

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

June 7th, 2005

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

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

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

ELECTED OFFICIALS

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

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

DEPARTMENT HEADS

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

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

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

- #488 Authorizing the Settlement of the Claims of MRH Realty with Respect to the Condemnation of its Fee Interest in 201 Railroad Street, SCTM#0600-128-03-006; Riverhead, NY
- #489 Authorizing the Implementation and Funding in the First Instance 100% of TEA-21 High Priority Program-Aid Project (East End Scenic Byway) and Appropriating Funds Therefore
- #490 Authorizes Supervisor to Submit Grant Application for Financial Assistance to the New York State Office of Parks, Recreation and Historic Preservation Pursuant to Title 9 of the Environmental Protection Act of 1993 of the Federal Land and Water Conservation Fund Act of 1965 for a Project Known as the Calverton Enterprise Park Phase 2 Recreation Improvement Project
- #491 Approves Stipulation of Settlement
- #492 Approves Stipulation of Settlement
- #493 Reauthorizes the Town Clerk to Publish and Post Help Wanted Advertisements
- #494 Authorization to Publish Advertisement for 2005 or 2006 Landscaper/Dump Truck
- #495 Accepts Resignation of Legislative Assistant (J. Stephans)
- #496 Appoints Planner in the Planning Department (K. Gluth)
- #497 Ratifies Appointment of Part Time Maintenance Mechanic I in the Nutrition Department (H. Huners)
- #498 Promotion to Head Clerk (F. Frizolowski)
- #499 Appoints Seasonal Laborers in the Highway Department (S. Kmetz, T. Elliot, E. Schandel, G. Kulka, J. Elliot, J. Braunskill)
- #500 Appoints a Beach Attendant/Concession Stand Operator II to the Riverhead Recreation Department (A. McKay)
- #501 Appoints a Beach Attendant/Concession Stand Operator II to the Recreation Department (C. Walsh-Edwards)
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- #502 Appoints Lifeguards to the Recreation Department
- #503 Appoints Summer Recreation Aides to the Recreation Department
- #504 Appoints Summer Program Leaders to the Recreation Department
- #505 Appoints a Seasonal Bus Driver to the Recreation Department (R. Fox)
- #506 Appoints a Seasonal Bus Driver to the Recreation Department (D. Dewling)
- #507 Ratifies Appointment of Guard in the Sanitation Department (H. Niedzweicki)
- #508 Appoints Part Time Maintenance Mechanic II in the Nutrition Department (F. Marsland)
- #509 Reappoints Member to the Board of Assessment Review (J. O'Connell)
- #510 Best Western Sewer Improvement Project Budget Adoption
- #511 General Fund Budget Adjustment
- #512 Vita Grant Program Budget Adoption
- #513 2003 Peconic Riverfront Park Improvement Project Budget Adjustment
- #514 EPCAL Sewer Improvement Cap Project Budget Adjustment
- #515 EPCAL Water Extension Cap Project Budget Adjustment
- #516 2005 Pulaski Street- Road Improvement Budget Adoption
- #517 '05 Kay Road, Calverton Ct, Laurin Road & Gerald Street- Road Improvement Project Budget Adoption
- #518 '05 Remsen Road- Road Improvement Budget Adoption
- #519 '05 North Wading River Road- Road Improvement Project Budget Adoption
- #520 '05 West Lane- Road Improvement Project Budget Adoption
- #521 '05 Millbrook Gables-Road Improvement Budget Adoption
- #522 ~~Riverhead Human Resource center Budget Adjustment~~

- #523 Awards Bid for Specialty Vehicles for Town of Riverhead Senior Center
 - #524 Awards Bid for Snack Vendor
 - #525 Approves Chapter 90 Application of Paumanok Vineyards, LTD.
 - #526 Approves Chapter 90 Application of Riverhead Elks Lodge #2044
 - #527 Approves Chapter 90 Application of Martha Clara Vineyards, LLC
(Various Events/Functions/Fundraisers)
 - #528 Setting Rate for Tipping Fees at Scavenger Waste Plant
 - #529 Awards Bid for Calverton Sewer District Remote Sewage Pumping
Stations Alarm and Monitoring System
 - #530 Order Calling Public Hearing- Ext. No. 82- RWD (Shoreline
Development)
 - #531 Awards Bid for Water Meters and Accessory Equipment for Use in the
Riverhead Water District
 - #532 Authorizes Town Clerk to Publish and Post Notice of Public Hearing to
Consider the Designation of Certain Structures(s) as a Landmark Pursuant
to Chapter 73 Entitled, "Landmarks Preservation" of the Riverhead Town
Code (Eugene Hallock House)
 - #533 Authorizes Attendance of Assessor at Seminar
 - #534 Authorizes Fire Marshal to Attend Conference
 - #535 Authorizes Town Clerk to Publish and Post Public Notice to Consider a
Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled,
"Zoning" (§ 108-133.4- Application Procedure)
 - #536 Authorizes Town Clerk to Publish and Post Public Notice to Consider a
Local Law to Consider an Amendment to the Zoning Use District Map of
the Town of Riverhead
 - #537 Authorizes Town Clerk to Publish and Post Public Notice to Consider a
Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead
Town Code (Business CR Zoning Use District [Rural Neighborhood
Business])
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- #538 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 91 of the Riverhead Town Code Entitled, "Shopping Carts"
- #539 Accepts Official Bank Check and Releases Assignment of Money Market in Connection with the Subdivision Entitled, "Reeves Farms" a/k/a NF Development, LLC (Park and Recreation Fees)
- #540 Authorizes the Release of Security for 137 Associates Inc.- Dr. Pizzarello)
- #541 Accepts 5% Security Bond of Walgreen's Drug Store
- #542 Authorizes the Release of Security for Robert Bertorello
- #543 Approves Amended Site Plan of Inhouse Corporation
- #544 Authorizes the Supervisor to Execute a License Agreement with the Peconic Community Council, Inc.
- #545 Authorizes the Retention of the Law Firm of Jaspan Schlesinger Hoffman LLP as Special Counsel in Various Matters
- #546 Supports Assembly Bill 7688 Increasing Certain Benefits to Fire/EMS Volunteers who have died in the line of duty
- #547 Supports Senate Bill #1490S/Assesmbly Bill #7379A Providing Direct Wine Shipments to Consumers
- #548 Rescinds Resolution #441
- #549 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 64 of the Riverhead Town Code Entitled, "Fire Prevention"
- #550 Authorizes Town Clerk to publish and Post Public Notice to Consider a Local Law to Repeal Chapter 75 of the Riverhead Town Code Entitled, "Liquified Petroleum Gases"
- #551 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-101, Water Main Construction; fire safety)
- #552 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-3 Definitions)
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- #553 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-4 Interpretation)
- #554 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-46 General Lot, yard and height requirements)
- #555 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-49 General lot, yard and height requirements)
- #556 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-51.2 Setbacks for wood decks)
- #557 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-64 Prefabricated Dwellings)
- #558 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-64.3 Temporary Greenhouses)
- #559 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-86 Applicability of Article)
- #560 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-92 Coverage and setback requirements)
- #561 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-110.2 General lot, yard and height requirements)
- #562 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-179 Development within Compatible Growth Area)
- #563 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-180 Transfer of Development Rights; Pine Barrens credit program)
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- #564 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Re-Adopt and Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (§108-211 through 221) Wireless Communications Towers and Antennas and Refers Same to the Suffolk County Planning Commission
- #565 Appoints Legislative Assistant to the Supervisor (M. Welsh)
- #566 Setting Terms and Conditions of Employment for Margaret Welsh, Legislative Assistant to the Town Supervisor
- #567 Grants Special Permit of John Wherry, Two-Family Dwelling, South Jamesport
- #568 Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment of Chapter 101 (Vehicles & Traffic) of the Riverhead Town Code (101-18)
- #569 Pays Bills

Adopted

6/7/05

TOWN OF RIVERHEAD

Resolution # 488

AUTHORIZING THE SETTLEMENT OF THE CLAIMS OF MRH REALTY WITH
RESPECT TO THE CONDEMNATION OF ITS FEE INTEREST IN 201 RAILROAD
STREET, SCTM 0600-128-03-006, RIVERHEAD, NEW YORK

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

WHEREAS, the Town has acquired title through eminent domain of the property known as 201 Railroad Street, Riverhead, New York, reputed owner, MRH REALTY, Suffolk County Tax Map 0600-128-03-006; and

WHEREAS, MRH REALTY has a claim against the Town to receive additional compensation for the condemnation of its fee interest in the property, over and above the Three Hundred Thousand (\$300,000.00) advance payment previously authorized by this Board and paid to the claimant; and

WHEREAS, the claimant has agreed to settle all its claims against the Town for the total sum of Three Hundred Seventy-Five Thousand (\$375,000.00) Dollars inclusive of all interest, costs and expenses, leaving a balance of Seventy Five Thousand (\$75,000.00) to be paid to claimant; and

WHEREAS, the amount of the settlement is within the range of market value of said parcel; 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 claimant's offer of settlement and authorizes the payment of the balance of Seventy Five Thousand (\$75,000.00) in full settlement of the claimant's claim against the Town with respect to the condemnation of its fee ownership interest in 201 Rail Road Street; and it is further

RESOLVED that Supervisor is hereby authorized to sign all documents necessary to effectuate the settlement of the claims being settled; 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 & Yakoboski, LLP.; the Town

Attorney; John H. Hansen, Andrea Lohneiss, and Anthony T. Conforti, Esq., 140 Fell Court, Suite 303, Hauppauge, NY 11788.

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

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

6/7/05

Town of Riverhead
Resolution 489

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 (East End Scenic Byway) and Appropriating Funds Therefore

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

WHEREAS, a project for the Town of Riverhead, P.I.N. 0806.62.321 (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 \$1,800,000.

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 construction, construction inspection, and construction supervision work for the Project or portions thereof; and

BE IT FURTHER RESOLVED, that pursuant to Resolution 909 (8/5/03), 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	<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

[for Use with Marchiselli funded project phases]

OSC Municipal Contract #

Project Completion Date: 10/31/14

AGREEMENT

PURPOSE: MAIN (Master) Agreement SUPPLEMENTAL Schedule No. ____ Administrative Correction
Check one)

Individual Project Phase Identification

P.E./Design ROW Incidentals ROW Acquisition Construction, C/I, & C/S

Start Dates: November 1, 2004

Finish Dates: October 31, 2014

PIN: 0806.62.321

Work Type(s): Construction of Pedestrian Promenade and Bicycle Lanes along Waterfront, Including Replacement of Existing Bulkhead.

Location: Riverhead Downtown Business District and Scenic Waterfront Area County: Suffolk

Local Municipal Sponsor (Village, Town, City, or County of ...): Town of Riverhead

Other Municipal Sponsor(s)?: Town of East Hampton, Town of Southampton

% of Cost Shared by Other Municipality: 100% of Actual Cost for each Town

(List only if applicable)

(List only if applicable)

Federal Aid Agreement Type (Non-Marchiselli)

(Check Applicable Category Boxes Below)

- NHS (National Highway System)
- STP (Surface Transportation Program)
- Enhancement
- HBRR (Highway Bridge Repl & Rehab)
- Timber Bridge
- CMAQ (Congestion Mitigation & Air Quality)
- Federal Emergency Relief
- Research & Technology
- Federal Lands
- Indian Reservation Bridge(s)
- Indian Reservation Road(s)
- Safety
- Other: Describe: **TEA-21 High Priority Project**

Does project meet Marchiselli Eligibility Criteria, pending formal request by the NYSDOT Region for addition to the comprehensive List, and subsequent approval by the Legislature?

Yes

No

SUMMARY OF ELIGIBLE FEDERAL AID "PARTICIPATING" COSTS (for this Phase Only)

List Eligible PIN Fiscal Share(s)	TOTAL PARTICIPATING COSTS	FEDERAL PARTICIPATING AID @ 100 %* TEA-21 HPP	STATE AID SOURCE:	LOCAL MATCHING SHARE @ 0%*
0806.62.321	\$1,800,000	\$1,800,000		\$0*
TOTAL ELIGIBLE COSTS:	\$1,800,000	\$1,800,000	N/A	\$0*

B. NON-FEDERAL AID PARTICIPATING COSTS (if applicable)

List any other PIN Fiscal Share(s) PIN	Other NYS DOT Program Fund Source (if any)	Other NY State Gov't Fund Source (if any)	Other Non-Public Fund Source (if any)	LOCAL Overmatch, Betterment, or In-Kind Contribution
				\$

C. Estimated Local Deposit Required (Complete box to right, when applicable)

	\$ -0-
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D. TOTAL PROJECT COSTS (all sources)

FEDERAL AID	STATE AID	LOCAL AID	OTHER AID	TOTAL
\$1,800,000		\$0*		\$1,800,000

Footnotes:
 Funding is 100% Federal, consistent with Section 1044 of ISTEA, which allows states to use toll revenues as credit toward the non-federal matching share for projects under ISTEA and Title 23.
 The amount of toll credit used by this project: **\$450,000.**

AUGUST 5, 2003

TOWN OF RIVERHEAD

Adopted

2003 PECONIC RIVERFRONT PARK IMPROVEMENT
CAPITAL PROJECT

BUDGET ADOPTION

RESOLUTION # 909

COUNCILMAN LULL

offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

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

406.071100.493000.40185	FEDERAL AID	FROM
406.071100.492400.40185	NYS PARKS & REC.	\$1,800,000
406.095031.481900.40185	TRANSFER FROM PARKS & REC.	200,000
		90,000
406.071100.523018.40185	CONSTRUCTION	TO
406.071100.543505.40185	ENGINEERING EXP.	\$1,800,000
		290,000

THE VOTE

Absent
 Sanders Yes No

Absent
 Blass Yes No

Densieski Yes No

Lull Yes No

Kozakiewicz Yes No

2,090,000

6/7/2005

Adopted

TOWN OF RIVERHEAD

RESOLUTION #490

Authorizes Supervisor to Submit Grant Application for Financial Assistance to the New York State Office of Parks, Recreation and Historic Preservation Pursuant to Title 9 of the Environmental Protection Act of 1993 of the Federal Land and Water Conservation Fund Act of 1965 for a Project Known as the Calverton Enterprise Park Phase 2 Recreation Improvement Project

Councilman Bartunek offered the following resolution, which was seconded by Councilwoman Sanders.

WHEREAS, the Town of Riverhead Community Development Agency (CDA) has acquired property from the U.S. Navy and has identified 62 acres to be designated for development as park space to provide recreational opportunities for residents of the Town of Riverhead and particularly those residents presently undeserved by the centralized recreational facilities in the hamlet of the Town of Riverhead; and

WHEREAS, the improvements will include both active and passive recreational components consistent with the Comprehensive Reuse Plan for the site undertaken and adopted by the Town of Riverhead in 1996; and

WHEREAS, the improvements are incorporated in the SEQRA determination dated October 6, 1998 and are to be located on lands on which OPRHP has determined the project will have No Impact upon cultural resources; and

WHEREAS, the site is located within an Empire Zone, previously known as an Economic Development Zone, and is therefore a priority site for the allocation of funds under the Environmental Protection Fund Program; and

WHEREAS, it is a priority of the Town of Riverhead Recreation Committee that this site be improved pursuant to Conceptual Plan "A" developed by Araiys Design and dated October 18, 2004, to provide recreational facilities for the community to meet the growing need for publicly accessible ball field, courts and playgrounds in areas where the population is underserved;

WHEREAS, the proposed project will be initiated promptly upon award of the subject funds and provision of a Project Agreement.

THEREFORE, BE IT FURTHER RESOLVED, that the Riverhead Town Board commits to provide the required matching funds from recreation development fees in a minimum amount of \$350,000 in order to complete this important project.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Supervisor of the Town of Riverhead is hereby authorized and directed to file an application for grant funds with the New York State Office of Parks, Recreation and Historic Preservation in accordance with the Provisions of the Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$350,000, and if appropriate a preservation covenant to the deed of the assisted property, and upon approval of said request to enter into and execute a project agreement with the State of New York for such financial assistance to the Town of Riverhead for the Calverton Enterprise Park Recreational Improvement Project.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Town Engineer Kenneth Testa, the Accounting Department, Jim Janeczek, Recreation Department, the Recreation Advisory Committee and Community Development Director Andrea Lohneiss.

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

JUNE 7, 2005

Adopted

TOWN OF RIVERHEAD

APPROVES STIPULATION OF SETTLEMENT

RESOLUTION # 491

COUNCILMAN DENSIESKI

_____ offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, a stipulation of settlement dated May 24, 2005 has been conditionally agreed to by the CSEA and the Town.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby ratifies the 5/24/2005 disciplinary stipulation of settlement; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the President of the CSEA.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

JUNE 7, 2005

Adopted

TOWN OF RIVERHEAD

APPROVES STIPULATION OF SETTLEMENT

RESOLUTION # 492

COUNCILWOMAN BLASS

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

WHEREAS, a stipulation of settlement dated June 3, 2005 has been conditionally agreed to by the CSEA and the Town.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby ratifies the June 3, 2005 stipulation of settlement; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the President of the CSEA.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

TOWN OF RIVERHEAD

Adopted

Resolution # 493

**REAUTHORIZES THE TOWN CLERK TO PUBLISH AND POST
HELP WANTED ADVERTISEMENTS**

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

BE IT RESOLVED, that the Town Board hereby ratify the reauthorization to publish the attached Help Wanted Advertisements in the June 2, 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 Department.

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 has seasonal positions for Summer Interns. Applicants must be a student enrolled in college for the Fall of 2005. Applications should be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY by 6/10/2005. EOE.

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Part Time Senior Citizen Aide. Applications are to be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on 6/10/2005. EOE

PLEASE TAKE NOTICE that the Town of Riverhead is seeking qualified individuals to serve in the position of Pump Out Boat Personnel. Applications are to be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on 6/10/2005. EOE.

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Director of Senior Citizen Services. The Town requests that all applicants have a Bachelor's Degree or better from an accredited college and 4-5 years of administrative experience in the direct delivery of health, social or related services to the aged. Applications are to be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on 6/10/2005. EOE

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Superintendent of Recreation 1 with a minimum of a Bachelor's Degree from an accredited college and 2 years of supervisory experience in the conduct of a recreational program. Applications are to be submitted to the Accounting Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on Friday, June 10, 2005. EOE

BY ORDER OF:
THE RIVERHEAD TOWN BOARD
BARBARA GRATTAN, TOWN CLERK

June 6, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 494

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR 2005 or 2006
LANDSCAPER/DUMP TRUCK

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for a 2005 or 2006 LANDSCAPER/DUMP TRUCK and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the June 9, 2005 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 Engineering Department 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 the purchase of 2005 or 2006 LANDSCAPER/DUMP TRUCK 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 JUNE 17TH, 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. or on our website at www.riverheadli.com.

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 BID FOR LANDSCAPER/DUMP TRUCK.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

June 7, 2005

Adopted

TOWN OF RIVERHEAD

ACCEPTS RESIGNATION OF
LEGISLATIVE ASSISTANT

RESOLUTION # 495

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

WHEREAS, John Stephans has notified the Supervisor of his resignation from the position of Legislative Assistant in the Office of the Supervisor effective May 20, 2005.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby accepts the resignation of John Stephans.

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to forward a Certified Copy of this Resolution to John Stephans, the Supervisor's Office 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	

June 7, 2005

Adopted

TOWN OF RIVERHEAD

APPOINTS PLANNER IN THE PLANNING DEPARTMENT

Resolution # 496

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

WHEREAS a vacancy exists for the position of Planner in the Planning Department; and

WHEREAS, all qualified candidates found on Civil Service list #05T-165 were interviewed and the Personnel Committee has made a recommendation to appoint Karin Gluth to said position.

NOW, THEREFORE, BE IT RESOLVED, that Karin Gluth is hereby appointed to the position of Planner Group 9 Step P of the Salary Administration Schedule effective ~~July 5, 2005~~, and

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

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

JUNE 7, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 497

**RATIFIES APPOINTMENT OF PART TIME MAINTENANCE MECHANIC I
IN THE NUTRITION DEPARTMENT**

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

WHEREAS, due to the vacancy in the Nutrition Department for the position of Part Time Maintenance Mechanic I, and

WHEREAS, this position was duly posted (posting #9); and

WHEREAS, it is the recommendation of the Personnel Committee that Harry Huners be appointed to said position.

NOW, THEREFORE, BE IT RESOLVED, that effective June 6, 2005 the Town Board hereby ratify the appointment of Harry Huners to the position of Part Time Maintenance Mechanic I at an hourly rate of \$ 13.00.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Harry Huners, 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

June 7, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 498

PROMOTION TO HEAD CLERK

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

WHEREAS, the Department Head of the Building Department has requested the creation of the position of Head Clerk in his department; and

WHEREAS, the Town is in receipt of the Suffolk County Department of Civil Service List of Eligibles for the position of Head Clerk; and

WHEREAS, the Department Head has recommended that a current employee in his department that is reachable on the List of Eligibles be promoted to the position of Head Clerk.

