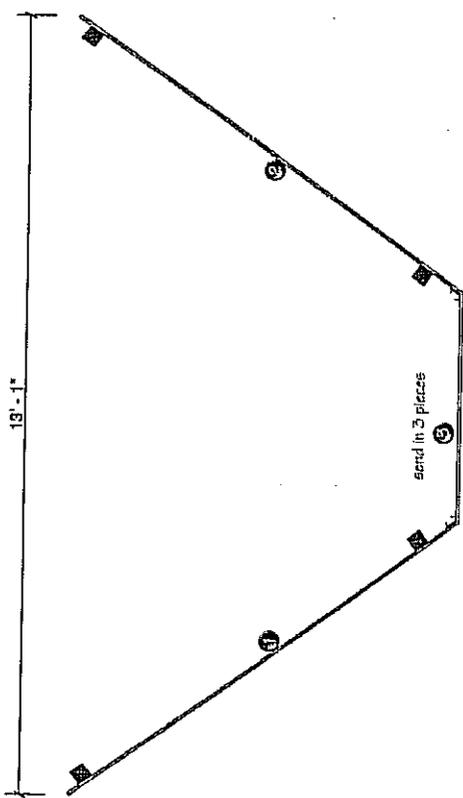
Acknowledgement is hereby made of the receipt of \$100.00 for this permit.

Permit Expires 3/31/2005

58

Date Permit Released  
Released by:

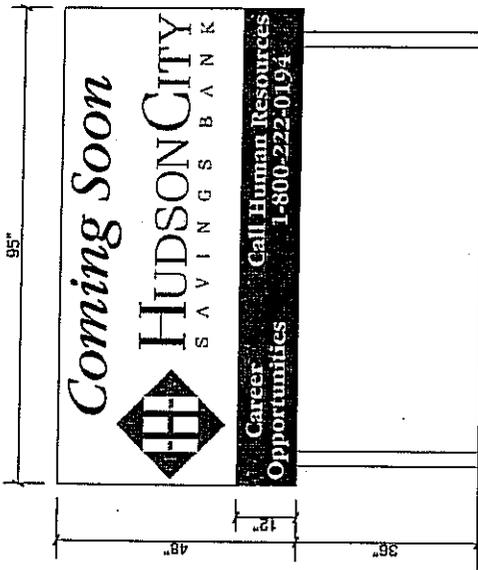
Sharon E. Klos  
Building Permits Coordinator



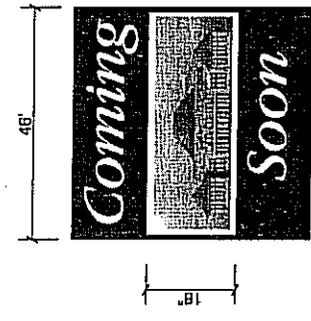
Plan View

**Notes:**  
 3/4" MDO with white aluminum face,  
 "Coming Soon" - applied black gloss vinyl  
 Logo - applied 3630-157 Sultain Blue (dk blue) vinyl,  
 3630-317 Evening blue (lt. blue)  
 12" High applied 3630-157 sultain blue strip with  
 removed copy.

Front of sign: applied 3630-157 sultain blue  
 background, removed copy & digitally printed  
 elevation graphics.



Front View



Side View

CUSTOMER: HUDSON CITY SAVINGS BANK ADDRESS: River Head NY		DATE: 3-24-04
PROJECT: HUDSON CITY SAVINGS BANK DRAWING: 04-1611		TELEPHONE: 84-881 Hudson City Street River Head, NY SALES REP: DOH DESIGNER: [Signature]
<b>NW SIGN INDUSTRIES</b> 360 CIDER AVENUE MADORESTOWN, NJ 07057 (856) 802-1877 • FAX: (856) 802-0412		
REVISION: [Blank] I COPY FOR OWNER AND ONE FOR WORK ON SITE USE	DATE: 4-8-04 (REV.)	THIS IS AN ORIGINAL DRAWING CREATED BY NW SIGN INDUSTRIES, INC. IT IS PROVIDED FOR THE EXCLUSIVE USE OF THE CLIENT. ANY REPRODUCTION OR USE OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF NW SIGN INDUSTRIES, INC. IS STRICTLY PROHIBITED. ANY VIOLATION WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW. © NW SIGN INDUSTRIES, INC. 2004
Customer Review: <input type="checkbox"/> Approved as submitted <input type="checkbox"/> Approved as noted <input type="checkbox"/> See Notes - Resubmit Drawing for Review and Approval		
NAME: [Blank]	DATE: [Blank]	Temporary Sign Side View