

**WAIVER OF NOTICE AND CONSENT
OF SPECIAL MEETING**

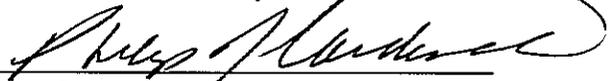
We, the Undersigned, being all members of the Riverhead Town Board of the Town of Riverhead, County of Suffolk, and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York at 12:00 P.M. on the 20th day of July 2006, and do consent to the holding of such meeting for the purpose of:

Res. 707

Authorizes Supervisor to Execute and Remit the Attached Letter Terminating the Riverhead Reclamation Contract/Grimes Contracting Co., Inc.

**Dated: July 20, 2006
Media Notified by
Supervisor**

**Town Board Members
of Riverhead, New York**



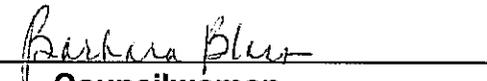
Supervisor



Councilman



Councilman



Councilwoman



Councilman

Adopted

July 20, 2006

TOWN OF RIVERHEAD

RESOLUTION # 707

AUTHORIZES SUPERVISOR TO EXECUTE AND REMIT THE ATTACHED LETTER TERMINATING THE RIVERHEAD RECLAMATION CONTRACT/ GRIMES CONTRACTING CO., INC.

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

BE IT RESOLVED, that the Town Board hereby terminates the Riverhead Reclamation Contract with Grimes Contracting Co., Inc. as per letter attached; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute and send the attached letter signed by all members of the Board; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Grimes Contracting Co., Inc. (by certified mail, return receipt requested, and regular mail), Ken Testa, Frank A. Isler, Young & Young, DEC Region 1 Director Peter Scully, and the Office of Accounting.

THE VOTE

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

Z:/Peggy



TOWN OF RIVERHEAD

Phil Cardinale, Town Supervisor

Town Hall, 200 Howell Avenue, Riverhead, NY 11901
Tel: (631) 727-3200 / fax 631-727-6712

July 19, 2006

Deborah Grimes, President
Grimes Contracting Co., Inc.
P.O. Box 5004
Montauk, NY 11954

Re: Riverhead Reclamation Contract/Grimes Contracting Co., Inc.

Dear Ms. Grimes:

Please consider this letter formal notice that the Town of Riverhead hereby terminates the above referenced contract due to your company's default under the terms of the contract by, among other things, failing to meet the performance standards set forth in Paragraph 33; and by being in anticipatory default by admitting your inability to complete performance of the contract work within the time specified in Paragraph 6 of the Contract.

Pursuant to Paragraph 33, this Contract shall be terminated effective seven (7) days from the giving of the notice.

Please be further advised that, in the event it is ever determined that your company is not in default under the contract, then alternatively and without prejudice to the Town's claim that your company is in default, the Town hereby terminates the above contract pursuant to the last unnumbered paragraph of Paragraph 33 of the contract, effective upon the giving of this notice.

Under the contract, you are to cease excavation activities immediately

Sincerely,

Phil Cardinale
Town Supervisor

Confirmed:

George Bartunek, Councilman

Barbara Blass, Councilwoman

Ed Densieski, Councilman

John Dunleavy, Councilman