NOW, THEREFORE, BE IT RESOLVED, that Francis Frizolowski is hereby promoted to the position of Head Clerk effective June 13, 2005 at Group 4 Step 8 of the Salary Administration Schedule.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 499

APPOINTS SEASONAL LABORERS
IN THE HIGHWAY DEPARTMENT

COUNCILMAN BARTUNEK

offered the following

resolution, which was seconded by COUNCILMAN DENSIESKI

WHEREAS, the Highway Department has requested additional employees to assist in the added work during the summer months, and

WHEREAS, it is the recommendation of the Superintendent of the Highway to appoint Steven Kmetz, Timothy Elliot, Eric Schandel, Gabriel Kulka, Jeffrey Elliot and Jason Braunskill to the position of 90 Day Seasonal Laborers.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the appointment of Steven Kmetz, Timothy Elliot, Eric Schandel, Gabriel Kulka, Jeffrey Elliot and Jason Braunskill to the position of 90 Day Seasonal Laborers in the Highway Department at an hourly rate of pay of \$15.00 effective June 8, 2005 through September 2, 2005.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Steven Kmetz, Timothy Elliot, Eric Schandel, Gabriel Kulka, Jeffrey Elliot, Jason Braunskill, the Highway Department and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

6/7/05

TOWN OF RIVERHEAD

Adopted

Resolution # 500

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

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

RESOLVED, that Anna McKay is hereby appointed to serve as a Beach Attendant/ Concession Stand Operator II effective June 25th, 2005 to and including September 5th, 2005, to be paid at the rate of \$10.00 per hour, and to serve at the pleasure of the Town Board; and

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

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

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

1

THE VOTE

Bartunek ✓ yes ___ no Sanders ✓ yes ___ no

Blass ✓ yes ___ no Densieski ✓ yes ___ no

Cardinale ✓ yes ___ no

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

6/7/05

Adopted

TOWN OF RIVERHEAD

Resolution # 501

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

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

RESOLVED, that Cheryl Walsh-Edwards is hereby appointed to serve as a Beach Attendant/ Concession Stand Operator II effective June 25th, 2005 to and including September 5th, 2005, to be paid at the rate of \$9.00 per hour, and to serve at the pleasure of the Town Board; and

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

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

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

1

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Doris/ Res Beach Attnd. Concess Cheryl Walsh Edwards

Adopted

APPOINTS
LIFEGUARDS
TO THE
RECREATION DEPARTMENT

RESOLUTION # 502

COUNCILWOMAN BLASS offered the following resolution,

COUNCILMAN DENSIESKI

which was seconded by _____

RESOLVED, that the Town Board appoints the attached list of Lifeguards to the Recreation Department effective June 11th, 2005 to and including September 5, 2005 and to serve as needed on an at will basis and to serve at the pleasure of the Town Board and

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

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

**RECREATION DEPARTMENT APPOINTMENTS
6/7/05 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Start Date</u>	<u>End Date</u>	<u>End date</u>	<u>Salary</u>
Monihan	Liz	Lifeguard III	5/23/05	9/5/05	\$12.00
McIntyre	Breanna	Lifeguard II	5/23/05	9/5/05	\$11.50
Miller	Lauren	Lifeguard I	5/23/05	9/5/05	\$10.50

BE IT FURTHER , RESOLVED , that these positions are subject to the following conditions:

- 1: All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start
- 2: Subject to Suffolk county Lifeguard Certifications.
- 3: Current CPR Certifications

6/7/05

TOWN OF RIVERHEAD

Resolution # _____

Adopted

6/7/05

TOWN OF RVIERHEAD

Resolution # 503

APPOINTS
SUMMER RECREATION AIDES
TO THE
RECREATION DEPARTMENT

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

RESOLVED, that the Town Board appoints the attached list of Summer Recreation Aides to the Recreation Department effective May June 7, 2005 to and including August 26, 2005 to serve as needed on an at will basis and to server at the pleasure of the Town Board 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.

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

**RECREATION DEPARTMENT APPOINTMENTS
6/7/05 TOWN BOARD MEETING**

*

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Bentsen	Patrick	Summer Rec. Aide	III	6/7/05 8/26/05		\$10.00
Brown	Jennifer	Summer Rec. Aide	III	6/7/05 8/26/05		\$10.00
Bullock	Amy	Summer Rec. Aide	II	6/14/05 8/26/05		\$9.50
DiResta	Vincent	Summer Rec. Aide	I	6/7/05 8/26/05		\$8.50
Donoghue	Timothy	Summer Rec. Aide	VI	6/7/05 8/26/05		\$11.50
Forlenza	Nicole	Summer Rec. Aide	II	6/7/05 8/26/05		\$9.50
Fuhlbrugge	Leah	Summer Rec. Aide	III	6/7/05 8/26/05		\$10.00
Jehle	Michael	Sum Rec. Aide/ cert	III	6/7/05 8/26/05		\$11.50
Johnson	Katherine	Summer Rec. Aide	I	6/7/05 8/26/05		\$8.50
Koroleski	Cori	Summer Rec. Aide	VI	6/7/05 8/26/05		\$11.50
Kwasna	Amanda	Summer Rec. Aide	IV	6/7/05 8/26/05		\$10.50
Kulka-MacLellan	Caitlin	Summer Rec. Aide	III	6/7/05 8/26/05		\$10.00
McCafferty	Ashley	Summer Rec. Aide	IV	6/7/05 8/26/05		\$10.50
Miller	Leslie	Summer Rec. Aide	V	6/7/05 8/26/05		\$11.00
Rollins	Dana	Summer Rec. Aide	IV	6/7/05 8/26/05		\$10.50
Sheehan	Anna	Summer Rec. Aide	VI	6/7/05 8/26/05		\$11.50
Warner	Jackie	Summer Rec. Aide	V	6/7/05 8/26/05		\$11.00
Warner	Naomi	Summer Rec. Aide	III	6/7/05 8/26/05		\$10.00

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

Adopted

4

6/7/05

TOWN OF RIVERHEAD

Resolution # 504

APPOINTS
SUMMER PROGRAM LEADERS
TO THE
RECREATION DEPARTMENT

COUNCILMAN BARTUNEK

_____ offered the following resolution,

COUNCILMAN DENSIESKI

which was seconded by _____

RESOLVED, that the Town Board appoints the attached list of Summer Program Leaders to the Recreation Department effective June 7, 2005 to and including August 26, 2005 to serve as needed on an at will basis and to serve at the pleasure of the Town Board and

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

THE VOTE

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

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**RECREATION DEPARTMENT APPOINTMENTS
6/07/05 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Hebberd	Laurell	Summer Program Leader	I	6/7/05 8/26/05		\$12.50
Hynds	Cynthia	Summer Program Leader	IX	6/7/05 8/26/05		\$16.50
Kowalsick	Christopher	Summer Program Leader	IV	6/7/05 8/26/05		\$13.50
Lindsay	Lisa	Summer Program Leader	V	6/7/05 8/26/05		\$14.50
Pantaleo	Kathleen	Summer Program Leader	IV	6/7/05 8/26/05		\$13.50

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

6/7/05

TOWN OF RIVERHEAD

Adopted

Resolution # 505

**APPOINTS A SEASONAL BUS DRIVER
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

RESOLVED, that Robert A. Fox is hereby appointed as a Seasonal Bus Driver effective, June 7, 2005 to September 5, 2005, to serve as needed on an at will basis to be paid at the rate of \$13.00 per hour, and to serve at the pleasure of the Town Board; and

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

1. All applications and appropriate forms are to be completed (in the Office of Accounting) PRIOR to start date; and
2. Subject to the approval of Suffolk County Department of Civil Service and possession of a clean valid CDL license

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

THE VOTE

Bartunek yes no Sanders yes no

Blass yes no Densieski yes no

Cardinale yes no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Colleen/ Resolution. Seasonal bus R. Fox

6/7/05

Adopted

TOWN OF RIVERHEAD

Resolution # 506

APPOINTS A SEASONAL BUS DRIVER TO THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, that Douglas Dewling is hereby appointed as a Seasonal Bus Driver effective, June 7, 2005 to September 5, 2005, to serve as needed on an at will basis to be paid at the rate of \$12.50 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):

1. All applications and appropriate forms are to be completed (in the Office of Accounting) PRIOR to start date; and
2. Subject to the approval of Suffolk County Department of Civil Service and possession of a clean valid CDL license

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

THE VOTE

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

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

¹ Rec. Colleen/ Resolution. Seasonal bus D.Dewling

Adopted

JUNE 7, 2005

TOWN OF RIVERHEAD

RATIFIES APPOINTMENT OF GUARD IN THE SANITATION DEPARTMENT

RESOLUTION # 507

COUNCILWOMAN BLASS OFFERED THE FOLLOWING RESOLUTION, WHICH WAS SECONDED BY COUNCILWOMAN SANDERS

WHEREAS, the position exists for guard in the Sanitation Department; and

NOW, THEREFORE, BE IT RESOLVED, that effective April 23, 2005, the Town Board hereby authorizes the appointment of current employee, Henryk Niedzweicki, to serve as guard on a fill in basis at the hourly rate of \$13.1617; and

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

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

Adopted

June 7, 2005

TOWN OF RIVERHEAD

Resolution # 508

APPOINTS PART TIME MAINTENANCE MECHANIC II
IN THE NUTRITION DEPARTMENT

COUNCILWOMAN SANDERS offered the following

resolution, which was seconded by COUNCILMAN BARTUNEK

WHEREAS, a vacancy now exists in the Nutrition Department, and

WHEREAS, this position was duly posted, posting #8, advertised and interviews have been conducted, and

WHEREAS, the recommendation of the Personnel Committee and the Department Head has been received.

NOW, THEREFORE, BE IT RESOLVED, that effective June 8, 2005 Frederick Marsland is hereby appointed to the position of Part Time Maintenance Mechanic II at an hourly rate of \$14.00 per hour, and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Frederick Marsland, 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

6 / 7 / 05

Adopted

TOWN OF RIVERHEAD

Resolution # 509

REAPPOINTS MEMBER TO THE BOARD OF ASSESSMENT REVIEW

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

WHEREAS, the term of Board of Assessment Review member Judith O'Connell is to expire on September 30, 2005, and

WHEREAS, Judith O'Connell has expressed a desire to continue to serve on said Board.

NOW, THEREFORE, BE IT RESOLVED, that Judith O'Connell is hereby reappointed to the Board of Assessment Review, whose term shall be October 1, 2005 through September 30, 2010, in accordance with Section 523 of the Real Property Tax Law, at the annual salary established under Town resolution #2000-525, and,

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Judith O'Connell, the Assessor's Office, Suffolk Co. Real Property Tax Service Agency, and the Accounting Department.

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Bartunek Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

JUNE 7, 2005

Adopted

TOWN OF RIVERHEAD

BEST WESTERN SEWER IMPROVEMENT PROJECT

BUDGET ADOPTION

RESOLUTION # 510

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

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

		<u>FROM</u>	<u>TO</u>
406.092705.421050.20024	Developer Fees	10,000	
406.081300.543504.20024	Engineering Expense		10,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 511

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by

COUNCILWOMAN BLASS

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

	<u>FROM</u>	<u>TO</u>
001.013550.542100 Assessors, Office Supplies	1,050	
001.013550.524000 Assessors Equipment		350
001.013550.541500 Assessors Car Expenses		700
001.092705.471000 Gifts & Donations	1500	
001.012200.524300 Supervisor, Equipment		1500
001.000000.390599 Appropriated Fund Balance	11,000	
001.016200.524000 Shared Service		11,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

Adopted

TOWN OF RIVERHEAD

VITA GRANT PROGRAM

BUDGET ADJUSTMENT

RESOLUTION # 512

COUNCILWOMAN BLASS

_____ offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____.

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

		<u>FROM</u>	<u>TO</u>
406.049890.511500.40103	Personnel Services	50,000	
406.049890.549000.40103	Miscellaneous Expense	13,051	
406.049890.543900.40103	Misc. Consultants		9,500
406.049890.542300.40103	Supplies		183
406.049890.524000.40103	Equipment		53,368

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

Adopted

TOWN OF RIVERHEAD

2003 PECONIC RIVERFRONT PARK IMP PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 513

COUNCILMAN BARTUNEK

_____ offered the following resolution,

which was seconded by _____ COUNCILMAN DENSIESKI

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

		<u>FROM</u>	<u>TO</u>
406.095031.481900.40185	Transfer from Park & Rec	590,000	
406.095031.543505.40185	Engineering Expense	140,000	
404.071100.523018.40185	Construction		585,000
404.071100.597000.40185	Contingency		145,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

Adopted

TOWN OF RIVERHEAD

EPCAL SEWER IMPROVEMENT CAP PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 514

COUNCILMAN DENSIESKI

_____ offered the following resolution,

which was seconded by _____

COUNCILWOMAN SANDERS

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

	<u>FROM</u>	<u>TO</u>
406.092705.421050.20017 Developer Fees	72,750	
406.081300.543504.20017 Engineering Expense		72,750

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

Adopted

TOWN OF RIVERHEAD

EPCAL WATER EXTENSION CAP PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 515

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

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

	<u>FROM</u>	<u>TO</u>
406.092705.421050.30027 Developer Fees	27,750	
406.083200.543501.30027 Engineering Expense		27,750

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

Adopted

TOWN OF RIVERHEAD

2005 PULASKI ST - ROAD IMP PROJECT

BUDGET ADOPTION

RESOLUTION # 516

COUNCILWOMAN BLASS

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

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45087	Serial Bond Proceeds	35,000	
406.051100.541301.45087	Road Paving Exp		35,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

TOWN OF RIVERHEAD

'05 Kay Rd, Calverton Ct, Laurin Rd & Gerald St - Road Imp Project

BUDGET ADOPTION

RESOLUTION # 517

COUNCILMAN BARTUNEK

offered the following resolution,

COUNCILMAN DENSIESKI

which was seconded by _____

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45090	Serial Bond Proceeds	50,000	
406.051100.541301.45090	Road Paving Exp		50,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

Adopted

TOWN OF RIVERHEAD

'05 Remsen Rd - Road Imp Project

BUDGET ADOPTION

RESOLUTION # 518

COUNCILMAN BARTUNEK

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

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

	<u>FROM</u>	<u>TO</u>
406.095731.494200.45091 Serial Bond Proceeds	70,000	
406.051100.541301.45091 Road Paving Exp		70,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

Adopted

TOWN OF RIVERHEAD

' 05 North Wading River Rd - Road Imp Project

BUDGET ADOPTION

RESOLUTION # 519

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45092	Serial Bond Proceeds	170,000	
406.051100.541301.45092	Road Paving Exp		170,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

Adopted

TOWN OF RIVERHEAD

'05 West Lane - Road Imp Project

BUDGET ADOPTION

RESOLUTION # 520

COUNCILMAN BARTUNEK

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

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45093	Serial Bond Proceeds	100,000	
406.051100.541301.45093	Road Paving Exp		100,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

Adopted

TOWN OF RIVERHEAD

'05 Millbrook Gables - Road Imp

BUDGET ADOPTION

RESOLUTION # 521

COUNCILMAN BARTUNEK

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

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

	<u>FROM</u>	<u>TO</u>
406.095731.494200.45094 Serial Bond Proceeds	75,000	
406.051100.541301.45094 Road Paving Exp		75,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

June 7, 2005

Adopted

TOWN OF RIVERHEAD

RIVERHEAD TOWN HUMAN SERVICE CENTER

BUDGET ADJUSTMENT

RESOLUTION # 522

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by

COUNCILWOMAN SANDERS

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

	<u>FROM</u>	<u>TO</u>
406.071400.524000.40091 Equipment	285	
406.071400.522150.40091 Construction		285

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

Resolution # 523

AWARDS BID FOR SPECIALTY VEHICLES FOR
TOWN OF RIVERHEAD SENIOR CENTER

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

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for SPECIALTY VEHICLES for the Senior Center of the Town of Riverhead, and

WHEREAS, one bid was received and opened the 12th day of May, 2005 at 11:10 am at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW THEREFORE BE IT

RESOLVED, that the bid for SPECIALTY VEHICLES be, and hereby is, awarded to Delivery Concepts East for \$27,477 each;

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is authorized to forward a certified copy of this resolution to Delivery Concepts, the Grants Coordinator, Senior Center 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

Adopted

June 7, 2005

TOWN OF RIVERHEAD

Resolution # 524

AWARDS BID FOR SNACK VENDOR

Councilman Densieski offered the following resolution, which was seconded by Councilman Bartunek.

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for SNACK VENDORS for the Town of Riverhead; and

WHEREAS, 4 bids were received and opened the 24th day of May, 2005 at 11:00 am at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW, THEREFORE BE IT RESOLVED, that the bid for SNACK VENDORS be and hereby is awarded to Hines Catering for Stotzky Park for \$1000.00 and Iron Pier Beach for \$500.00; Karl Freudenberg for Wading River Beach for \$1551.27 starting JUNE 2, 2005 and ending September 30, 2005;

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Hines Catering, Karl Freudenberg, the Recreation Department 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

6/7/05

TOWN OF RIVERHEAD

Resolution # 525

APPROVES CHAPTER 90 APPLICATION OF PAUMANOK VINEYARDS, LTD.

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded by

COUNCILMAN BARTUNEK
_____ :

WHEREAS, Paumanok Vineyards, Ltd. has submitted a Chapter 90 Application for the purpose of conducting a Radio Station WSHU Annual Fund Raiser to be located on their property located at 1074 Main Road, Aquebogue, New York, to be held on June 26th, 2005, between the hours of 11:00 a.m. and 12:00 midnight; and

WHEREAS, Paumanok Vineyards, Ltd. 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, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application; and

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

NOW THEREFORE BE IT RESOLVED, that 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 Paumanok Vineyards, Ltd. for the purpose of conducting two (2) weddings and Radio Station WSHU Annual Fund Raiser to be located on their property located at 1074 Main Road, Aquebogue, New York, to be held on June 11th, 25th and 26th, 2005, between the hours of 11:00 a.m. and 12:00 midnight is hereby approved; and be it further

RESOLVED, that the Chapter 90 Application fee has been paid; and be it further

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

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

RESOLVED, that all tours and structures must comply with the provisions of the Building Code of New York State, the Fire Code of New York State and NFPA 102 – Tents and Temporary Structures, prior to the issuance of a Place of Assembly Permit; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Paumanok Vineyards, Ltd., 1074 Main Road, P.O. Box 741, Aquebogue, New York, 11931; the Riverhead Fire Marshal; the Riverhead Police 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

6/7/05

TOWN OF RIVERHEAD
Resolution #526

Adopted

APPROVES THE CHAPTER 90 APPLICATION OF RIVERHEAD ELKS LODGE #2044

COUNCILWOMAN BLASS

_____ offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

WHEREAS, the Riverhead Elks Lodge #2044 has submitted a Chapter 90 Application for the purpose of conducting a Veterans Appreciation Run Barbeque and Band to be held at the Riverhead Elks Lodge located on 1239 East Main Street, Riverhead, New York, on June 12, 2005, having a rain date of June 19, 2005, to be held between the hours of 12:30 p.m. and 5:30 p.m.; and

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

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

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

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

WHEREAS, there have been no other Elks events scheduled to be in conjunction ABATE in 2005, and

WHEREAS, ABATE events typically involve the gathering of a large number of motorcycles. The gathering of these vehicles may create a noise disturbance to the health, safety and welfare of the adjacent residential community. This requires that such events be limited in number and conditioned to minimize the impact on adjoining property owners, and

WHEREAS, there have been no Town Code violations occasioned by Elks Club events during 2005, and

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 the Riverhead Elks Lodge #2044 for the purpose of conducting a Veterans Appreciation Run Barbeque and Band to be held at the Riverhead Elks Lodge located on 1239 East Main Street, Riverhead, New York, on June 12, 2005, having a rain date of June 19, 2005, to be held between the hours of 12:30 p.m. and 5:30 p.m. is hereby approved subject to the conditions set forth herein; and be it further

RESOLVED, that the applicant shall be required to stage the arrival and departure of vehicles in such a way as to minimize to the greatest extent possible the noise impacts to surrounding neighbors, and be it further

RESOLVED, that the applicant shall advise event participants that vehicle engines shall not be permitted to continue to run upon arrival at the event premises, and be it further

RESOLVED, that there shall be no music played out of doors before 12:30 pm or after 5:30 pm on the day of the event, including music played from vehicles, and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application Fee due to the charitable nature of the event being held; and be it further

RESOLVED, that should the conditions of this approval be violated that the Riverhead Police Department shall have the authority to revoke the permit and require the public to vacate the premises; and be it further

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

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

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Riverhead Elks Lodge #2044, P.O. Box 688, 1239 E. Main Street, Riverhead, New York, 11901; the Riverhead Fire Marshal; Chief David Hegermiller, Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

Bartunek ✓	yes	no	Sanders ✓	yes	no
Blass ✓	yes	no	Densieski ✓	yes	no
Cardone ✓	yes	no			

THE RESOLUTION WAS WAS NOT

THEREFORE DULY ADOPTED

6/7/05

Withdrawn

(Please see following page for resolution with amendment)

TOWN OF RIVERHEAD

Tabled

Resolution # 527

**APPROVES CHAPTER 90 APPLICATION OF MARTHA CLARA VINEYARDS, LLC
(VARIOUS EVENTS/FUNCTIONS/ FUNDRAISERS)**

COUNCILWOMAN SANDERS offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

WHEREAS, Martha Clara Vineyards, LLC has submitted a Chapter 90 Application for the purpose of erecting a tent for wine tasting room guests, private events and charity functions/fundraisers to be held at 6025 Sound Avenue, Jamesport, New York, between the hours of 11:00 a.m. and 10:00 p.m. for the duration of June 22, 2005 through August 17, 2005; and

WHEREAS, Martha Clara Vineyards, LLC has submitted an completed Short Form Environmental Assessment pursuant to 6 NYCRR Part 617 identifying the potential adverse environmental impacts of the event; 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 application of Martha Clara Vineyards, LLC for the purpose of erecting a tent for wine tasting room guests, private events and charity functions/fundraisers to be held at 6025 Sound Avenue, Jamesport, New York, between the hours of 11:00 a.m. and 10:00 p.m. for the duration of June 22, 2005 through August 17, 2005 is hereby approved; and be it further

RESOLVED, that the Chapter 90 Application Fee has been paid; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Martha Clara Vineyards, LLC, Attn: Bridget Quinn, 6025 Sound Avenue, Riverhead, New York, 11901; Bruce Johnson, Riverhead Fire Marshal; Chief David Hegermiller, Riverhead Police Department and the Office of the Town Attorney

TOWN BOARD MEETING OF JUNE 21, 2005

COUNCILMAN DENSIESKI OFFERED THE RESOLUTION TO BE WITHDRAWN, SECONDED BY COUNCILMAN BARTUNEK.

ALL MEMBERS IN FAVOR OF WITHDRAWING THE RESOLUTION.

COUNCILWOMAN SANDERS OFFERED THE RESOLUTION WITH AN AMENDMENT SECONDED BY COUNCILWOMAN SANDERS.

ALL MEMBERS IN FAVOR OF THE ADOPTION OF THE RESOLUTION WITH AMENDMENT.

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

6/21/05
~~6/7/05~~

... is required

Adopted

TOWN OF RIVERHEAD

Resolution # 527

APPROVES CHAPTER 90 APPLICATION OF MARTHA CLARA VINEYARDS, LLC
(VARIOUS EVENTS/FUNCTIONS/ FUNDRAISERS)

Councilwoman Sanders
Councilwoman Blass : offered the following resolution, was seconded by

WHEREAS, Martha Clara Vineyards, LLC has submitted a Chapter 90 Application for the purpose of erecting a tent for wine tasting room guests and charity functions/fundraisers to be held at 6025 Sound Avenue, Jamesport, New York, between the hours of 11:00 a.m. and 10:00 p.m. for the duration of June 22, 2005 through August 17, 2005; and

WHEREAS, Martha Clara Vineyards, LLC has submitted an completed Short Form Environmental Assessment pursuant to 6 NYCRR Part 617 identifying the potential adverse environmental impacts of the event; 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; and

WHEREAS, the Town of Riverhead does not issue Chapter 90 permits for private functions.

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 Martha Clara Vineyards, LLC for the purpose of erecting a tent for wine tasting room guests and charity functions/fundraisers to be held at 6025 Sound Avenue, Jamesport, New York, between the hours of 11:00 a.m. and 10:00 p.m. for the duration of June 22, 2005 through August 17, 2005 is hereby approved; and be it further

RESOLVED, that the Chapter 90 Application Fee has been paid; and be it further

Adopted

6/7/05

TOWN OF RIVERHEAD
RIVERHEAD SCAVENGER WASTE DISTRICT

RESOLUTION # 528

SETTING RATE FOR TIPPING FEES AT SCAVENGER WASTE PLANT

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

WHEREAS, the operating costs and expenses of the Scavenger Waste facility are increasing warranting a need to increase the tipping fees charged;

NOW, THEREFORE, BE IT

RESOLVED, that the tipping fees to be charged by the Scavenger Waste Improvement District shall be increased to ~~\$10.075~~ per gallon (\$ 75/1,000 gallons) effective July 1, 2005.

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to the Accounting Department, Frank A. Isler, Esq., and Michael Reichel.

This Resolution was prepared by Frank A. Isler, Esq., counsel to the Scavenger Waste Improvement District.

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

6/7/05

RESOLUTION # 529

Adopted

**AWARDS BID
CALVERTON SEWER DISTRICT
REMOTE SEWAGE PUMPING STATIONS ALARM
AND MONITORING SYSTEM**

Adopted _____

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

WHEREAS, this Town Board did authorize the advertisement for bids for the construction of a remote sewage pumping stations alarm and monitoring system for the Calverton Sewer District, and

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

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

WHEREAS, by letter dated May 25, 2005, H2M, consulting engineers to the Calverton Sewer District, did recommend that the bid be awarded as follows:

**Strategic Alarm Concepts, Ltd.
366 Hempstead Avenue
West Hempstead, NY
\$30,720.00**

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the construction of a remote sewage pumping stations alarm and monitoring systems for the Calverton Sewer District be and is hereby awarded to:

Strategic Alarm Concepts, Ltd.

366 Hempstead Avenue
West Hempstead, NY
\$30,720.00

And be it further

RESOLVED, that the town clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq., H2M, Calverton Sewer 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 CALVERTON SEWER DISTRICT

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

EXHIBIT "A"
RIVERHEAD WATER DISTRICT
ENGINEERING REPORT
FOR
PROPOSED EXTENSION NO. 82
SHORELINE DEVELOPMENT
DESCRIPTION OF EXTENSION

All those certain lots, parcels of land, said properties being known as Section 58, Block 2, Lots 13.1, 13.2 and 14 and Section 76, Block 2, Lot 9, situated and lying and being at Wading River, also with the right-of-way known as Hulse Landing Road, Town of Riverhead, County of Suffolk and State of New York bounded and described as follows:

BEGINNING at a point formed by the westerly right-of-way of Hulse Landing Road and the southerly right-of-way of Sound Avenue. Said point being the POINT OF BEGINNING.

From said POINT OF BEGINNING, running easterly to a point formed by the easterly right-of-way line of Hulse Landing Road and the southerly right-of-way line of Sound Avenue

THENCE running easterly along the southerly right-of-way line of Sound Avenue, the following two (2) bearings and distances:

1. N 78° - 04' - 40" E 463.81 feet;
2. N 75° - 02' - 00" E 187.00 feet,

to a point formed by the southerly right-of-way line of Sound Avenue and the easterly property line of Section 58, Block 2, Lot 14.

THENCE running southerly along the easterly property line of Section 58, Block 2, Lot 14 the following bearing and distance:

1. S 16° - 40' - 50" E 2,505.43 feet,

to a point formed by the southerly property line of Section 58, Block 2, Lot 14 and the westerly property line of Section 59, Block 1, Lot 1.2.

THENCE running westerly along the southerly property lines (also known as the northerly property line of the L.I.L.C.O. right-of-way) of Section 58, Block 2, Lot 14 and Section 76, Block 2, Lot 9 the following bearing and distance:

1. N 65° - 34' - 50" N 1,425.40 feet,

to a point formed by the easterly right-of-way line of Hulse Landing Road and the southerly property line of Section 76, Block 2, Lot 9.

THENCE running westerly to a point formed by the westerly right-of-way line of Hulse Landing Road and the southerly property line of Section 76, Block 2, Lot 8.6.

THENCE running northerly from said point along the westerly right-of-way line of Hulse Landing Road a distance of approximately 1,018 feet to a point.

THENCE running northerly from said point along the westerly right-of-way line of Hulse Landing Road a distance of approximately 644 feet to the said POINT OF BEGINNING.

END OF DESCRIPTION

Adopted

6/7/05

RESOLUTION # 530

TOWN OF RIVERHEAD

ORDER CALLING PUBLIC HEARING - EXTENSION NO. 82 RIVERHEAD WATER DISTRICT Shoreline Development

Adopted _____

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

WHEREAS, a petition has been filed by the developers of Shoreline Development for an extension to the Riverhead Water District to serve their subdivision in Wading River which is located outside the boundaries of the existing Water district, and

WHEREAS, a map and plan detailing the proposed extension has been prepared by H2M, consulting engineers to the Riverhead Water District, which report recommends the installation of 1,500 linear feet of six and eight inch water main and the proposed main will connect, at two locations to an existing 12-inch Riverhead Water District main located on the west side of Hulse Landing Road, along with a 15-foot wide water main easement along the southerly property line of Lot 6, and

WHEREAS, a maximum amount to be expended for the extension is \$107,000, to be borne by the applicant and no public monies shall be expended for this extension, and

WHEREAS, key money will be assessed at the rate of \$2,500 per single family dwelling unit to cover the cost of constructing capital improvement facilities, for a total amount of \$47,500, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board will hold a public hearing on the 21st day of June, 2005, at 2:20 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the extension to the Riverhead Water District to be known as Extension 82, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution in full in the June 9, 2005, edition of The Traveler Watchman, and

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

BY ORDER OF THE RIVERHEAD
TOWN BOARD
BARBARA GRATTAN
TOWN CLERK

Dated: June 7, 2005
Riverhead, NY 11901

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

June 7, 2005

Adopted

TOWN OF RIVERHEAD

AWARDS BID FOR WATER METERS AND ACCESSORY
EQUIPMENT FOR USE IN THE RIVERHEAD WATER DISTRICT

RESOLUTION # 531

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

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for water meters for use by the Riverhead Water District; and

WHEREAS, bids were received, opened and read aloud on the 26TH day of May, 2005, at 11:00 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 water meters for use in the Riverhead Water District be and is hereby awarded to Friendly Bytes Software, Inc., as listed on the bid proposal sheet and the exceptions to specifications attached hereto; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Friendly Bytes Software, Inc., 300 Rabro Drive, Hauppauge, New York, 11788, the Riverhead Water District and the Purchasing Department.

THE VOTE

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

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

BID PROPOSAL SHEET

<u>ITEM DESCRIPTION</u>		<u>NET DELIVERED PRICE</u>	
Item 1	5/8" x 1/2" ECR Meter	\$ <u>76.33</u>	Each
Item 2	3/4" ECR Meter	\$ <u>98.20</u>	Each
Item 3	1" ECR Meter	\$ <u>123.53</u>	Each
Item 4	1 1/2" ECR TRPL Meter	\$ <u>271.94</u>	Each
Item 5	5/8" x 1/2" Pit Meter	\$ <u>86.51</u>	Each
Item 6	3/4" Pit Meter	\$ <u>108.45</u>	Each
Item 7	1" Pit Meter	\$ <u>133.70</u>	Each
Item 8	1 1/2" SR TRPL Meter	\$ <u>281.94</u>	Each
Item 9	1 1/2" SR ^H Meter	\$ <u>N/A</u>	Each
Item 10	2" SRH Meter	<u>\$ ECR 1020.87</u>	\$ Pit <u>1034.03</u> Each
Item 11	3" SRH Meter	<u>\$ ECR 1386.83</u>	\$ Pit <u>1400.89</u> Each
Item 12	4" SRH Meter	<u>\$ ECR 2115.96</u>	\$ Pit <u>2129.12</u> Each
Item 13	6" SRH Meter	<u>\$ ECR 3849.79</u>	\$ Pit <u>3862.95</u> Each
Item 14	8" SRH Meter	<u>\$ ECR 6887.85</u>	\$ Pit <u>6914.18</u> Each
Item 15	1 1/2" SR Turbo Meter	<u>\$ ECR 413.77</u>	\$ Pit <u>426.93</u> Each
Item 16	2" SR Turbo Meter	<u>\$ ECR 488.42</u>	\$ Pit <u>502.40</u> Each
Item 17	4" SR Turbo Meter	<u>\$ ECR 1132.96</u>	\$ Pit <u>1146.13</u> Each
Item 18	6" SR Turbo Meter	<u>\$ ECR 1990.97</u>	\$ Pit <u>2004.13</u> Each
Item 19	8" SR Turbo Meter	<u>\$ ECR 2867.83</u>	\$ Pit <u>2881.00</u> Each
Item 20	5/8" ECR Meter Conversion Kit	\$ <u>51.83</u>	Each
Item 21	3/4" ECR Meter Conversion Kit	\$ <u>51.83</u>	Each
Item 22	1" ECR Meter Conversion Kit	\$ <u>51.83</u>	Each
Item 23	5/8" Pit Meter Conversion Kit	\$ <u>60.37</u>	Each
Item 24	3/4" Pit Meter Conversion Kit	\$ <u>60.37</u>	Each
Item 25	1" Pit Meter Conversion Kit	\$ <u>60.37</u>	Each
Item 26	1 1/2" SRH Meter Conversion Kit	\$ <u>N/A</u>	Each
Item 27	2" SRH Meter Conversion Kit	<u>\$ ECR 123.14</u>	\$ Pit <u>136.09</u> Each
Item 28	4" SRH Meter Conversion Kit	<u>\$ ECR 123.14</u>	\$ Pit <u>136.09</u> Each

* *
 STRAINS
 ARE NOT
 INCLUDE
 SEE ATT
 * *

BID PROPOSAL SHEET (continued)

	<u>ITEM DESCRIPTION</u>	<u>NET DELIVERED PRICE</u>
Item 29	6" SRH Meter Conversion Kit	<u>\$ ECR 123.13 \$ Pit 136.09</u> Each
Item 30	8" SRH Meter Conversion Kit	<u>\$ ECR 123.13 \$ Pit 136.09</u> Each
Item 31	6" SR Turbo Meter Conversion Kit	<u>\$ ECR 123.13 \$ Pit 136.09</u> Each
Item 32	8" SR Turbo Meter Conversion Kit	<u>\$ ECR 123.13 \$ Pit 136.09</u> Each
Item 33	1 1/2" SR Turbo Meter Conversion Kit	<u>\$ ECR 123.13 \$ Pit 136.09</u> Each
Item 34	2" SR Turbo Meter Conversion Kit	<u>\$ ECR 123.13 \$ Pit 136.09</u> Each
Item 35	4" SR Turbo Meter Conversion Kit	<u>\$ ECR 123.13 \$ Pit 136.09</u> Each
Item 36	MXU 510 Meter Transceiver Unit for use in non-pit (inside) installations	\$ <u>95.00</u> Each
Item 37	MXU 505C Single Port Meter Transceiver Unit for use in pit installations	\$ <u>105.00</u> Each
Item 38	MXU 505C Dual Port Meter Transceiver Unit for use in pit installations	\$ <u>120.00</u> Each
Item 39	AutoRead Handheld Device/Programmer Standard Model AR 4001 Upgrade w/ Communications/Charger Stand	\$ <u>3158.75</u> Each
Item 40	AutoRead Handheld Device/Programmer RadioRead Model AR 4002 RF Upgrade w/Communications/Charger Stand	\$ <u>4350.00</u> Each
Item 41	SmartGun (2090, 3091-3094) to AutoGun Reader Upgrade (without cable)	\$ <u>753.45</u> Each
Item 42	SmartGun (2090, 3091-3094) Connection Cable for 3000/4000 Equipment Upgrade	\$ <u>120.75</u> Each
Item 43	4000/3000 Conversion Kit for Communi- cation/Charging Stand (allows 3000 stand to connect to the 4005 Master stand. AMR-ILL#61)	\$ <u>30.51</u> Each
Item 44	Series AR4001 Handheld Device with Communications/Charger Stand	\$ <u>4738.49</u> Each
Item 45	Series AR4002 RF Handheld Device with Communications/Charger Stand	\$ <u>7229.58</u> Each
Item 46	AutoGun RF 4090	\$ <u>867.83</u> Each

BID PROPOSAL SHEET (continued)

	<u>ITEM DESCRIPTION</u>	<u>NET DELIVERED PRICE</u>
Item 47	AutoGun Pit Probe Extension	\$ <u>156.40</u> Each
Item 48	Wire per 1,000 Ft.	\$ <u>126.00</u> Each

COMPANY NAME FRIENDLY BYTES SOFTWARE, INC.
Riverhead Water District

Town of Riverhead – Bid for Water Meters

“EXCEPTIONS TO SPECIFICATIONS”

Additional meters believed to be used by the Riverhead Water District.

2” SR ECR Meter	\$ <u>381.94</u>
2” SR PIT Meter	\$ <u>391.94</u>

Turbo meters with Strainers.

1-1/2” Turbo ECR Meter w/integral strainer	\$ <u>549.03</u>
2” Turbo ECR Meter w/integral strainer	\$ <u>652.78</u>
4” Turbo ECR Meter w/integral strainer	\$ <u>1,595.38</u>
6” Turbo ECR Meter w/integral strainer	\$ <u>2,642.21</u>
8” Turbo ECR Meter w/integral strainer	\$ <u>4,041.70</u>

1-1/2” Turbo PIT Meter w/integral strainer	\$ <u>563.01</u>
2” Turbo PIT Meter w/integral strainer	\$ <u>666.77</u>
4” Turbo PIT Meter w/integral strainer	\$ <u>1,309.36</u>
6” Turbo PIT Meter w/integral strainer	\$ <u>2,656.20</u>
8” Turbo PIT Meter w/integral strainer	\$ <u>4,055.68</u>

* Sensus Metering Systems, Inc. states that Turbo Meters 6” and larger installed without a strainer, may affect meter performance and the Sensus Guarantee.

* Note “ECR” - Added to the bid spec denotes a unit used indoors.
“PIT” - Added to the bid spec denotes a unit used outdoors and is protected from the weather.

New Model MXU Available

MXU 520 - Meter Transceiver Unit Touch Coupler Single Port - Pit Version	\$ <u>105.00</u>
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FRIENDLY BYTES SOFTWARE, INC.

Adopted

TOWN OF RIVERHEAD

Resolution # 532

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 (Eugene Hallock House)

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

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 Eugene Hallock House 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 June 16, 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-EugeneHallockHousePH.doc

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blas 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 21st day of June, 2005 at 2:25 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider the designation of the following structure(s) as a landmark:

Eugene Hallock House:

Suffolk County Tax Map #0600-3-1-2.12

DATED: June 7, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

6/7/2005

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 533

AUTHORIZES ATTENDANCE OF ASSESSOR AT SEMINAR

COUNCILMAN BARTUNEK offered the following resolution which was seconded by

COUNCILWOMAN SANDERS

WHEREAS, a seminar for assessors is being held at Cornell University, Ithaca, New York, on July 18 through July 22, 2005 and,

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

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

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

BE IT FURTHER RESOLVED, that the amount of \$1,300.00 shall cover tuition, lodging, meals, materials, and travel expenses, and

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

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

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

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Bartunek Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
TRAVEL BUDGET REQUEST
(with overnight stay)**

EMPLOYEE: LAVERNE TENNENBERG DEPARTMENT ASSESSORS

DESTINATION: ITHACA NY DATE OF TRAVEL 7/17/05 to 7/22/05

PURPOSE OF TRAVEL: Seminar on Appraising @ Cornell University

SPONSOR OF SEMINAR: NYS Assessors Assn.

PROPOSED BUDGET:

- 1) SEMINAR FEES: \$ 385⁰⁰
 INCLUDES MEALS Y NX Breakfast Lunch Dinner

- 2) LODGING: (Rm. rate X # of nights) \$ 400⁰⁰
 Computation: 5 X \$80⁰⁰

- 3) EMPLOYEE COST IF OVERTIME IS NECESSARY: \$ N/A
 Computation: X

- 4) MEALS:
 Seminar provided (included in fee)
 Non provided (IRS rate* X # of meals)
 Computation: X \$ 300⁰⁰

- 5) TRANSPORTATION: \$ N/A
 AIR TRAVEL:
 (NYS Contract Price**) \$ N/A
 AIRPORT TRANSPORT:
 (NYS Contract Price**) \$ N/A

 LAND TRAVEL: \$ N/A
 TAXI:

 TRAIN: \$ N/A

 TOWN PROVIDED VEHICLE:
 (reimbursement expense
 i.e. gas & tolls) \$ 80⁰⁰

 PERSONAL VEHICLE:
 (IRS rate X # of miles) + (parking & toll fees)
 COMPUTATION: X \$ N/A \$ 80⁰⁰

TOTAL

Laverne Tennenberg 5/18/05
Employee Signature/Date

\$ 1165

REQUIRED APPROVAL

Laverne Tennenberg 5/18/05
Dept. Head Signature/Date

Town Supervisor Signature

SEMINAR ON APPRAISING APPLICATION

CORNELL UNIVERSITY - ITHACA, N.Y. - JULY 18 THROUGH JULY 22, 2005

Early Registration - Enrollment is Limited

TUITION: (check appropriate one)

To qualify for the discount, FULL PAYMENT must be RECIEVED prior to July 1, 2005.

FULL WEEK or 2 HALF- WEEK COURSES

DISCOUNT

___ \$400.00 for members of the I.A.O.

\$385.00 (prior to July 1)

___ \$420.00 for members of the N.Y.S.A.A.

___ \$405.00 (prior to July 1)

___ \$470.00 for nonmembers of the N.Y.S.A.A.

___ \$455.00 (prior to July 1)

SINGLE HALF WEEK COURSE

DISCOUNT

___ \$240.00 for members of the I.A.O.

___ \$225.00 (prior to July 1)

___ \$260.00 for members of the N.Y.S.A.A.

___ \$245.00 (prior to July 1)

___ \$290.00 for nonmembers of the N.Y.S.A.A.

___ \$275.00 (prior to July 1)

(** COURSES REQUIRED FOR BASIC CERTIFICATION)

COURSES (FULL WEEK):

IAAO COURSE

1. ___ Applied Residential Property Valuation (R-3)
2. ___ V-4 Valuation Equity (Computer Lab)
3. Power Point & GIS Arc View (Computer Lab)
4. ___ IAO -2 (Exemptions)**
5. ___ Instructor Training

12. ___ IAAO #320 Multiple Regression Analysis
- Member NYSC-IAAO \$ 450.00
- Non Member NYSC-IAAO \$ 475.00
- Text Book MARP \$ 55.00

COURSES (HALF WEEK):

Monday - Wednesday

6. ___ Residential Data Collection
7. ___ UCARS
8. ___ Assisted Living Facilities

Wednesday - Friday

9. ___ Commercial Data Collection
10. ___ Apartments & Condos
11. ___ Residential Appraisal

FULL PAYMENT (or \$100.00 AND a completed ready for signature voucher for balance) must accompany this application.

PRINT, TYPE, OR ATTACH BUSINESS CARD:

TOWN OF RIVERHEAD

_____ (last) _____ (designation)

Municipality/Company _____

LAVERNE D. TENNENBERG, IAO
CHAIRMAN, BOARD OF ASSESSORS

State _____ Zip _____

Phone (____) _____ Fax # (____) _____

200 HOWELL AVENUE
RIVERHEAD, NY 11901

(631) 727-3200
EXT. 259

Make Checks Payable to: New York State Assessors' Association
Mail to: N.Y.S.A.A., Thomas Frey, IAO, Executive Secretary
P.O. Box 888, Middletown, N.Y., 10940
Phone: 845-344-0292 Fax: 845-343-8238

6/7/05

Adopted

TOWN OF RIVERHEAD

Resolution # 534

AUTHORIZES FIRE MARSHAL TO ATTEND CONFERENCE

Councilwoman Sanders _____ offered the following resolution, which was seconded by Councilwoman Blass _____.

WHEREAS, Fire Marshal Bruce Johnson of the Town of Riverhead requests to attend the New York State Fire Chiefs Annual Training and Expo Meeting at Empire Expo Center, Syracuse, New York; and

WHEREAS, a New York State Fire Marshals Meeting will be held on June 9, 2005 and Certified Training Course of six (6) hours will be held on Friday, June 10, 2005. Said training courses are an essential part of fire prevention within the Town of Riverhead; and

WHEREAS, said training is required by New York State Department of State Codes Division and Suffolk County Civil Service; and

WHEREAS, the cost of the seminar will not exceed \$125.00 (expenses include \$70.00 registration fee and \$55.00 for meals and other travel costs such as tolls and gas); and

NOW, THEREFORE BE IT RESOLVED, that the Fire Marshal be allowed to attend the above said training seminar, not to exceed \$125.00, use of an official vehicle for transportation (June 8th, 9th, 10th), and shall remit to the Accounting Department all pertinent receipts and documentation to be reimbursed for expenditures not to exceed the authorized limit; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Fire Protection and Code Enforcement Division 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

CODE ENFORCEMENT EVENTS AT



NYSAFC 99th Annual Conference & Expo
June 9-11, 2005 • Empire Expo Center • Syracuse, NY

FIRE MARSHALS MEETING

Thursday, June 9 – 3:00 – 4:15 p.m. – Building 2, Room 5 – Open to all FIRE 2005 attendees

ICC CHAPTER MEETING & RECEPTION

Thursday, June 9 – 4:15 – 6:15 p.m. – Building 2, Room 5 – Open to all FIRE 2005 attendees

6-HOUR BUILDING CODES EDUCATION SESSION **“2003 IBC HAZARDOUS MATERIALS”**

Friday, June 10 – 9:00 a.m. – 5:00 p.m. – Building 2, Room 5

ICC CEU Credit: 0.6

Special Registration Required for 6-Hour Course: \$70 NYSAFC Member – \$95 Non-Member
Price includes all course materials and lunch, as well as a full term (3-day) pass to the FIRE 2005 conference and expo. Non-members will also receive a 1-year membership with NYSAFC.

To Register: Complete a FIRE 2005 Registration Form and write “CODES SESSION” in a blank area at the top of the form. Submit the form and payment to BTI/SMCS (address provided on form).

Course Overview: The design of any building utilizing hazardous materials requires coordination between the building and fire codes. Any building or structure that might contain hazardous materials, regardless of quantity, is to comply with all applicable provisions of both codes. This document explains the application of code requirements in the 2003 IBC (specifically Chapters 3 and 4) and the 2003 IFC to determine compliance for the storage, display, handling, and dispensing of hazardous materials.

Course Instructor: Instructor Tim Burgett has worked for over 20 years with a fire sprinkler company as a system designer. He has been a plans examiner issuing permits for building construction and fire protection systems. He is a staff instructor for ICC and is a certified building official, fire protection specialist, engineering technician in sprinkler, fire alarm, and special hazards, fire instructor, and fire inspector, as well as a chief building code analyst, chief mechanical code analyst, chief plumbing code analyst, and a licensed paramedic.



**Professional development course and programs hosted by
the New York State Association of Fire Chiefs ICC Chapter**

**Questions? Call NYSAFC at (800) 676-FIRE
or e-mail jwilson@nysfirechiefs.com**

Contact Person

Name: _____
 Department: _____
 Daytime Phone: () _____

Shipping Information

Conference credentials and/or tickets, confirmations, and all correspondence will be mailed to the following person/location:

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____

Type of Registration

Conference only One Day ____ # of tickets @ \$15.00 = \$ _____
*Each ticket good for entrance on any one day (Thursday - Saturday).
 No registrant names required.*

Use one form per person for the following types of registration and provide registrant information requested below.

- Conference only Full Term - \$35.00 per person
- FIRE ED Thursday Full Day Program - \$150.00 per person
Includes conference full term registration.
- Hands-On Training Program
Includes full term registration.

Station 1: Thermal Imaging Camera Operations -
 8-Hour Station - \$250 per person - Select one day of training.
 Thursday OR Friday

Station 2: Firefighter Assist & Search Team (FAST) -
 16-Hour Station (2-Day Program) - \$400 per person
 Thursday AND Friday

Registrant's Name: _____
 Title: _____
 Department: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 County: _____
 Daytime Phone: () _____
 E-Mail: _____
 NYSAFC Member # (if applicable): _____

Partner Registration

Conference registration only - \$15.00
 Partner's Name: _____

Installation Banquet Registration

_____ # of banquet/dinner tickets @ \$55 per person

NYSAFC Membership

Complete the following to renew registrant's membership/enlist registrant as a member. \$25.00 annual dues payment required.

- Membership Renewal Member #: _____
- New Member (Must complete section below)

Select membership section:

- Fire Section EMS Section Both Fire & EMS

Specify your status:

- Career Volunteer Industrial Military

Payment Information

Make payable to NYSAFC.

- Check Voucher AMEX Discover MC VISA

CC #: _____

Expiration Date: _____ / _____

Cardholder's Name: _____

Cardholder's Signature: _____

Grand total registration fee: \$ _____

Hotel Registration

Enter hotel codes in order of preference (See hotel chart):

#1: _____ #2: _____ #3: _____

Check-in date: _____ / _____ / _____

Check-out date: _____ / _____ / _____

Number of nights: _____

Total # of people in room (including yourself): _____

Additional roommates:

Roommate #2: _____

Roommate #3: _____

Roommate #4: _____

Requests: Two beds Smoking Cot Handicap room:

Total # of rooms for your group (forms to follow): _____

Credit card information is required to guarantee a room:

- Use same card provided for FIRE 2005 registration
- Use different credit card (Information listed below)

- AMEX Discover MC VISA

CC #: _____

Expiration Date: _____ / _____

Cardholder's Name: _____

Cardholder's Signature: _____

Submit Form & Payment To:

BTI/SMCS • 620 Erie Blvd. • Suite 302 • Syracuse, NY 13204
 Phone: (877) 384-8829 • Fax: (315) 234-1491

GENERAL REGISTRATION & INFORMATION

All forms must be submitted to BTI/SMCS. On-Site registration will be available for the Annual Conference/exhibits only. Pre-registration is required for Hands-On Training and FIREED. A full term pass for the Annual Conference is included with Hands-On Training and FIREED Program registration. You will receive confirmations and additional info on these special programs upon registration.

ONE DAY CONFERENCE PRE-REGISTRATION

A one day ticket is valid for any single day (Thursday, Friday, or Saturday). Registrant names are no longer required. One day tickets are transferable from one individual to another, but are non-refundable. BTI/SMCS will send confirmation of one day registration to individuals registering before May 1, 2005. Tickets will be mailed on or before May 15, 2005 to those who have pre-registered. Those registering after May 1 must pick up their tickets on-site at the Empire Expo Center Main Gate during exhibit hours. Proper identification must be presented for pick-up.

FULL TERM CONFERENCE PRE-REGISTRATION

A full term badge entitles the registrant to enter FIRE 2005 on Thursday, Friday, and Saturday. BTI/SMCS will send confirmation of show registration to individuals registering before May 1, 2005. Conference badges will be mailed on or before May 15, 2005 to those who have pre-registered. Those registering after May 1 must pick up their badges on-site at the Empire Expo Center Main Gate during exhibit hours. Proper identification must be presented for pick-up.

FULL TERM REGISTRATION CANCELLATIONS

One day tickets are non-refundable. All Conference full term registration cancellations prior to FIRE2005 must be submitted in writing to BTI/SMCS. After FIRE 2005, notification must be sent to the NYS AFC office. All unused badges (with all entry stubs intact) or tickets can be returned for a refund. A service fee of 25% will be applied for each returned badge. The deadline for requesting a refund for FIRE 2005 full term registration cancellations is July 15, 2005.

FULL TERM REGISTRATION CHANGES

Changes to Conference full term registrations (i.e. one registrant replacing another registrant) can be made prior to May 1, 2005 through the BTI/SMCS office in writing. After May 1, changes must be made on-site at the Empire Expo Center Main Gate during exhibit hours. Original badges and confirmations must be returned at that time. One day tickets are transferable (no notification to BTI/SMCS required).

CONFERENCE REGISTRATION PAYMENT INFO

All registration fees are due at time of registration. Enclose either a check (made payable to NYS AFC), voucher, or credit card authorization to pay your meeting registration fee. All payments will be charged upon receipt of the registration.

HOTEL RESERVATIONS & CONFIRMATIONS

Housing for this convention is managed by BTI/SMCS. NYS AFC has room blocks available at all of the hotels listed on the hotel chart at right. These hotels are unauthorized to accept direct reservations. Failure to reserve your room through BTI/SMCS may result in your removal from the block, a higher room rate, or may keep you from receiving necessary convention materials. The official cut-off date for hotel reservations is May 5, 2005. After the cut-off date, BTI/SMCS will assist you but can not guarantee room rate or hotel availability. Your hotel confirmation will be sent to you within two weeks of registering, if all necessary information is provided. If you do not receive a confirmation within two weeks contact BTI/SMCS at (877) 984-8829 or via e-mail at nysfire@btitravel.com. Please do not contact the hotel directly to verify reservations or make changes. The hotels will not receive final reservation lists until 30 days prior to the show.

GROUP ROOM RESERVATIONS

Room blocks for groups are accepted. The hotels require names for the rooms when reservations are submitted. BTI/SMCS will require names for all rooms held 45 days prior to check-in. If possible, submit all forms for your group together.

CHOOSING YOUR HOTEL

Hotels are reserved on a first come, first served basis. As space is limited, you must choose three hotels from the list. Select the 3-digit hotel codes and rank them on the form. Registrations will not be processed without three choices. Your hotel will be assigned based on availability at time of booking.

FIRE 2005 Syracuse Area Accommodations

Code/Hotel	SG(\$)	DB(\$)	TR(\$)	QD(\$)	*Miles	Amenities
CM2 Comfort Inn Carrier Circle 6491 Thompson Rd. - Syracuse	90	90	90	90	10	R,X,M,H,C
CM3 Comfort Inn Fairgrounds 7010 Interstate Island Rd. - Syracuse	95	95	95	95	3	X,M,H
CHS CrestHill Suites 6410 New Venture Gear Dr. - Syracuse	109	109	109	109	10	P,X,M,H,C
DTC Club Hotel by Doubletree 6701 Buckley Rd. - Syracuse	97	97	97	97	7	R,P,X,M,H
HTS Hawthorn Suites 416 South Clinton St. - Syracuse	134	134	144	144	5	X,M,H,F,T
HLT Hilton Garden Inn 6004 Fair Lakes Rd. - East Syracuse	109	109	109	109	10	R,P,X,M,H,T
HL2 Holiday Inn Carrier Circle 6555 Old Collamer Rd. S. - East Syracuse	99	99	99	99	10	R,P,X,M,H,T
HL3 Holiday Inn Fairgrounds 100 Farrell Rd. - Syracuse	99	99	99	99	3	R,P,M,H,T
HL4 Holiday Inn Syracuse/Liverpool 441 Electronics Parkway - Syracuse	115	115	115	115	7	R,P,X,M,H,T
MAR The Marx 701 East Genesee St. - Syracuse	115	125	—	—	5	R,X,M,H,T
QTI Quality Inn 1308 Buckley Rd. - Syracuse	85	85	85	85	7	R,P,X,M,H,C,T <small>10% instant discount</small>
RA3 Ramada Inn Syracuse 1305 Buckley Rd. - Syracuse	119	119	119	119	7	R,P,X,M,H,F,T
SHC Sheraton University 801 University Ave. - Syracuse	126	126	126	126	5	R,P,X,M,H,T
SP8 Super 8 421 7th North St. - Liverpool	75	75	75	75	7	H,C
WYH Wyndham Syracuse 6301 Route 298 - East Syracuse	116	116	116	116	10	R,P,X,M,H,T

* Distance from Empire Expo Center - Shuttle bus service will be provided from each hotel to/from the Empire Expo Center

SG Single (1 person)	R Restaurant	H Handicap Accessible
DB Double (2 persons)	P Swimming Pool	C Continental Breakfast
TR Triple (3 persons)	X Exercise Facility	F Full Breakfast
QD Quad (4 persons)	M Meeting Facility	T Hospitality Rooms

Transportation to the expo & NYS AFC sponsored events is provided only from host NYS AFC hotels.

FIRE 2005 Program Registration Fees (per person)

6-Hour ICC/NYS AFC Codes Educational Session (Includes Conference Full Term Registration)	
NYS AFC Members	\$70
Non-Members	\$95
Conference Full Term (Thursday, Friday, and Saturday)	\$35
Conference One Day	\$15
Hands-On Training Program (Must pre-register by May 23, 2005)	
Stations 1, 3, & 4: (1-day) Programs	\$250
Station 2: 16-hour (2-day) Program	\$400
FIRE ED Full Day Program (Must pre-register by May 23, 2005)	\$150
Partner Conference Registration	\$15
Installation Ceremony & Banquet Dinner (Must pre-register by May 23, 2005)	\$55

ROOM PAYMENT INFORMATION

Rooms are guaranteed by a credit card. If you do not have a credit card, a check must be submitted in the amount of one night's room plus tax for each room reservation. If paying by voucher, it must be submitted with the reservation. Some hotels may not accept voucher form of payment - BTI/SMCS will advise.

ROOM CANCELLATION & CHANGE POLICY

The official cut-off date for hotel reservations is May 5, 2005. Cancellations received two weeks prior to your check in date will be charged one night's room and tax. No shows and early departures will be charged for full reservation stay. Please review your hotel confirmation information immediately upon receipt from BTI/SMCS. If changes are necessary you must contact BTI/SMCS in writing via e-mail at nysfire@btitravel.com or by fax at (315) 294-1491 immediately.

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 535

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (§ 108-133.4. Application procedure)

COUNCILWOMAN BLASS offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____:

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§ 108-133.4. Application procedure) once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board and the Town Attorney.

THE VOTE

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

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 6th day of July, 2005 at 7:05 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§ 108-133.4. Application procedure) as follows:

CHAPTER 108

ZONING

§ 108-133.4. Application procedure.

B. Referral to Planning Board; posting of notice of pending application. Any application made pursuant to the provisions of this article shall originate by an application to the Town Board, contrary provisions notwithstanding, and ~~shall~~ may be referred to the Planning Board upon being deemed complete by the Planning Department, which will transmit its recommendations to the Town Board within 62 days of referral. Upon application, the Town Clerk shall provide to the applicant a sign to be immediately posted at the property indicating that a special permit application is pending before the Riverhead Town Board. Thereafter, when a public hearing is scheduled by the Town Board, the Town Clerk shall forward by certified mail a copy of the public hearing notice to the applicant, wherein the applicant shall then fill in the date and time of the public hearing on the sign heretofore posted at the subject property. Before the Town Board can determine said special permit application, an affidavit executed by the applicant must be filed with the Town Clerk stating that he has complied with the posting requirements above outlined.

C. Town Board public hearing. After receipt of the recommendations of the Planning Board (in the event the application was referred to the Planning Board), the Town Board shall hold a public hearing upon public notice and other notices as required by the Town Law. The applicant or his/her representative shall forward a certified copy of the public hearing notice by certified mail to all property owners within a five-hundred-foot radius of the subject property, and the applicant shall pay all expenses of said hearing, including but not limited to publication costs, postage and transcription of testimony. Public notice of said hearing shall be printed in a newspaper of general circulation in the Town at least five days prior to the date thereof. All testimony at the public hearing before the Town Board shall be given under oath. The Town Board may require the sworn testimony of such persons as it deems necessary for a full and complete hearing on the application. The Town Board may adjourn the public hearing for the purpose of taking further testimony or requiring the production of further information. The Town Board shall decide upon the application within 62 days after the close of the hearing. The time within which the Town Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Town Board on the application after the

close of the public hearing shall be filed in the office of the Town Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

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

6/7/05

Adopted

TOWN OF RIVERHEAD

Resolution # 536

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO CONSIDER AN AMENDMENT TO THE ZONING
USE DISTRICT MAP OF THE TOWN OF RIVERHEAD**

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

RESOLVED, the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider an amendment to Chapter 108 entitled, "Zoning" and the attendant Zoning Use District of the Riverhead Town Code once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Riverhead Planning Department; the Riverhead 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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 21st day of June, 2005 at 2:30 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" and the attendant Zoning Use District Map of the Riverhead Town Code.

A copy of the text and Zoning Use District Map of the proposed local law may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

Chapter 108
Zoning

§ 108-6. Boundaries of districts.

The boundaries of said districts are hereby established as shown on the map entitled "Zoning Map, Town of Riverhead, Suffolk County, New York," as last amended ~~April 1, 1986~~, on the date which map is hereby made a part of this chapter, and all notations, references and other things shown thereon shall be as much a part of this chapter as if fully described herein. EN Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be constructed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or to the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tract of said railroad line.
- E. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Riverhead unless otherwise indicated.

Adopted

6/7/05

TOWN OF RIVERHEAD

Resolution # 537

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF
THE RIVERHEAD TOWN CODE
(BUSINESS CR ZONING USE DISTRICT [RURAL NEIGHBORHOOD BUSINESS])**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Depsieski 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 before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 21st day of June, 2005 at 2:35 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**ARTICLE LV
Business CR Zoning Use District (Rural Neighborhood Business)**

§ 108-294. Uses.

In the Business CR Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

C. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot.
Specifically included is the following:

(1) Drive-through windows for pharmacies and banks

D. Prohibited uses:

(2) Drive-through windows ~~or establishments~~ serving restaurants.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

* Overstrike represents deletion(s)

* Underline represents addition(s)

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 538

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 91 OF THE RIVERHEAD TOWN CODE ENTITLED "Shopping Carts"

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI:

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 91 of the Riverhead Town Code entitled, "Shopping Carts" once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Code Enforcement; the Superintendent of Highways 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 6th day of July, 2005 at 7:10 o'clock p.m. to consider a local law to amend Chapter 91 of the Riverhead Town Code entitled, "Shopping Carts" (§ 91-2. Definitions; word usage) as follows:

CHAPTER 91

SHOPPING CARTS

§ 91-2. Definitions; word usage.

A. Definitions. When used in this chapter, the following terms shall have the meanings indicated:

PERSON -- An individual, corporation, partnership, association, joint-stock company, society and or other legal entity.

§ 91-3. Prohibited acts.

A. No person ~~may~~ shall leave or abandon a shopping cart in any public place, as defined herein, or on private property other than the place of the person who makes the shopping cart available to the public. No person ~~may~~ shall take or remove any shopping cart from the place of the person who makes the shopping cart available to the public. No person ~~may~~ shall bring, take or propel any shopping cart onto or upon any street, sidewalk, parking field or other public place, as defined herein, or onto private property other than the place of the person who makes the shopping cart available to the public.

~~C. Nothing in this chapter shall be construed to prohibit the use of shopping carts in any place by any person who has been given permission to use the shopping cart available to the public. Such permission must be written and must be produced for inspection upon request of any police officer or Code Enforcement Officer who is authorized to issue appearance tickets pursuant to § 150.10 of the Criminal Procedure Law of New York State.~~

§ 91-4. Marking of shopping carts.

A. Every person or entity that makes any cart available to the public shall mark or cause the same to be marked and identified conspicuously with the person's or entity's name and address.

B. Any new application submitted to any Town Department or Board for the construction or conversion of any retail establishment shall require, as a condition of approval of the application, that each shopping cart provided by the establishment be equipped with a security device causes a wheel of the shopping cart to lock when the cart is moved across an antenna located at the perimeter of the establishment's parking area.

All retail establishments that do not file any application with any Town Department or Board have one (1) year from the adoption of this chapter to equip the shopping carts provided by the establishment with such a security device.

C. Establishments using five (5) or fewer shopping carts at their location will be exempted from § 91.4(B) above.

§ 91-8. Penalties for offenses.

A violation of any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine not to exceed \$35 ~~for the first offense and by a fine not to exceed \$50 for each subsequent offense.~~ \$250.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

* Overstrike represents deletion(s)

6/7/05

Adopted

TOWN OF RIVERHEAD

Resolution # 539

ACCEPTS OFFICIAL BANK CHECK AND RELEASES ASSIGNMENT OF MONEY MARKET IN CONNECTION WITH THE SUBDIVISION ENTITLED, "REEVES FARMS" A/K/A NF DEVELOPMENT LLC (PARK AND RECREATION FEES)

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

WHEREAS, by Resolution #1287 dated December 17, 2002, the Town Board of the Town of Riverhead accepted the assignment of Bank of Smithtown Money Market Account #1190003960 in the amount of \$228,000.00, representing park and recreation fees in connection with the subdivision entitled, "Reeves Farms"; and

WHEREAS, NF Development LLC has submitted Bank of Smithtown Official Check #904984091 in the amount of \$228,000.00 representing payment in full of the park and recreation fees for this 75 lot subdivision.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the aforementioned Bank of Smithtown Official Check and further authorizes the release of the assignment of the Bank of Smithtown Money Market Account #1190003960 in the amount of \$228,000.00, representing park and recreation fees in connection with the subdivision entitled, "Reeves Farms"; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Peter S. Danowski, Jr., Esq., 616 Roanoke Avenue, P.O. Box 779, Riverhead, New York 11901; Bank of Smithtown, 100 Motor Parkway, Sixth Floor, Suite 160, Hauppauge, New York, 11788, Attn: Cory Ewald, Administrative Assistant; the Riverhead Building Department; the Riverhead Planning Department; Vincent Gaudiello, P.E. 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

Adopted

06/07/05

TOWN OF RIVERHEAD

Resolution # 540

AUTHORIZES THE RELEASE OF SECURITY FOR 137 ASSOCIATES INC. -
DR. PIZZARELLO

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, 137 Associates, Inc - Dr. Pizzarello , posted a security in the form of a Savings Passbook Account (#000421463449) in the amount of Twenty Five Hundred Dollars (\$2,500) pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction, the Planning Department is satisfied with the site work completed and Certificate of Occupancy #19782 dated May 3, 2005 has been issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the Savings Passbook Account in the sum of Two Thousand Five Hundred Dollars (\$2,500) and

BE IT FURTHER RESOLVED, that the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to North Fork Bank, Cynthia D'Andrea, 46 Windmill Lane, Southampton, New York 11968 137 Associates Inc. 137 Hampton Road, Southampton, New York 11968 , the Building Department; the Accounting Department, the Town Clerk 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

Adopted

TOWN OF RIVERHEAD

Resolution # 541

ACCEPTS 5% SECURITY BOND OF WALGREEN'S DRUG STORE

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, McAlpine Construction Co., Inc. for Walgreens' Drug Store has posted a security bond (#BCY1735044 The Hanover Insurance Company) in the sum of Sixty Thousand One Hundred Twenty Dollars (\$60,120) representing the 5% site plan security bond as noted in the approved site plan dated February 15, 2005 Resolution #159 for the construction of a 14,560 sq. ft. one story retail building (pharmacy) and associated site improvements located at 1196 Old Country Road, Riverhead, New York 11901, Suffolk County Tax Map # 600-108.-3-9 and 10 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% security bond #BCY1735044 in the sum of Sixty Thousand One Hundred Twenty Dollars (\$60,120) 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 McAlpine Construction Co., Inc., 10 Boulevard Avenue, Greenland, New York 11740, J. Timothy Shea, Jr. Esq., 330 Old Country Road, PO Box 31, Mineola, New York 11501 – attorney for the applicant, 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

06/7/05

TOWN OF RIVERHEAD

Resolution # 542

AUTHORIZES THE RELEASE OF SECURITY FOR ROBERT BERTORELLO

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

WHEREAS, Robert Bertorello/Three B's Plumbing, Heating and Air Conditioning Corp. posted security, Check #1585 dated October 2, 2002 in the amount of Three Thousand Two Hundred Forty Dollars (\$3,240) pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction and Certificate of Occupancy #19684 dated May 5, 2005 has been issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the security in the sum of Three Thousand Two Hundred Forty Dollars (\$3,240) and

BE IT FURTHER RESOLVED, that the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Robert Bertorello, Three B's Plumbing, Heating and Air Conditioning Corp., PO Box 1359, Riverhead, New York 11901, the Building Department; the Accounting Department, the Town Clerk 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

Adopted

June 7th, 2005

TOWN OF RIVERHEAD

Resolution # 543

APPROVES AMENDED SITE PLAN OF INHOUSE CORPORATION

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILWOMAN BLASS:

WHEREAS, a site plan was submitted by InHouse Corporation to allow the construction of a 10' x 40' sq. ft. covered porch with a handicapped ramp onto an existing building, replace the roof, install new windows and siding and construct a new parking facility, upon real property located at the northeast corner of East Main Street (SR25) and Fishel Avenue, Riverhead, New York, such real property more particularly described as Suffolk County Tax Map Parcel No. 0600-127-2-34; and

WHEREAS, the Planning Department has reviewed a site plan dated April 29th, 2005 as prepared by James DeLucca, R.A. and elevations dated May 12th, 2003, as prepared by James DeLucca, R.A., and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

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

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

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Check Number 2005-3143 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 InHouse Corporation, the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the action to be Type II without a significant impact upon the environment pursuant to 6NYCRR Part 617.

BE IT FURTHER

RESOLVED, that the site plan was submitted by InHouse Corporation, to allow the construction of a 10' x 40' sq. ft. covered porch with a handicapped ramp onto an existing building, replace the roof, install new windows and siding and construct a new parking facility, upon real property located at the northeast corner of East Main Street (SR25) and Fishel Avenue, Riverhead, New York, such site plan prepared by James Delucca, R.A., dated April 29th, 2005 and elevations dated as prepared by James Delucca, R.A. are hereby approved by the Town Board 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 draft covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be reviewed by the Town Attorney's Office prior to recording 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, InHouse Corporation, hereby authorizes and consents to the Town of Riverhead to enter premises at the northeast corner of East Main Street (SR25) and Fishel Avenue, Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all new utilities shall be constructed underground 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. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to, InHouse Corporation, PO Box 1426, Riverhead, New York 11901, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

Planning Dept.

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**

DRAFT

DECLARATION AND COVENANTS

THIS DECLARATION, made the ____ day of _____, 2004,
made by Inhouse Corporation, Declarant:

WITNESSETH:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

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

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled , "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, InHouse Corporation hereby authorizes and consents to the Town of Riverhead to enter premises at the northeast corner of East Main Street (SR25) and Fishel Avenue, Riverhead, New York, to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all new utilities shall be constructed; underground if feasible;
11. That pursuant to Section 108-133(I) of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing and/or building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;

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

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

INHOUSE CORPORATION

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

06/07/05

TOWN OF RIVERHEAD

Tabled

Resolution # 544

AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH THE PECONIC COMMUNITY COUNCIL, INC.

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

WHEREAS, the Riverhead Railroad Station has been licensed by The Long Island Rail Road Company to the Town of Riverhead under a License Agreement dated February 19, 2002; and

WHEREAS, The Peconic Community Council, Inc., wishes to have the Peconic Housing Initiative, the multi-service arm of the Peconic Community Council, occupy the Riverhead Railroad Station for use as an office for its not-for-profit corporate purposes; and

WHEREAS, the Town of Riverhead wishes to grant the Peconic Housing Initiative the right to occupy said premises in order to conduct the aforementioned activity;

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute the attached License Agreement with The Peconic Community Council, Inc. for the use of the Riverhead Railroad Station; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Office of the Town Attorney, the Community Development Director and the Town Financial Administrator.

THE VOTE

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

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

Tabled

LICENSE AGREEMENT

THIS AGREEMENT ("License"), made as of the 1st day of June, 2005, by and between the Town of Riverhead, ("Licensor"), a municipal corporation organized and existing under the laws of the State of New York, with its principal place of business located at 200 Howell Avenue, Riverhead, New York 11901, and The Peconic Community Council, Inc., ("Licensee"), a Not-For-Profit corporation duly formed and organized under the Not-For-Profit Corporation Law of the State of New York, having an address at Francis Gabreski Airport, Terminal Building No. 335, Rust Avenue, Westhampton, New York 11977.

W I T N E S S E T H

WHEREAS, the Riverhead Railroad Station has been licensed by The Long Island Rail Road Company to the Town of Riverhead under a License Agreement dated February 19, 2002; and

WHEREAS, The Peconic Community Council, Inc. wishes to have the Peconic Housing Initiative, the multi-service arm of the Peconic Community Council, occupy the Riverhead Railroad Station for use as an office for its not-for-profit corporate purposes; and

WHEREAS, the Town of Riverhead wishes to grant the Licensee the right to conduct the aforementioned activity;

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

1. Licensing: Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee the right to use the Licensed Premises. Licensee hereby acknowledges that the granting of the License herein by Licensor does not create any landlord-tenant relationship between the parties nor does it grant Licensee any real property rights in or to the Licensed Premises.

2. Term of the License. The term of this License (the "term") shall commence on June 1, 2005 and shall end on December 31, 2005.

3. Condition of the Licensed Premises. Licensee is familiar with the licensed premises, has examined same, and, except as explicitly hereinafter provided, Licensee agrees to accept the licensed premises in its "AS IS" condition without reliance upon any representations or warranties of or made by Licensor. Licensee is also familiar with the terms and conditions of the License Agreement dated February 19, 2002 entered into by and between The Long Island Railroad Company and the Town of Riverhead and agrees to comply with the duties and obligations of a sub licensee as provided in said Agreement with The Long Island Railroad.

4. Insurance and Indemnification: Licensee will be responsible for providing comprehensive general liability insurance in the amount of not less than \$2,000,000 with a company or companies reasonably satisfactory to the Licensor. Licensee will provide certificates of the foregoing insurance, showing the Town of Riverhead as "Additional

Insured" to the extent of their interest. Finally, Licensee agrees to indemnify and hold the Town of Riverhead and their respective officers, employees, agents, representatives and officials harmless from any and all loss or liability associated with its use of the property and related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by licensee and its employees, agents, representatives and concessionaires of the Property, excepting liability solely caused by the gross negligence of the Town or its employees, agents or representatives. Without limiting the generality of the foregoing, Licensee agrees to indemnify and hold the Town of Riverhead harmless from any lien claimed or asserted for labor, materials or services furnished to Licensee in connection with the use of the property. With respect to any suit or claim by the Town, whether under this indemnification provision or otherwise, Licensee, for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorneys fees incurred by the Town of Riverhead securing compliance with the provision of this indemnification agreement. Licensee will work with the Town of Riverhead to ensure adequate coverage of all property and liability with all concerned entities being named as "additional insured".

5. License Fee. In consideration of the type of use to which the Licensee intends to conduct at the premises, the Town of Riverhead and the Licensee hereby agree to a license fee of \$250.00 per month due and payable to the Licensor on the first day of each month in advance.

6. Use of License Premises. Licensee hereby agrees:

(a) to utilize the licensed premises as an office consistent with its not-for-profit purposes;

(b) to have its personnel on site for at least thirty-five (35) hours each week, Monday through Friday; and

(c) to allow the general public to use the rest rooms in the railroad station building when personnel of the Licensee are present.

7. Repair, Maintenance and Inventory of License Premises.

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

(b) The Licensee shall not be permitted to alter the licensed premises without the prior permission of the Licensor.

(c) The Licensee shall pay the cost and expense to establish and maintain its own telephone service and internet access.

8. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license, the licensed premises, in whole or in part, or permit Licensee's interest to be vested in any other party other than Licensee by operation of law or

otherwise. A transfer of more than fifty (50%) percent at any one time, or in the aggregate from time to time, of the stock, partnership or other ownership interests in Licensee, direct or indirectly, shall be deemed to be an assignment of this License.

9. Indemnity: Licensee shall indemnify and hold the Licensor harmless from and against any and all claims, actions, liabilities, losses (including, without limitation, consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorney fees and expenses), arising from or in connection with the use of the licensed premises.

10. Notices: Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to Licensor, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue, Riverhead, New York. If such notice is directed to the Licensee, it shall be addressed to Francis Gabreski Airport, Terminal Building No. 335, Rust Avenue, Westhampton, New York 11977.

11. Miscellaneous: Merger. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this agreement, which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof. This license may not be changed or terminated orally, or in any

manner, other than in writing signed by the party against whom enforcement is sought.

12. Cross Default: To the extent that the Licensor and Licensee are parties to related agreements, any default under the related agreements shall be deemed to be a default under this License, and any default under this license shall be deemed a default under such similar agreements.

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

TOWN OF RIVERHEAD

By: _____

THE PECONIC COMMUNITY COUNCIL, INC.

By: _____

6/7/05

Adopted

TOWN OF RIVERHEAD

Resolution # 545

AUTHORIZES THE RETENTION OF THE LAW FIRM OF JASPAN SCHLESINGER HOFFMAN LLP AS SPECIAL COUNSEL IN VARIOUS MATTERS

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded by

COUNCILWOMAN BLASS

WHEREAS, the Town Board retained the firm of Twomey, Latham, Shea and Kelley to act as special counsel in connection with several Supreme Court matters, specifically: DeLalio Sod Farms v. Town of Riverhead, Index No. 04-24236; DeLalio v. Town of Riverhead, Index No. 04-03707; Pitsiokos v. Town of Riverhead (Art. 78) Index No. 04-25553, OC Riverhead 58 LLC v. Town Board of the Town of Riverhead and the Town of Riverhead, "Index No. 05-03438 and;

WHEREAS, Maureen Liccione, Esq. of the Law Firm Twomey, Latham, Shea and Kelley, the attorney principally handling the aforementioned matters has now joined the Law Firm of Jaspán Schlesinger Hoffman, LLP.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Law Firm of Jaspán Schlesinger Hoffman LLP to act as legal counsel in connection with the aforementioned Supreme Court litigation; and be it further

RESOLVED, that the Riverhead Town Board hereby approves the Retainer Agreement from the Law Firm of Jaspán Schlesinger Hoffman, LLP: and be it further

RESOLVED, that the Riverhead Town Board hereby authorizes the Supervisor to execute the Retainer Agreement; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Law Firm of Jaspán Schlesinger Hoffman, LLP., 300 Garden City Plaza, Garden City, New York, 11530 ; the Office of the Supervisor; the Town Attorney's Office 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 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

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 546

**SUPPORTS ASSEMBLY BILL 7688 INCREASING CERTAIN BENEFITS TO FIRE /
EMS VOLUNTEERS WHO HAVE DIED IN THE LINE OF DUTY**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

WHEREAS, approximately 3 Million residents of Nassau and Suffolk Counties rely on a nearly all volunteer firefighting force and volunteer emergency medical services crews; and

WHEREAS, Assembly Bill #7688 has been proposed to provide a cost of living adjustment to certain benefits of volunteer firefighters and volunteer ambulance workers and increasing certain benefits provided to such Fire/EMS volunteers who have died in the line of duty; and

WHEREAS, each member of a volunteer fire department and volunteer ambulance corps volunteers hundreds of hours of time each year to participate in the fire protection needs and provide emergency medical care to those in need in their communities; selflessly and sheer dedication to their community, Fire / EMS volunteers put their lives on the line to assist people in dire circumstances and needing urgent medical attention; and

WHEREAS, the current level of certain benefit programs was set over 15 years ago and therefore it is appropriate to provide a cost-of-living adjustment for such benefit programs for Fire/EMS volunteers; and

WHEREAS, the Town of Riverhead is supportive of Assembly Bill #7688 to enhance existing benefit programs and to provide greater incentive that show gratitude for the sacrifices made by EMS / Fire volunteers; and

WHEREAS, the recent loss of two dedicated individuals, Heidi Behr and William Stone, who died in the line of duty on May 3, 2005 while serving the emergency medical service needs within the Riverhead Volunteer Ambulance Corps prompts a request for Assembly Bill #7688 to be amended or supplemented by separate legislation for retroactive status for such benefit programs;

NOW THEREFORE BE IT HEREBY RESOLVED, that the Riverhead Town Board

hereby adopts this resolution in support of Assembly Bill #7688 and also requests state lawmakers to consider an amendment or additional state legislation to allow retroactive coverage to include Heidi Behr and William Stone, who died in the line of duty on May 3, 2005; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Assemblyman Robert Sweeney (Sponsor Assembly Bill No. 7688); Assemblywoman Patricia Acampora; Assemblyman Fred Thiele; Senator Ken LaValle; the North Fork Volunteer Rescue Alliance; the Peconic Chiefs Council; the Suffolk County Ambulance Chiefs Association; the Suffolk County Fire Chiefs Association; the East End Supervisors and Mayors Association; the Suffolk County Supervisors and Mayors Association; the Riverhead Volunteer Ambulance Corps; the Fire Marshall 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

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 547

SUPPORTS SENATE BILL #1490S / ASSEMBLY BILL #7379A PROVIDING DIRECT WINE SHIPMENTS TO CONSUMERS

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

WHEREAS, the Supreme Court decision of May 16, 2005 on interstate shipping makes it necessary for New York to change its current legislation regulating direct wine shipments to consumers; and

WHEREAS, Senate Bill #1490S / Assembly Bill #7379A has been proposed to provide direct wine shipments to consumers by wineries located both within New York as well as within other states offering reciprocal treatment; and

WHEREAS, such unfettered commerce will contribute to the success of wineries located both in and near the Town of Riverhead, significantly contributing to economic growth and employment within the Town both directly and indirectly;

NOW THEREFORE BE IT HEREBY RESOLVED, that the Riverhead Town Board hereby adopts this resolution in support of Senate Bill #1490S / Assembly Bill #7379A; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Senator George Winner (Sponsor Senate Bill #1490S); Assemblyman Herman Farrell (Sponsor Assembly Bill #7379A); Assemblywoman Patricia Acampora; Assemblyman Fred Thiele; Senator Ken LaValle; Governor George Pataki 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	Dersieski	<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**

6/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 548

RESCINDS RESOLUTION #441

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

WHEREAS, Resolution #441 was adopted May 17, 2005, granting Regina Rywelski a leave of absence effective May 16, 2005 through August 12, 2005, and

WHEREAS, After careful consideration she has decided to use her accrued time in her absence.

THEREFORE, BE IT RESOLVED, that Resolution #441 be rescinded.

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

THE VOTE

Bartunek <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Blass <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

06/07/05

Adoptec

TOWN OF RIVERHEAD

Resolution # 549

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 64 OF THE RIVERHEAD TOWN CODE ENTITLED "FIRE PREVENTION"

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS:

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 64 of the Riverhead Town Code entitled "Fire Prevention" once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Fire Marshal; the Building Department; the Planning Department; Code Enforcement 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	Densfeski	<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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 6th day of July, 2005 at 7:15 o'clock p.m. to consider a local law to amend Chapter 64 of the Riverhead Town Code entitled "Fire Prevention" as follows:

CHAPTER 64

FIRE PREVENTION

§ 64-13. Maintenance of equipment.

F. For all subdivisions, a fee must be posted for the construction of the requisite water mains and hydrants prior to receiving a foundation permit. The fee shall be determined by the Planning Department based on cost estimates. In order to receive a building permit, water main construction for the subdivision must be certified complete according to planning department requirements and mains and hydrants must be charged and capable of providing water in the case of a fire emergency.

§64-53 Propane cylinder and tank regulations

A. No person, business or commercial entity will service, repair or fill any propane tank or cylinder that is in excess of twelve years old.

B. No person, business or commercial entity will service, repair or fill any propane cylinder or tank that does not have a Federal Department of Transportation number stamped on it.

C. No person, business or commercial entity shall alter a propane tank or cylinder in any way. Alteration to a propane tank or cylinder shall include, but not be limited to: cutting or welding and include the replacement of valves or other parts of the tank or cylinder.

D. No person, business or commercial entity shall fill any tanks that are visibly damaged, dented, rusted or otherwise in poor condition.

E. All tanks and cylinders shall be filled, transported, used, stored and disposed of in accordance with the Federal Department of Transportation regulations for the filling of propane tanks and cylinders, Fire Code of NYS Chapter 30, and the Fuel Gas Code of NYS Chapter 38.

(Renumber remainder of chapter)

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

Y:\Chris Coverdale\Legislation\Riverhead Code\Fire Prevention 64\water mains and propane.doc

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 550

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO REPEAL CHAPTER 75 OF THE RIVERHEAD TOWN CODE ENTITLED "Liquefied Petroleum Gases"

COUNCILMAN DENSIESKI

_____ offered the following resolution,

COUNCILWOMAN SANDERS

which was seconded by _____:

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to repeal chapter 75 of the Riverhead Town Code entitled "Liquefied Petroleum Gases" once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Fire Marshal; the Building Department; the Planning Department; Code Enforcement 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 6th day of July, 2005 at 7:20 o'clock p.m. to consider a local law to repeal chapter 75 of the Riverhead Town Code entitled "Liquefied Petroleum Gases".

A copy of the entire text of the proposed amendment may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

CHAPTER 75

LIQUEFIED PETROLEUM GASES

§ 75-1. Applicability.

~~A. Application of chapter. The provisions of this chapter shall apply to all uses of liquefied petroleum gas and installation of all apparatus, piping and equipment pertinent to systems for such uses and to storage and handling of liquid petroleum gas.~~

~~B. Compliance with standards except as otherwise prescribed. Compliance with applicable provisions of NFPA current Standard No. 58 and NFPA current Standard No. 54, except as otherwise prescribed in this chapter, shall constitute compliance with this chapter.~~

~~C. Deviations. Deviations from the applicable provisions of NFPA current Standard No. 58 and NFPA current Standard No. 54 or of the provisions of this chapter, as otherwise prescribed, when it shall have been conclusively proven to the Chief of the Bureau of Fire Prevention that such deviations meet the performance requirements of this chapter, shall constitute compliance with this chapter.~~

§ 75-2. Definitions.

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

~~APPLIANCES -- Includes all gas-burning appliances for use with liquefied petroleum gas.~~

~~APPROVED -- Acceptable to the Fire Inspector of Riverhead in conformity with standards in this chapter.~~

~~CARGO TANK -- A container used to transport liquefied petroleum gas over the highway as liquid cargo, either mounted on a conventional truck chassis or as an integral part of a transporting vehicle in which the container constitutes in whole or in part the stress member used as a frame; essentially a permanent part of the transporting vehicle.~~

~~CONTAINER -- Any vessel, including cylinders, tanks, portable tanks and cargo tanks, used for the transporting or storing of the liquefied petroleum gases.~~

~~CONTAINER APPURTENANCES -- Items connected to container openings needed to make a container a gastight entity. These include but are not limited to safety relief devices, shutoff, backflow check, excess flow check and internal valves; liquid level gauges; pressure gauges; and plugs.~~

~~CYLINDERS -- Portable containers constructed to Department of Transportation (formerly Interstate Commerce Commission) cylinder specifications or, in some cases, constructed in accordance with the American Society of Mechanical Engineers Code of a similar size and for similar service. The maximum size permitted under Department of Transportation specifications is one thousand (1,000) pounds' water capacity.~~

~~DISTRIBUTING PLANT -- A facility, the primary purpose of which is the distribution of gas, and which receives liquefied petroleum gas in tank cars, truck transport or truck lots, distributing this gas to the end user by portable container (package) delivery, by tank truck or through gas piping. Such plants have bulk storage [two thousand (2,000) gallons' water capacity or more] and usually have container filling and truck loading facilities on~~

the premises. So-called "bulk plants" are considered as being in this category. Normally, no persons other than the plant management or plant employees have access to these facilities:

~~DISTRIBUTING POINT~~ — A facility, other than a distributing plant or industrial plant, which normally receives gas by tank truck and which fills small containers or the engine fuel tanks of motor vehicles on the premises. Any such facility having liquefied petroleum gas storage of one hundred (100) gallons' or more water capacity and to which persons other than the owner of the facility or his employees have access is considered to be a "distributing point." A liquefied petroleum gas service station is one (1) type of "distributing point."

~~LIQUEFIED PETROLEUM GAS EQUIPMENT~~ — Includes all apparatus, piping and equipment pertinent to the use of liquefied petroleum gas.

~~LIQUEFIED PETROLEUM GAS (ES), LP GAS and LPG~~ — Synonymous and includes any material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butane (normal butane or isobutane) and butylene (including isomers).

~~LP GAS SYSTEM~~ — An assembly consisting of one (1) or more containers with a means for conveying LP gas from the container(s) to dispensing or consuming devices (either continuously or intermittently) and which incorporates components intended to achieve control of quantity, flow, pressure or state (either liquid or vapor).

~~PORTABLE CONTAINER~~ — A container designed to be readily moved, as distinguished from containers designed for stationary installations. "Portable containers" designed for transportation, filled to their maximum filling density, include cylinders, cargo tanks and portable tanks, all three (3) of which are separately defined. Containers designed to be readily moved from one (1) usage location to another but substantially empty of product are portable storage containers and are separately defined.

~~PORTABLE STORAGE CONTAINER~~ — A container similar to but distinct from those designed and constructed for stationary installation, designed so that it can be readily moved over the highways, substantially empty of liquid, from one (1) usage location to another. Such containers either have legs or other supports attached or are mounted on running gear, such as trailer or semitrailer chassis, with suitable supports, which may be of the fold-down type, permitting them to be placed or parked in a stable position on a reasonably firm and level surface. For large volume, limited duration product usage, such as at construction sites and normally for twelve (12) months or less, "portable storage containers" function in lieu of permanently installed stationary containers.

~~PORTABLE TANK (also called "skid tank")~~ — A container of more than one thousand (1,000) pounds' water capacity used to transport LP gas handled as a package, that is, filled to its maximum permitted filling density. Such containers are mounted on skids or runners and have all container appurtenances protected in such a manner that they can be safely handled as a package.

~~QUALIFIED PERSONNEL~~ — Qualified persons holding a certificate of fitness issued by the Fire Inspector of the Town of Riverhead.

§ 75-3. Permits and reports.

—Installation permits, plans, reports of:

A. An installation shall be obtained prior to installing any liquefied petroleum gas system employing a container or aggregate of interconnected containers of over one hundred twenty-five (125) gallons' water capacity.

B. The application for the installation permit shall be submitted to the Fire Inspector for approval prior to installation and shall be accompanied by plans as prescribed by the Bureau of Fire Prevention.

C. All underground liquefied petroleum gas tanks and piping are to remain uncovered until the installation is approved by the Fire Inspector.

D. Every person, firm or corporation engaged in the business of installing liquefied petroleum gas equipment shall submit written reports to the Fire Inspector no later than the 10th day of each month, setting forth the location and character of each installation made during the previous month.

E. Every installation of liquefied petroleum gas used for temporary heat must be reported to the Fire Inspector by the installer at the time of installation.

§ 75-4. Capacity, installation and maintenance.

A. Capacity.

(1) Within the limits established by law restricting the bulk storage of liquefied petroleum gas, the aggregate capacity of any installation shall be as follows:

(a) Any installations connected or accessory to any residential building shall not exceed five hundred (500) gallons' water capacity.

(b) Any installations connected or accessory to a commercial or industrial building shall not exceed two thousand (2,000) gallons' water capacity.

(2) Except that in particular installations, this capacity limit may be altered at the discretion of the Fire Inspector after consideration of special features, such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided and facilities of the local Fire Department.

B. All equipment shall be installed and maintained in conformity with the rules and regulations of the Fire Inspector of the Town of Riverhead. It shall be unlawful to install, service, handle or offer for sale, in any form, liquefied petroleum gas and related equipment that does not conform to the rules and regulations of the Town of Riverhead.

C. No person, firm or corporation, except the owner or those authorized by the owner to do so, shall sell, fill, refill, deliver or permit to be delivered or use in any manner any liquefied petroleum gas container for any gas or compound or for any other purpose whatsoever. Only containers designed for LP gas may be filled with liquefied petroleum gas. Filling of liquefied petroleum gas containers with any gas or compound is prohibited.

D. It shall be unlawful to weld, repair, add to or subtract from the original container design unless done by a recognized manufacturer or a repair facility authorized by the Federal Department of Transportation.

E. Replacement of parts on containers, regulators or related equipment shall be made by qualified personnel only.

F. Cylinders used for liquefied petroleum gas shall be painted white, silver or other light-reflecting color as approved by the Fire Inspector. It shall be unlawful for any supplier to refill any container that has been painted any other color. Existing containers shall

comply with the painting provision within five (5) years of the date of adoption of this chapter.

G. The gas supplier shall have the right to refuse to fill the container that does not fully conform to all provisions of the Town of Riverhead Fire Prevention Ordinance or one that has been involved in a fire or is burned or scorched.

H. Peening or welding leaks is prohibited.

I. Tanks, cylinders or other storage vessels which previously contained gases other than liquefied petroleum gas, such as but not limited to freon, acetylene or hydrogen, shall not be revalved and used for liquefied petroleum gases.

J. All housing and covers shall protect any size underground tank shall be painted bright yellow. This subsection shall include all new and preexisting tanks.

~~§ 75-5. Portable cylinders.~~

A. ~~Portable vapor withdrawal cylinders with water capacities greater than two and one-half (2 1/2) pounds which are or will be owned by the user or intended user are not to be filled, or refilled unless the cylinder has been properly tested or requalified in accordance with United States Department of Transportation regulations and has attached thereto a warning label approved by the Chief or the Fire Inspector. Cylinder(s) shall not be released to the owner or his representative by the seller or refiller until it has been determined that the cylinder has not been filled beyond acceptable limits [forty-two percent (42%) of its water weight capacity], is free of leaks and is safe for use or continued use.~~

B. ~~Containers, except those used in liquid withdrawal service applications, may be stored or displayed in a building frequented by the public. The quantity of LP gas shall not exceed two hundred (200) pounds.~~

C. ~~Temporary or emergency use in unoccupied buildings regulated. Liquefied petroleum gas may be used in buildings or portions thereof under construction with no occupancy; provided that the following regulations are complied with:~~

~~(1) Containers in use shall be placed so as to ensure against tipping and shall be protected from physical damage.~~

~~(2) Portable heaters utilizing liquefied petroleum gas must be equipped with a safety pilot device which will shut off the flow of gas should the pilot light be extinguished.~~

~~(3) Direct connection of a heater to a container without a pressure regulator suitable for the appliance in use is prohibited.~~

~~(4) Only hose approved for liquefied petroleum gas will be permitted and cannot exceed fifteen (15) feet in length.~~

~~(5) Heaters must be placed at least six (6) feet from containers and at least ten (10) feet from combustible materials.~~

~~(6) No liquid withdrawal containers will be permitted, except those containers firmly attached to industrial motorized equipment.~~

D. ~~Temporary or emergency use in occupied buildings regulated. Liquefied petroleum gas may be used in occupied buildings, provided that the following regulations are complied with:~~

~~(1) Containers in use shall be placed so as to ensure against tipping and shall be protected from physical damage.~~

~~(2) Portable heaters utilizing liquefied petroleum gas must be equipped with a safety pilot device which will shut off the flow of gas should the pilot light be extinguished.~~

~~(3) Containers must be outside the building at an approved location.~~

~~(4) Supply line from the container must be approved copper tubing or piping with approved fittings, adequately secured to the building and protected against physical damage.~~

~~(5) An approved gas shutoff device as specified in NFPA current Standard No. 54 must be installed at the end of copper tubing or piping inside the building when connection from this point to the heater is to be approved flexible hose.~~

~~(6) No temporary use shall exceed seven (7) days; however, an extension of seven (7) days may be granted by the Fire Inspector upon application and proof that a system could not be made permanent or the affected system repaired without an extension.~~

~~E. Supervision. Temporary heaters and equipment must be supervised by a competent person having knowledge of the utilization of liquefied petroleum gas, and said person is to be in attendance at all times when heaters are in operation. Supervision is the responsibility of the person, firm or corporation using temporary heat.~~

~~F. All openings between an occupied portion and a portion under construction shall be closed with fire-rated material of at least a one-hour fire rating.~~

~~G. Excess flow check valve(s). All tanks used inside any building shall be equipped with an excess flow valve to shut off the flow of gas if a hose is severed.~~

~~§ 75-6. Sale or storage permits.~~

~~A. The owner or operator of locations where liquefied petroleum gas is sold, stored for rental or resale and/or transferred from one vessel into another must secure a permit to operate from the Fire Inspector of the Town of Riverhead.~~

~~B. Application for permit. Applications for permits shall be made to the Fire Inspector on forms provided and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as may be required by the Fire Inspector and fees as may be required by the Town of Riverhead.~~

~~C. Review and issuance. The Fire Inspector shall review all applications submitted, determine compliance with applicable provisions of this chapter and issue permits as required. If an application for a permit is rejected by the Fire Inspector, he shall advise the applicant of the reasons for such rejection.~~

~~D. Display of permits. A copy of the permit shall be posted or otherwise readily accessible at each place of operation or carried by the permit holder, as specified by the Fire Inspector.~~

~~E. Permits shall be given full force and effect for a period of two (2) years.~~

~~§ 75-7. Transportation.~~

~~A. No person, firm or corporation shall use, or cause to be used, any motor vehicle, tank truck, tank semitrailer or tank truck trailer for the transportation of liquefied petroleum gas unless, after complying with these regulations, a permit to operate a fleet of such vehicles has first been secured from the Fire Inspector of the Town of Riverhead. No permit shall be required under this section for any motor vehicle that is used for the transportation of liquefied petroleum gas not operated or registered by an authorized dealer, in containers not larger than ten (10) gallons' water capacity each, approximately~~

~~thirty four (34) pounds' propane capacity, or when used in permanently installed containers on the vehicle as motor fuel. This section shall not apply to any motor vehicle, tank truck, tank semitrailer or tank truck trailer traveling through the Town of Riverhead and making no deliveries within the town.~~

~~B. The permit shall be given full force and effect for a period of three (3) years.~~

~~C. All liquefied petroleum gas containers shall be transported in an upright position and properly secured.~~

~~D. The transportation of liquefied petroleum gas cylinders, either empty or full, is prohibited in the trunk of any passenger vehicle.~~

~~E. Cylinders larger than ten (10) gallons' water capacity or an aggregate in excess of twenty five (25) gallons' water capacity shall not be transported in cars, vans or any type of enclosed vehicle or in the enclosed area of any vehicle.~~

~~F. The parking and garaging of tank vehicles used for the transportation of liquefied petroleum gases shall be in accordance with this chapter.~~

~~§ 75-8. Certificates of fitness:~~

~~A. A certificate of fitness issued by the Fire Inspector shall be required by any person:~~

~~(1) Filling containers at locations where liquefied petroleum gas is sold and/or transferred from one vessel into another.~~

~~(2) Transferring liquefied gas from one vessel into another.~~

~~(3) Filling containers permanently located and installed outdoors, equipped with appurtenances for filling by a cargo vehicle at consumer sites.~~

~~B. Application. All applications for a certificate of fitness shall be filed with the Fire Inspector on forms provided by the Fire Inspector and accompanied by the applicable fee.~~

~~C. Proof of qualifications. Every person applying for a certificate of fitness shall furnish satisfactory proof to the Fire Inspector that he is familiar with materials, formulas, tools, techniques, standards, laws, ordinances, recognized good practices, safety precautions and manufacturer's recommendations pertaining to the particular system, materials, devices or operations he will be involved with and for which the certificate of fitness is issued. He shall further prove that he is physically competent to perform any and all actions necessary or incidental to the operation for which the certificate of fitness is issued.~~

~~D. Investigation and examination. The Fire Inspector shall investigate every new application for a certificate of fitness. The investigation shall include a written examination regarding the use, makeup and handling of liquefied petroleum gas, and such examination shall include a practical test. When the Fire Inspector determines that the applicant conforms to all the requirements of this chapter, he shall issue the certificate of fitness.~~

~~E. The certificate of fitness shall be given full force and effect for a period of three (3) years.~~

~~F. Refusal of certificate of fitness. When the Fire Inspector determines that a candidate has failed an examination for a certificate of fitness, he shall refuse to issue the certificate of fitness. Any applicant may not apply again for the certificate of fitness within a ten-day period following the examination.~~

~~G. Transferability. A certificate of fitness shall not be transferable.~~

~~H. Renewal of certificate of fitness. Applications for renewal of a certificate of fitness shall be filed in the same manner as an application for an original certificate. Each such application shall be accompanied by applicable fees. The granting of a renewal of a certificate of fitness shall be accomplished in the same manner as for an original certificate of fitness, except that any person continuously engaged in any activity for which a certificate of fitness is required will not, upon renewal, be required to take a written examination.~~

~~I. Change of address. Each person holding a certificate of fitness shall notify the Fire Inspector in writing of any change in his business, residential or other notification address within ten (10) days after such change. Failure on the part of a person to give such notification shall constitute grounds for revocation of said certificate of fitness.~~

~~J. Contents of certificate of fitness. A certificate of fitness issued by the Fire Inspector shall be in the form of an identification card. Said card shall contain the following information to be valid:~~

~~(1) The purpose for which the certificate of fitness has been issued.~~

~~(2) The date of the certificate of fitness issuance and the date of expiration.~~

~~(3) Other information as may be necessary to properly identify the person to whom the certificate of fitness is issued.~~

~~(4) The signature of the person to whom the certificate of fitness is issued.~~

~~(5) The name and signature of the Fire Inspector who issued the certificate of fitness or the Fire Inspector's name and countersignature of his designated representative.~~

~~(6) Printed thereon, in bold type, the following:~~

~~"This Certificate Does Not Exclusively Recommend the Bearer."~~

~~K. Requirement to display certificate of fitness. Any person to whom a certificate of fitness has been granted in conformance with this chapter shall, upon request, produce and show proper identification and his certificate of fitness to anyone for whom he seeks to render his services or to the Fire Inspector.~~

~~L. A certificate of fitness may be revoked by the Fire Inspector following a hearing, if the holder fails to comply with provisions of this chapter.~~

~~§ 75-9. Reporting of incidents.~~

~~Any incident involving liquefied petroleum gas, including but not limited to leaks, fires, explosions or any other accidental discharge into the atmosphere in excess of eight and five tenths (8.5) cubic feet [one (1) pound propane] must be reported to the Fire Inspector by the responsible party or his representative. The initial report may be made by telephone and followed by a written report. Under no circumstances shall a report be filed later than twenty-four (24) hours after the incident.~~

~~§ 75-10. Disclaimer of liability.~~

~~This chapter shall not be construed to hold the Town of Riverhead, its officers or employees responsible for any damages to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect as herein provided or by reason of the approval or disapproval of any equipment authorized herein.~~

~~§ 75-11. Penalties for offenses.~~

~~Any person, firm or corporation violating any provision of this chapter or failing to comply therewith, or violating or failing to comply with any order or regulation made thereunder, shall, upon conviction, be guilty of a violation punishable by a fine not exceeding two thousand dollars (\$2,000.) or by imprisonment for fifteen (15) days, or both, for each and every such violation. The imposition of the penalty for any violations of this chapter shall not excuse the violation or permit it to continue, and each day that the prohibited conditions are maintained shall constitute a separate offense.~~

* Overstrike represents deletion(s)

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 6th day of July, 2005 at 7:25 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§ 108-101. Water main construction; fire safety) as follows:

CHAPTER 108

ZONING

§ 108-101. Water main construction; fire safety.

For all subdivisions, a fee must be posted for the construction of the requisite water mains and hydrants prior to receiving a foundation permit. The fee shall be determined by the Planning Department based on cost estimates. In order to receive a building permit, water main construction for the subdivision must be certified complete according to planning department requirements and mains and hydrants must be charged and capable of providing water in the case of a fire emergency.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

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

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 2:00 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-3 Definitions) as follows:

CHAPTER 108

ZONING

§ 108-3. Definitions.

A. General construction of language. The following rules of construction apply to the language of this chapter:

- (1) The specific shall control the general.
- (2) All words used in the present tense include the past and the future tense.
- (3) All words in the singular number include the plural number, and vice-versa, unless the natural construction of the wording indicates otherwise.
- (4) Words used in the masculine gender include the feminine and neuter, and vice-versa, unless the natural construction of the wording indicates otherwise.
- (5) The word "shall" is mandatory; the word "may" is permissive.
- (6) The word "includes" shall not be limited to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (7) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - (a) "And" indicates that all of the connected items, conditions, provisions or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions or events shall apply singly but not necessarily in combination.
 - (c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply but not in combination.
- (8) A "building" or "structure" includes any part thereof
- (9) The words "lot," "plot" and "tract of land" shall each include the other.
- (10) The word "premises" shall include land and any improvements thereon.
- (11) References made to "officials" and "official bodies" shall mean officials and official bodies of the Town of Riverhead, unless the natural construction of the wording indicates otherwise.
- (12) Unless otherwise specified, all distances shall be measured horizontally.
- (13) In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

B. For the purpose of this chapter, certain terms and words are herewith defined as follows:

AGRICULTURAL PRODUCTION -- The production for commercial purposes of all crops, livestock and livestock products, including but not limited to the following:

- ~~A. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.~~
- ~~B. Fruits, including apples, peaches, grapes, cherries and berries.~~
- ~~C. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.~~
- ~~D. Horticultural specialties, including ornamental shrubs, trees and flowers.~~
- ~~E. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, hens, ducks, milk and eggs.~~

- (1) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes, and dry beans.
- (2) Fruits, including apples, peaches, grapes, cherries and berries.
- (3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- (4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- (5) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, farmed deer, farmed buffalo, fur-bearing animals, milk, eggs and furs.
- (6) Christmas trees grown in a managed Christmas tree operation, whether dug for transplanting or cut from the stump.
- (7) Commercial horse boarding operation.

AGRICULTURAL WORKER HOUSING -- Any area of land and all buildings or other structures pertaining thereto, any part of which may be occupied by persons employed as laborers in farm activities in the Town of Riverhead who are provided with sleeping facilities, in whole or in part, by the owner without a stipulated agreement as to the duration of their stay or whether or not they are supplied with meals, but who are supplied with such services or facilities as are necessary for agricultural production on the owner's property.

CAMP— Any one or more of the following, whether or not conducted for profit and whether or not occupied by adults or by children either as individuals, families or groups, other than a hospital, place of detention or school offering general instruction:

- ~~A. TYPE 1— Any area of land on which are located two or more tents, tent houses and/or camp cottages designed for and of a character suitable for occupancy from April 1 to December 1 in any year, regardless of whether such structure or other accommodations actually are occupied during this period or for shorter or longer periods.~~
- ~~B. TYPE 2— Any area of land on which are located two or more house trailers or mobile homes suitable for living purposes.~~

- C. ~~TYPE 3~~—Any area of land on which are located camp cars, pickup coaches and/or travel trailers for living purposes.
- D. ~~TYPE 4~~—Any land, including any building thereon, used for what is commonly known as "day camp" purposes.
- E. ~~TYPE 5~~—Any area of land on which is located a grouping of buildings, exclusive of mobile homes, travel trailers and/or camp cars or pickup coaches, for the operation of a recreational camp where certain functions are provided in separate buildings, such as dining, laundering, recreational, sleeping, dormitory, rest rooms, etc.
- F. ~~AGRICULTURAL WORKER HOUSING~~—Any area of land and all buildings or other structures pertaining thereto, any part of which may be occupied by persons employed as laborers in farm activities in the Town of Riverhead who are provided with sleeping facilities, in whole or in part, by the owner without a stipulated agreement as to the duration of their stay or whether or not they are supplied with meals, but who are supplied with such services or facilities as are necessary for agricultural production on the owner's property. "Agricultural worker housing" shall be permitted as an accessory use in the Agriculture A Zoning Use District and by special permit in all other zoning use districts, provided that the parcel of land upon which the "agricultural worker housing" is to be constructed consists of at least five (5) acres and that the "agricultural worker housing" is located on the property which is actively engaged in agriculture.

CEO - CERTIFIED CODE ENFORCEMENT OFFICIAL -- An employee of the Town who has been trained as an enforcement official pursuant to Article 18 of the New York State Executive Law

CURB CUT -- A depression in the curb for the purpose of accommodating a Driveway, which provides vehicular access between private property and the street or easement. Where there is no curb, the point at which the Driveway meets the roadway pavement shall be considered the Curb Cut.

DWELLING, TWO-FAMILY -- A building designed for and occupied exclusively as a home or residence by two families the owner and or the owner's family and a second person or family living independently of each other.

DRIVEWAY -- A portion of an alley, or private property which provides access from a Curb Cut to an off-street parking area excluding the Front Yard as defined herein.

FRONT YARD -- The area between the street right-of-way and the front line of the main building projected to the side lot lines on any lot in a residence district excluding the Driveway as defined herein.

GAME CENTER

A. (1) An accessory use to a specific main use, consisting of an area or room containing four or fewer pinball machines, electronic video-screen games, foosball games, air hockey games, skeebowls or any other similar games or machines for the use of which fees are paid directly into the machine or to any operator, except for pool tables, jukeboxes and juvenile rides.

B. (2) When a "game center" is a permitted accessory use under this Code, the operator of such center shall apply for a one-year's use permit, renewable annually, subject to the payment of an annual fee in the amount of \$50, which shall be payable to the Town Clerk.

C. (3) Operation, by any person, of a "game center" without a valid use permit shall be a violation.

~~GREENHOUSE, AGRICULTURAL — A structure utilized for seed germination, plant propagation, hardening off or forcing or maintenance of a controlled climate to sustain plant growth otherwise not possible in natural out-of-door surroundings. The retail or wholesale sales of such products raised on premises is permitted, except that sale of live or fresh products not raised or produced on premises shall not be permitted. The sale of other products produced or otherwise prepared or manufactured off premises shall be prohibited~~

~~GREENHOUSE, COMMERCIAL — A structure utilized for seed germination, plant propagation, hardening off or forcing or maintenance of a controlled climate to sustain plant growth otherwise not possible in natural out-of-door surroundings. The retail or wholesale sales of such products raised on premises is permitted, except that sale of live or fresh products not raised or produced on premises shall not be permitted. The sale of other products produced or otherwise prepared or manufactured off premises shall be prohibited.~~

~~GREENHOUSE, PRIVATE — An accessory building or structure subordinate to a dwelling, not exceeding 500 square feet in area, intended and used solely for the private enjoyment of the residents thereof.~~

~~GREENHOUSE, TEMPORARY — A structure which, regardless of its size, shall be constructed with no permanent foundations and built in conformance with the National Greenhouse Manufacturers Association standards. The plastic covering shall be removed from the temporary greenhouses within 12 months of the last agricultural production.~~

GREENHOUSE -- A structure having a transparent covering, whether glass or plastic, utilized for seed germination, plant propagation, hardening off or forcing or maintenance of a controlled climate to sustain plant growth otherwise not possible in natural out-of-door surroundings. The following additional definitions shall apply:

GREENHOUSE, AGRICULTURAL/COMMERCIAL -- A greenhouse where agricultural products may be sold at wholesale but where the sale of agricultural products to the general public is not permitted.

GREENHOUSE, GARDEN CENTER -- A permanent greenhouse where wholesale and retail sales of live or fresh products are permitted whether or not raised on the premises and where non-live garden or landscape related products may be sold, including but not limited to: garden or lawn equipment, seeds, fertilizers, pots, lawn ornaments, lawn furniture or other garden or landscape related products.

GREENHOUSE, PERMANENT -- Any greenhouse that does not meet the definition of a TEMPORARY GREENHOUSE as defined hereinafter.

GREENHOUSE, PRIVATE -- A greenhouse accessory to a residential dwelling, intended and used solely for the private enjoyment of the residents thereof.

GREENHOUSE, TEMPORARY -- A greenhouse consisting of specialized agricultural equipment having a framework covered with demountable polyurethane materials or materials of polyurethane nature and lacking a permanent and continuous foundation. A TEMPORARY GREENHOUSE may include, but is not limited to, the use of heating devices, water and electrical utilities, and supporting poles embedded in non continuous concrete. In no instance will a temporary greenhouse be used for the retail sale of any farm or non-farm products. The plastic covering shall be removed from the temporary greenhouses within 12 months of the last agricultural productions.

REAR YARD -- The area between the rear lot line and the front line of the main building projected to the side lot lines on any lot in a residence district.

STORAGE -- The act of placing or leaving an item in a location for preservation, disposal or later use, or the state of any item so placed.

C. Terms not defined. Where terms are not defined, they shall have their ordinarily accepted meaning consistent with their context.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

* Overstrike represents deletion(s)

06/07/05

TOWN OF RIVERHEAD

Adopted

Resolution # 553

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (§108-4 Interpretation)

COUNCILMAN DENSIESKI

_____ offered the following resolution,

which was seconded by _____ COUNCILWOMAN SANDERS

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-4 Interpretation) once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 2:05 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-4 Interpretation) as follows:

CHAPTER 108

ZONING

§ 108-4. Interpretation.

~~B. — In this chapter, if not inconsistent with the context, the singular may be taken for the plural, and the plural for the singular; "person" may include more than one, an association, a copartnership or a corporation; the present tense includes the future; the word "lot" includes the word "plot"; the word "shall" is mandatory and not directory.~~

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

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

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 554

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD
TOWN CODE ENTITLED "Zoning" (§108-46 General lot, yard and height requirements)**

COUNCILMAN DENSIESKI

_____ offered the following resolution,

COUNCILWOMAN SANDERS

which was seconded by _____:

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-46 General lot, yard and height requirements) once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 2:10 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-46 General lot, yard and height requirements) as follows:

CHAPTER 108

ZONING

§ 108-46. General lot, yard and height requirements.

A. No building shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

B. Any lot in nonconforming residential use or subsequently divided to leave a nonconforming residential use as a separate lot must be divided so that such residential lot complies with the provisions for lot area, width and yard requirements of ~~Agriculture~~ A the Agriculture Protection Zoning Use District of this chapter. Any subsequent alterations or enlargements of the building shall comply with the requirements of ~~Agriculture~~ A the Agriculture Protection Zoning Use District of this chapter.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

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

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 555

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (§108-49 General lot, yard and height requirements)

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by _____

COUNCILWOMAN SANDERS

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-49 General lot, yard and height requirements) once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 2:15 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-49 General lot, yard and height requirements) as follows:

CHAPTER 108

ZONING

§ 108-49. General lot, yard and height requirements.

A. No building shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

B. Any lot in nonconforming residential use or subsequently divided to leave a nonconforming residential use as a separate lot must be divided so that such residential lot complies with the provisions for lot area, width and yard requirements of ~~Agriculture~~ A the Agriculture Protection Zoning Use District of this chapter. Any subsequent alterations or enlargements of the building shall comply with the requirements of ~~Agriculture~~ A the Agriculture Protection Zoning Use District of this chapter.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

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

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 556

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (§108-51.2 Setbacks for wood decks)

COUNCILMAN DENSIESKI _____ offered the following resolution,

which was seconded by _____ **COUNCILWOMAN SANDERS**

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-51.2 Setbacks for wood decks) once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 2:20 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-51.2 Setbacks for wood decks) as follows:

CHAPTER 108

ZONING

~~§ 108-51.2. Setbacks for wood decks.~~

~~Unenclosed, residential wood decks, no higher than 18 inches above natural grade, shall not exceed the following rear yard setback in the following zoning use districts:~~

- ~~A. Residence A:~~
- ~~(1) Rear yard: 20 feet.~~
- ~~B. Agriculture A:~~
- ~~(1) Rear yard: 20 feet.~~
- ~~C. Residence B:~~
- ~~(1) Rear yard: 15 feet.~~
- ~~D. Residence C:~~
- ~~(1) Rear yard: 10 feet.~~
- ~~E. Residence D:~~
- ~~(1) Rear yard: 10 feet.~~

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

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

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 557

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (§108-64 Prefabricated dwellings)

COUNCILMAN DENSIESKI offered the following resolution,

COUNCILWOMAN SANDERS

which was seconded by _____:

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-64 Prefabricated dwellings) once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 2:25 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-64 Prefabricated dwellings) as follows:

CHAPTER 108

ZONING

§ 108-64. Prefabricated dwellings.

No building or other structure which is prefabricated or which is constructed, manufactured, built or fabricated at a place other than the site on which it is to be located or used shall be used as a dwelling, except in a mobile home park or travel trailer park and except as a seasonal agricultural dwelling under § 108-21C(4) of this chapter, unless:

A. It complies with the provisions of the laws, ordinances, rules and regulations of all state, ~~federal and local agencies or bureaus applicable to such use.~~ municipal entities having jurisdiction over the subject property.

B. It is affixed to the site by means of a permanent foundation.

~~C. It is not located in a Residence A or Residence B District.~~

~~D~~ C. It shall have been authorized by a special permit of the Board of Appeals as hereinafter provided in § 108-76 of this chapter. In the case of a petition for a special permit for prefabricated dwelling(s) relating to a filed subdivision map, the Zoning Board of Appeals may approve any number of special permits for structures to be constructed upon lots within the subject subdivision subsequent to a single petition and hearing, provided that the appropriate filing fee has been collected for each lot to receive a special permit.

~~E~~ D. It is a temporary trailer (prefabricated dwelling). Notwithstanding Subsections A through ~~D~~ C above, there shall be permitted the installation of a trailer (prefabricated dwelling) in which a family or individuals may live in a residential or agricultural zone under the following circumstances:

- (1) The trailer (prefabricated dwelling) must be for the temporary use and occupation of an individual or group of individuals whose residence has either been so damaged by fire or by some act of God as to render the residence uninhabitable; or whose principal residence is being remodeled on a property utilized for agriculture.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

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

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution #558

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD
TOWN CODE ENTITLED "Zoning" (§108-64.3 Temporary greenhouses)
COUNCILMAN DENSIESKI**

_____ offered the following resolution,

COUNCILWOMAN SANDERS

which was seconded by _____:

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-64.3 Temporary greenhouses) once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 2:30 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-64.3 Temporary greenhouses) as follows:

CHAPTER 108

ZONING

§ 108-64.3. Temporary greenhouses.

A. Location. Temporary greenhouses may be located on a parcel of land in the ~~Residence B, Residence C, Residence D and Agriculture A~~ RB-80, RA-80, and APZ Zoning Use Districts, or any property with a pre-existing agricultural use as determined by the Zoning Officer, as set forth below, provided that the subject parcel is a minimum of five (5) acres. The subject parcel may be owned or leased, either individually or as a partnership, and the aggregate of the subject contiguous parcel(s) shall be a minimum of five (5) acres.

B. Lot requirements. The following lot requirements shall apply to temporary greenhouses only:

Zoning Use District	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)
Agriculture A	40	30	40
Residence B	50	30	50
Residence C	40	30	40
Residence D	40	30	40
<u>RB-80</u>	<u>40</u>	<u>30</u>	<u>40</u>
<u>RA-80</u>	<u>40</u>	<u>30</u>	<u>40</u>
<u>APZ</u>	<u>40</u>	<u>30</u>	<u>40</u>

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

* Overstrike represents deletion(s)

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 559

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (§108-86 Applicability of Article)

COUNCILMAN DENSIESKI

Offered the following resolution,

which was seconded by

COUNCILWOMAN SANDERS

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-86 Applicability of Article) once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 2:35 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-86 Applicability of Article) as follows:

CHAPTER 108

ZONING

§ 108-86. Applicability of Article.

This Article shall be applicable to land zoned for residential purposes in the Town of Riverhead and which is ~~in Residence A, B or C District or Agriculture A District under this chapter.~~ located in either the RA-40, RB-40, RB-80, RA-80, or APZ Zoning Use Districts.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

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

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 560

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (§108-92 Coverage and setback requirements)

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS:

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-92 Coverage and setback requirements) once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 2:40 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-92 Coverage and setback requirements) as follows:

CHAPTER 108

ZONING

§ 108-92. Coverage and setback requirements.

~~A. If individual detached dwelling units are used, the following height, frontage, area, yard and coverage requirements, including front, side and rear yard setbacks, are to be met:~~

~~(1) In Residence A District, the same requirements as exist in the Residence A District at the time final approval of the subdivision application is granted by the Planning Board.~~

~~(2) In Agriculture A District, the same requirements as exist in the Agriculture A District at the time final approval of the subdivision application is granted by the Planning Board.~~

~~B A.~~ If condominium units, as provided for in ~~§ 108-89 of this Article~~, are used, as provided for in § 108-89 of this Article, the minimum front, side and rear yards for all buildings, structures, playgrounds, parking areas, etc., shall be 100 feet from the property line of the entire parcel subdivided under this Article. Minimum side and rear yards for driveways or access roads shall be 100 feet from the property line of the entire parcel subdivided under this Article. Height shall not exceed two stories and shall not exceed 35 feet. Coverage, as defined in this chapter, is not to exceed 15%. Parking requirements shall be two parking spaces per each family dwelling unit.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

* Overstrike represents deletion(s)

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 561

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (§108-110.2 General lot, yard and height requirements)

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by **COUNCILWOMAN SANDERS**:

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-110.2 General lot, yard and height requirements) once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 2:45 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-110.2 General lot, yard and height requirements) as follows:

CHAPTER 108

ZONING

§ 108-110.2. General lot, yard and height requirements.

H. Any lot in nonconforming residential use or subsequently subdivided to leave a nonconforming residential use as a separate lot ~~must be subdivided so that such residential lot complies with the provisions for yard dimensions required by the Agriculture A Zoning Use District. Any subsequent alterations or expansion of nonconforming residential buildings shall comply with the requirements of the Agricultural A Zoning Use District.~~ divided such that residential lots comply with the provisions for lot area, width and yard requirements of the Agriculture Protection Zoning Use District of this chapter. Any subsequent alterations or enlargements of the building shall comply with the requirements of the Agriculture Protection Zoning Use District of this chapter.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

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

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 562

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (§108-179 Development within Compatible Growth Area)

COUNCILMAN DENSIESKI

_____ offered the following resolution,

which was seconded by _____ **COUNCILWOMAN SANDERS** :

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-179 Development within Compatible Growth Area) once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 2:50 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-179 Development within Compatible Growth Area) as follows:

CHAPTER 108

ZONING

§ 108-179. Development within Compatible Growth Area.

(8) Clearance.

(a) The proposed disturbance to natural vegetation, combined with previously disturbed areas, shall conform to the following clearance standards:

Zoning Use District	Clearance
Maximum Site	(percentage)

Residence A Use District	53%
Agriculture A Use District	53%
Industrial A Use District	65%
Industrial C Use District	65%
Business CR Use District	65%

<u>Zoning Use District</u>	<u>Maximum Site Clearance (percentage)</u>
<u>RB-80</u>	<u>53%</u>
<u>APZ</u>	<u>53%</u>
<u>IA</u>	<u>65%</u>
<u>IC</u>	<u>65%</u>
<u>Business CR</u>	<u>65%</u>

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

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

06/07/05

Adopted

TOWN OF RIVERHEAD

Resolution # 563

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (§108-180 Transfer of development rights; Pine Barrens credit program)

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by **COUNCILWOMAN SANDERS**

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-180 Transfer of development rights; Pine Barrens credit program) once in the June 16, 2005 of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 2:55 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-180 Transfer of development rights; Pine Barrens credit program) as follows:

CHAPTER 108

ZONING

§ 108-180. Transfer of development rights; Pine Barrens credit program.

B. General regulations.

(2) Pine Barrens credits shall be allocated for each single-family dwelling permitted on a parcel of land based upon the development yield established by multiplying the gross lot area (acres) of the parcel by the following development yield factor, such factor predicated upon that zoning use district in existence upon the adoption of the plan in June 1995. A fractional allocation of a Pine Barrens credit shall be rounded to the nearest one-hundredth of a Pine Barrens credit.

Zoning Use District	Minimum Lot Area (square feet)	Development Yield Factor
Natural Resources Protection	160,000	0.20
Residence C	20,000	1.60

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

* Overstrike represents deletion(s)

TOWN OF RIVERHEAD

Adopted

Resolution # 564

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO RE-ADOPT AND AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (§108-211 through 221) WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS AND REFERS SAME TO THE SUFFOLK COUNTY PLANNING COMMISSION

COUNCILMAN DENSIESKI

_____ offered the following resolution,

COUNCILWOMAN SANDERS

which was seconded by _____:

WHEREAS, the Town of Riverhead adopted has adopted new zoning throughout the Town based upon the recommendations made in the Comprehensive Master Plan adopted by the Town of Riverhead in November 2003, and

WHEREAS, based upon the extensive changes, other zoning statutes are affected and must be amended to refer to new zoning use districts rather than the prior zoning use districts, and

WHEREAS, the Town Board wishes to re-adopt its Wireless Communications and Antennas Law, and

WHEREAS, said re-adoption and amendments must be reviewed by the Suffolk County Planning Commission pursuant to General Municipal Law §239-m,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-211 through 221) once in the June 16, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby authorized to refer this re-adoption and proposed amendments to the Suffolk County Planning Commission pursuant to General Municipal Law §239-m, and

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Architectural Review Board 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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 29th day of June, 2005 at 3:00 o'clock p.m. to consider a local law to re-adopt and amend chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-211 through 108-221).

A copy of the entire text of the proposed local law may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

CHAPTER 108

ZONING

ARTICLE XLI, Wireless Communications Towers and Antennas.

§ 108-211. Purpose.

In recognition of advancing technology and the increasing demand for the installation of wireless communication tower(s) and/or facilities within the Town, the Town Board of the Town of Riverhead hereby determines that it is in the public interest to specifically regulate the siting and installation of such facilities within the Town in order to protect the public health, safety and welfare. The purpose of this article is to establish standards for the siting of wireless communications towers and antennas in order to protect residential areas and land uses from potential adverse impacts of towers and antennas; encourage the location of towers in nonresidential areas; minimize the total number of towers throughout the Town; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the surrounding community is minimal; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impacts of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques; enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; consider the impacts upon the public health and safety of communication towers; and avoid potential damage to adjacent and/or nearby properties from tower failure through appropriate engineering and careful siting of tower structures and/or facilities. In furtherance of the aforementioned objectives, the Town Board shall give due consideration to the Town's Comprehensive Plan, existing land uses and development and environmentally sensitive areas, and other appropriate factors in approving sites for the location of towers and antennas and/or facilities. These standards are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services nor shall they be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations.

§ 108-212. Definitions.

As used in this article, the following terms shall have the meanings set forth below:

ACCESSORY FACILITY -- A building or structure that serves the principal use, which is subordinate in area, extent and purpose to the principal use and is located on the same lot as the principal use. Examples of such facilities include transmission equipment and storage sheds.

ALTERNATIVE TOWER STRUCTURE -- Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA -- Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

FAA -- The Federal Aviation Administration.

FCC -- The Federal Communications Commission.

HEIGHT -- When referring to a tower or other structure, the distance measured from the finished mean grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS -- Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this article, including permitted towers or antennas that have not yet been completed or constructed so long as such approved permit(s) is current and unexpired, or any tower which is existing and has a certificate of compliance.

TELECOMMUNICATION TOWER -- Any structure is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and similar structures. The term includes the structure and any support thereto.

§ 108-213. Applicability.

A. No transmission tower shall hereafter be used, erected, moved, reconstructed, changed, altered or modified to serve as a transmission tower without the issuance of a special use permit(s) by the Town Board in conformity with the requirements of this article.

B. Towers shall only be specially permitted within the following zoning classification districts: Agriculture A, Business A, Business F, Industrial A, Industrial B, Industrial C, Recreational and Defense Institutional be permitted by special permit only in the following zoning use districts: APZ, PIP, PRP, RFC, DRC, SC, BC, CRC, IA, IC, RLC, TRC, but shall not be permitted in whole or in part on any property used for residential purposes.

C. New towers and antennas. All new towers and antennas in the Town shall be subject to these regulations, except as otherwise provided hereinbelow.

D. Exceptions. The requirements set forth in this article shall not be applicable to:

(1) Amateur radio operators' antennas and/or towers not exceeding 50 feet in height, which are owned and operated by a federally licensed amateur radio operator and which are located upon property that is the principal place of business or primary residence of the amateur radio operator.

(2) Preexisting towers or antennas.

§ 108-214. General provisions.

- A. Principal and accessory use. Antennas and towers may be considered either principal or accessory uses.
- B. Lot size. For purposes of determining whether the installation of a tower or antenna complies with zoning district regulations, the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.
- C. Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Town Board an inventory of its existing towers, antennas or sites approved for towers or antennas that are either within the jurisdiction of the Town or within one mile of the border thereof, including specific information about the location, height and design of each tower. The Town Board may share such information with other applicants applying for administrative approvals or special use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the Town. The Town Board, by sharing such information, shall not be deemed to be in any way representing or warranting that such sites are available or suitable.
- D. Aesthetic requirements. All towers and antennas shall comply with the following requirements:
- (1) Towers shall be a neutral color so as to reduce visual obtrusiveness.
 - (2) At a tower site, the design of the buildings and related structures shall, to the extent practicable, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
 - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as practicable.
 - (4) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If required, the lighting shall be designed to minimize to the maximum extent practicable the resultant disturbance to the surrounding views and properties.
- E. Signs. No signs shall be permitted on an antenna or tower.
- F. Multiple antenna/tower plan. Users of towers and/or antennas submitting a single application for the approval of multiple towers and/or antenna sites shall be given priority status in the review process.

§ 108-215. Permitted uses; determination by Building Department; appeal.

- A. Permitted uses. The following uses are deemed to be permitted uses and shall be subject to site plan approval but shall not be subject to a special use permit:
- (1) Antennas to be located on towers on property owned, leased or otherwise controlled by the Town of Riverhead or one of its special districts, provided that said property is subject to a license or lease authorizing such antenna which shall be approved by the Town Board, and provided that such towers or antennas comply with the written regulations promulgated by the Town Board.
 - (2) Lawful or approved towers and antennas, which existed prior to the effective date of this article, except that any and all additions or expansions to existing towers and/or antennas shall be subject to the requirements of this section and article.

(3) The location of additional new antennas on existing towers, so long as the same are in compliance with the following:

(a) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Building Department in its discretion shall permit reconstruction as a monopole.

(b) Height. An existing tower may be modified or rebuilt with no additional separation to a greater height over the tower's existing height, in order to accommodate the collocation of a single additional antenna.

B. Information required for applications for approval by the Building Department:

(1) All information required under Chapter 52 of the Town Code.

(2) An application form as approved by the Building Department.

C. The Building Department shall make a final determination to grant, grant with modifications and/or conditions and/or covenants or deny the application submitted pursuant to this section.

D. The Zoning Officer within the Building Department may, in making said determination:

(1) Permit the reconstruction of any existing tower to monopole construction to encourage the use of monopoles.

(2) At his/her sole discretion, may refer any application to the Zoning Board of Appeals.

E. Upon a final determination by the Zoning Officer within the Building Department to deny, modify and/or impose conditions and/or covenants upon an application, the applicant may appeal to the Zoning Board of Appeals within 60 days of the final determination.

§ 108-216. Uses subject to special permits; requirements.

A. Unless otherwise permitted by this article, the construction of new communications towers and/or the installation of antennas shall be permitted upon the issuance of a special permit by the Town Board, subject to the following:

(1) Applications for special use permits under this section shall be subject to the provisions of § 108-3 of the Code of the Town of Riverhead as specifically set forth therein under "special permits," except as otherwise modified in this article.

(2) A certification, by an engineer licensed by the State of New York, that the towers/antennas meet or exceed current standard regulations of the FAA, the FCC and any other state or federal agency having authority to regulate towers or antennas. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a New York State licensed professional engineer.

(3) A nonrefundable fee of \$500.

B. Special permit requirements for towers/antennas.

(1) Information required. Applications for a special use permit for a tower shall include the following:

(a) A scaled site plan which meets all the requirements of § 108-128 of this chapter.

(b) Setback distance between the proposed tower and:

[1] Each property line.

[2] Any existing residential dwelling(s) located on the same parcel or any adjoining parcels.

[3] The property line of any parcel that is located in a zoning district that permits a residential use that is within 2,500 feet of the subject parcel.

[4] All other structures located on the same property or any adjoining parcels.

[5] Any existing tower(s) within 25,000 feet.

(c) Separation distance(s) from other towers described in the inventory of existing sites submitted with the application shall be shown on an updated site plan or map, identification of the type of construction of the existing tower(s) and the owner/operator of any existing tower(s), if known.

(d) A written description of the application's compliance with all applicable requirements of this article and with all applicable federal, state and local laws.

(e) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(f) A description of the suitability of existing towers and/or other structures and/or alternative technology, and the services contemplated for the use of the proposed tower.

(g) All information required for a special use permit in § 108-3 of this chapter.

(2) The Town Board shall consider the following factors in determining whether to issue a special use permit, in addition to the standards for consideration of special use permit applications set forth in § 108-3 of the Code of the Town of Riverhead:

(a) The height of the proposed tower.

(b) The proximity of the tower to residential structures and residential district boundaries.

(c) The nature of existing and/or proposed uses on adjacent and nearby properties.

(d) The site and/or surrounding topography.

(e) The surrounding tree coverage and foliage.

(f) The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

(g) The proposed ingress and egress.

(h) The availability of suitable existing towers, other structures or alternative technologies not requiring the use of new towers and/or structures.

(i) The Board may waive or reduce the burden on the applicant of one or more of these criteria if it concludes the goals of this article are better served thereby.

(3) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town Board that no existing tower, structure or alternative technology not requiring the construction/alteration of new towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit any information requested by the Town Board related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any or all of the following:

(a) That no suitable (as to height and structural strength) towers or structures are located within the geographic area which meet the applicant's engineering requirements, or that the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or

structures would cause interference with the applicant's proposed antenna and/or that there are other limiting factors that render existing towers and structures unsuitable.

(b) That the costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(c) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitter/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(4) Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required:

(a) Towers shall be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line.

(b) Accessory buildings shall satisfy the minimum zoning district setback requirements in the zoning district where the tower or antenna is proposed.

(5) Separation. The following separation requirements shall apply to all towers for which a special use permit is required; provided, however, that the Town Board may reduce the standard separation requirements if the goals of this article would be better served thereby:

(a) Separation between towers. Separation distances between towers shall be applicable to and measured between the proposed tower and preexisting towers; separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan for the proposed tower. The separation distances between towers shall be 25,000 linear feet.

(6) Security fencing. Towers shall be enclosed by security fencing not less than eight feet in height and shall be equipped with appropriate anti-climbing devices; provided, however, that the Town Board may waive such requirements as it deems appropriate.

(7) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Town Board may waive such requirements if the goals of this article would be better served thereby:

(a) Tower facilities shall be landscaped a buffer of plant materials that effectively screens the view of the tower compound from residential property. Deciduous or tree plantings may be required. The standard buffer shall consist of at least one row of native mixed evergreen shrubs or trees capable of forming a contiguous hedge at least eight feet in height, which shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, plan may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.

(b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the Town Board.

(c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

§ 108-217. Site plan application.

An applicant must submit a site plan application to the Planning Department pursuant to the requirements of § 108-128 of this article. Such site plan application shall be submitted prior to any application for a special permit to the Town Board.

§ 108-218. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be deemed abandoned. The owner of such antenna or tower shall remove the same in 90 days of receipt of notice from the Town notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. In the event that two or more entities are using a single tower, then this provision shall not apply unless all uses cease with respect to such tower.

§ 108-219. Nonconforming uses.

Preexisting towers shall be permitted as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance of a preexisting tower shall comply with the requirements of this chapter.

§ 108-220. Severability.

The various parts, sections and clauses of this article are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the article shall not act be affected thereby.

§ 108-221. Repealer.

Any ordinances or parts thereof in conflict the provisions of this chapter are hereby repealed to the extent of such conflict.

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

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

JUNE 7, 2005

TOWN OF RIVERHEAD

APPOINTS LEGISLATIVE ASSISTANT TO THE SUPERVISOR

RESOLUTION # 565

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

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

NOW THEREFORE, BE IT RESOLVED, that Margaret Welsh is hereby appointed to the exempt position of Legislative Assistant effective June 2, 2005; and

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

THE VOTE

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

Adopted

TOWN OF RIVERHEAD

Resolution # 566

**SETTING TERMS AND CONDITIONS OF EMPLOYMENT
FOR MARGARET WELSH, LEGISLATIVE ASSISTANT
TO THE TOWN SUPERVISOR**

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

BE IT RESOLVED, THAT the terms and conditions of employment of Margaret Welsh, Legislative Assistant to the Town Supervisor ("the employee") shall, effective June 2, 2005, be as follows:

TERM

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

HOURS OF WORK

1. The employee's minimum basic work week shall be 35 hours. There shall be no maximum number of hours of work per week. The employee shall not receive additional compensation for holiday pay. The employee is not entitled to earn, accrue, or be paid for overtime or compensatory time.
2. The employee shall be entitled to the same paid holidays as are set forth in the 2004-2007 CSEA collective bargaining agreement.
3. (a) Five (5) days of personal leave will be granted.

(b) Personal leave may not be accumulated and must be used within the calendar year earned, except that unused personal days at the end of each year shall be converted to sick time and may be used as sick time, subject to all the rules and pertaining to sick time.

(c) Personal leave must be approved by the Town Supervisor. The employee must request such leave at least forty eight (48) hours in advance unless the personal leave is deemed to be an emergency of which the employee had no prior knowledge, in which case the employee must notify the Town Supervisor or designee of such absence. Failure to notify the Town

Supervisor or designee of the absence will result in loss of pay for the day's absence.

4. **Funeral Leave.** The employee shall be entitled to four (4) consecutive working days leave of absence computed either from the day of death or the day following death, at the employee's option, for the death of the employee's spouse, child (including adopted children), father, mother, brother, sister, parents, parents-in-law, grandparents, grandparents-in-law, grandchildren, daughter-in-law, brother-in-law, sister-in-law, son-in-law, or stepchild.

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

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

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

VACATIONS

1. The employee shall be entitled to 105 hours of vacation (January 1 to December 31) annually except during fiscal year 2005. For fiscal year 2005, the employee shall be entitled to a reduced vacation of 61.25 hours.

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

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

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

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

Article IX, Section C, except that the buyback shall be in blocks of three days per month.

SICK LEAVE

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

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

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

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

GRIEVANCE PROCEDURE

1. Consideration of Grievance.

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

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

2. Time of Hearings.

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

3. Representation.

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

4. Limitations.

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

5. Withdrawn Grievances.

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

HEALTH INSURANCE

1. The Town shall pay, on the employee's behalf, effective August 1, 2005, one hundred (100%) percent of the cost of either the individual or family coverage for hospitalization under the Town Health Insurance Program. These plans shall also provide that the Town pays for one hundred (100%) percent coverage for the employee if the employee retires from the Town and Town shall also pay to the extent of fifty (50%) percent coverage on the premiums for the employee's family.

2. The Town shall pay, on the employee's behalf, effective August 1, 2005, one hundred (100%) percent of the cost of either the individual or family plan for dental coverage under the Riverhead Town Dental Plan.

3. The Town shall pay, on the employee's behalf, effective August 1, 2005, one hundred (100%) percent of the cost of either the individual or family plan for optical coverage under the Riverhead Town Optical Plan.

4. Effective January 2006, the Town will offer a Universal Life Insurance policy, a disability insurance policy or participation in the New York State deferred compensation program. The employee may, at the employee's option, choose the life insurance, the disability insurance or the deferred compensation program, or any combination thereof. The cost of these policies to the Town may not exceed \$2,500.00. Any additional cost may be supplemented by

the employee via a payroll deduction. The cost will be adjusted yearly based on the Consumer Price Index for New York and Northeastern New Jersey area for all Urban Consumers as produced by the U.S. Department of Labor, Bureau of Labor Statistics. The Base Year to be used will be 1989.

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

GENERAL PROVISIONS

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

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

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

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

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

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

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

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

WAGES

The employee shall receive the following annual salary: \$46,350 (prorated)

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

June 7, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 567

**GRANTS SPECIAL PERMIT OF JOHN WHERRY – TWO-FAMILY
DWELLING, SOUTH JAMESPORT**

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 pursuant to Section 108-12 (B-1) and Article XXVIA of the Riverhead Town Code to convert a single family dwelling to a two family dwelling on a parcel zoned Residence B-40 located at Sixth Street, Jamesport; such property more particularly described as Suffolk County Tax Map Number 0600-90-2-38, and

WHEREAS, the Riverhead Town Board by resolution #198 of 2005 declared themselves Lead Agency and determined said action to be Type II, and

WHEREAS, the Town Board has referred the petition to the Riverhead Planning Board for its report and recommendation; such Planning Board recommending the granting of the special use permit petition, and

WHEREAS, a public hearing was held on this matter on May 3, 2005, 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 John E. Wherry, the Riverhead Town Board hereby makes the following findings:

1. That the premises is located within the Residence B-40 Use District;
2. That the Residence B-40 Zoning Use District provides for dwelling, two-family by special permit of the Town Board;
3. That the general vicinity is characterized as residential dwellings on lots ranging from 10,000 square feet to 20,000 square feet ;
4. That the lot area is sufficient, appropriate and adequate for the proposed use and the anticipated operation thereof;

5. That adequate off-street parking facilities have been provided;
6. That adequate buffer yards have been provided in order to protect adjacent properties;
7. That adequate provisions have been made for the collection and recharge of sanitary waste;
8. That the intensity of the proposed use is justified in light of similar uses existing within the zoning use district;
9. That the use will not prevent or substantially impair the reasonable and orderly use of other properties in the neighborhood;
10. That the health, safety and welfare, and order of the Town of Riverhead will not be adversely affected by the authorized use;
11. That the proposed use will be in harmony with and promote the general intent and purpose of the Riverhead Zoning Ordinance; and

BE IT FURTHER

RESOLVED, that based upon its findings, the Riverhead Town Board hereby grants the special permit petition of John Wherry subject to the recording of a covenant to the satisfaction of the Town Attorney requiring that the owner of the real property maintain occupancy of the premises, and

BE IT FURTHER

RESOLVED, that copies of this resolution be forwarded to the Building Department, the Planning Department, Town Attorney and John Wherry, the applicant.

Rh/planning

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input checked="" type="checkbox"/> no	Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Linsieski	<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**

6/7/05

Adopted

TOWN OF RIVERHEAD

Resolution # 568

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF
PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN
AMENDMENT OF CHAPTER 101 (VEHICLES & TRAFFIC) OF THE RIVERHEAD
TOWN CODE (101-18)**

COUNCILMAN DENSIESKI

_____ offered the following resolution,

which was seconded by **COUNCILWOMAN BLASS** _____:

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to consider the amendment of Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the June 16, 2005 issue of 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 be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Riverhead Traffic Safety Committee; Councilperson George Bartunek; the Riverhead Police Department; the Riverhead Highway Department; the Riverhead Recreation Department; Kenneth Testa, P.E. 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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 21st day of June, 2005 at 2:40 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

§ 101-18. Seasonal parking prohibited.

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

Street	Side	Location
Center Street	West	Beginning at the south side of the Second Street intersection and thence southerly to the northerly side of Front Street at the Front Street intersection with Center Street
Front Street	South	The entire southerly side of Front Street to the westerly intersection of Green Street
Green Street	West	Beginning at the south side of Second Street intersection and running thence southerly to the northerly side of the intersection with Front Street
<u>Park Road</u>	<u>East</u>	<u>Beginning at 150 feet from the northern terminus of Longview Drive and Park Road to its terminus at Reeves Beach parking area</u>
Point Street	West	Beginning at the south side of the Second Street intersection and thence southerly to the southerly terminus of Point Street
<u>Seabreeze Drive</u>	<u>East</u>	<u>Beginning from Crows Nest Drive running southerly to Hornpipe Drive</u>
South Jamesport	West	Beginning at the south side of the

Avenue

Second Street intersection and
thence southerly to the southerly
terminus of South Jamesport
Avenue

West Street

West

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

Willow Street

West

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

Dated: Riverhead, New York
June 7, 2005

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

BARBARA GRATTAN, Town Clerk

- Underline represents addition(s)

Adopted

June 7th, 2005

Town of Riverhead

Resolution # 570

DECLARES LEAD AGENCY AND DETERMINES ENVIRONMENTAL SIGNIFICANCE OF SITE PLAN PETITION OF HALF HOLLOW NURSERY CENTER CORP. - AGRICULTURAL WORKER HOUSING

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, the Riverhead Planning Department is in receipt of a site plan application from Charles Scheer to allow the construction of three (3) agricultural worker housing units, upon real property located at Main Road, Riverhead; Suffolk County Tax Map Number 0600-48-03-15 and

WHEREAS, the Riverhead Planning Department has reviewed the site plan application and recommended to the Town Board that the petition be considered an Unlisted Action without significant adverse impacts to either the natural or social environment and that a Draft Environmental Impact need not be prepared.

NOW, THEREFORE, BE IT

RESOLVED, that in the matter of the site plan petition of Half Hollow Nursery Center Corp, the Riverhead Town Board hereby declares itself to be the Lead Agency pursuant to 6NYCRR Part 617.

BE IT FURTHER

RESOLVED, that the Town Board hereby determines the Action to be Unlisted pursuant to 6NYCRR Part 617 and that there are no identified significant adverse impacts to either the natural or social environment and that an Environmental Impact Statement need not be prepared.

BE IT FURTHER

RESOLVED, that the Planning Department be directed to publish and post those notices of non-significance as required by law.

BE IT FURTHER,

RESOLVED, that certified copies of this resolution be forwarded to the Planning Department, the Riverhead Planning Department and the

THE VOTE

Blanchard	<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

06/07/05

TOWN OF RIVERHEAD

Adopted

Resolution # 571

AUTHORIZES THE RETENTION OF THE LAW FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER AND YAKABOSKI, LLP IN CONNECTION WITH REVIEWING AND COMMENCING LEGAL PROCEEDINGS, INCLUDING INJUNCTION, AGAINST THE COUNTY OF SUFFOLK

COUNCILMAN DENSIESKI _____ offered the following resolution, was seconded by

COUNCILWOMAN BLASS _____ :

WHEREAS, the Town Board believes that the Town Code and New York State law, among other laws, rules and regulations were violation by the County of Suffolk in connection with the installation of a fuel depot at Indian Island County Park, and

WHEREAS, the Town wishes to appoint and authorize counsel to commence any necessary action to enforce the applicable laws, including requests for injunctive relief, against the County,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby appoints the firm Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP to act as legal counsel in connection any necessary action, including injunction that the Town Board elects to commence to enforce its rights; and be it further

RESOLVED, that the hourly rate to be paid shall be ~~4155.00~~ and be it further

RESOLVED, that the Riverhead Town Board hereby authorizes the Supervisor to execute the Retainer Agreement; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Smith, Finkelstein, Lundberg, Isler and Yakaboksi, LLP, 456 Griffing Avenue, PO Box 389, Riverhead, NY 11901 ; the Office of the Supervisor; the Town Attorney's Office and the Office of Accounting.

THE VOTE

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

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