

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

November 21st, 2006

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

**Barbara Blass, Councilwoman
John Dunleavy, Councilman**

**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

**William Rothaar (Interim Financial Administrator)
Leroy E. Barnes, Jr..
Andrea Lohneiss
Ken Testa
Richard Hanley
Chief David Hegermiller
Ray Coyne
Judy Doll
John Reeve
Michael Reichel
Gary Pendzick**

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

PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:
COMMUNITY DEVELOPMENT AGENCY:

- #17 Appointing the Firm of Smith, Finkelstein, Lundberg, Isler & Yakoboski, LLP as Special Counsel in the Real Estate Transaction between the Town and Island Amusement Venture, LLC
- #18 Accepts Final Scope of Issues on the Generic Environmental Impact Statement in Support of the Update of the Town of Riverhead East Main Street Urban Renewal Plan (1993)

REGULAR TOWN BOARD MEETING:

- #1052 Gateway Estates Budget Adoption
- #1053 Pumpout Station Budget Adoption
- #1054 Appoints a Call-In Registered Nurse to the Recreation Department (C. Spero)
- #1055 Appoints an On-Call Assistant Recreation Leader to the Riverhead Recreation Department (E. Monihan)
- #1056 Accepts Resignation of Homemaker (D. Sinko)
- #1057 Appoints Temporary Clerks to the Tax Receiver's Office (C. Koroleski, P. Flammia)
- #1058 Authorizes Attendance of Three Police Department Employees to Trace Seminar
- #1059 Setting Salaries for On-Call Assistant Recreation Leaders in Special Needs Programs for 2006 for the Riverhead Recreation Department
- #1060 Appoints a Part Time Homemaker in the Nutrition Department (V. Lugo)
- #1061 Approves Plan of Wineton Farms, LLC for Agricultural Worker Housing Permit to be Issued Pursuant to Section 108-64.4 of the Riverhead Town Ordinance
- #1062 Approves Plan of Edward Harbes for Agricultural Worker Housing Permit to be Issued Pursuant to Section 108-64.4 of the Riverhead Town Ordinance

- #1063 Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law to Amend Chapter 47 Entitled, “Bays and Creeks” of the Riverhead Town Code
- #1064 Authorization to Publish Advertisement for Tractor
- #1065 Authorizes Town Clerk to Advertise for Bid- Project No. 05-57, Carrera Property, Wading River
- #1066 Authorizes Legal Action against the Owners, Tenants, Occupants and Mortgagee of the Property Located at 8 Roberts Path, Wading River, New York
- #1067 Grants Excavation Permit as Provided by Chapter 62 to Stoneleigh Woods at Riverhead, LLC
- #1068 Resolution and Consent Approving the Dedication of Highways Known as Hidden Acres Path, Brookline Court, Riviera Court, Maidstone Lane, Inverness Court, Salem Court, Taconic Court, Canterbury Court, St. Andrews Path, Calverton Court and Recharge Basin (Birchwood at Wading River- Section 1)
- #1069 Accepts Irrevocable Standby Letter of Credit of Gruhill Construction Corp.
- #1070 Adopts Amended Fee Schedule for Electrical Inspections Under Chapter 52
- #1071 Authorizes the Town Attorney to Order an Updated Appraisal and Phase 1 for Property Located on Riverside Drive (The River Club) in Connection with Acquisition of Said Parcel
- #1072 Authorizes Town Clerk to Publish and Post a Public Notice for Public Hearing Regarding Application by the Riverhead Multi-Family Housing Corporation to Initiate Procedures to Dissolve the Corporation
- #1073 Authorizes Town Clerk to Publish and Post a Public Notice for Public Hearing to Consider a Local Law to Amend Chapter 101 Entitled, “Vehicle and Traffic” of the Riverhead Town Code (101-8 Weight Limits)
- #1074 Resolution and Consent Approving the Dedication of Highways Known as Gatz Road (Gatz Estates)

- #1075 Authorizes Town Clerk to Publish and Post Public Notice to Consider the Purchase of a Parcel Located in the Town of Riverhead Located on the North Side of Riverside Drive Commonly Referred to as “River Club” from the Nature Conservancy
- #1076 Authorizes the Supervisor to Execute a Site Access Agreement with Cameron Engineering to Conduct Testing to Determine Conditions Within the Riverfront Parking Area Owned by the Town of Riverhead
- #1077 Authorize the Town Clerk to Post and Publish Public Notice for Public Hearing Regarding a Local Law to Amend Chapter 52 (Building Construction) of the Riverhead Town Code (Apprenticeship Requirement)
- #1078 Adopts a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, “Zoning” (Site Plan Review)
- #1079 Authorization to Discard Fixed Assets
- #1080 Pays Bills

11/21/06

Adopted

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

RESOLUTION

17

**APPOINTING THE FIRM OF
SMITH, FINKELSTEIN, LUNDBERG, ISLER & YAKABOSKI, LLP.
SPECIAL COUNSEL IN THE REAL ESTATE TRANSACTION BETWEEN THE TOWN
AND ISLAND AMUSEMENT VENTURE, LLC**

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

WHEREAS, the Town of Riverhead Community Development Agency (hereinafter "CDA") is pursuing a real estate transaction between the CDA and Island Amusement Venture, LLC., and is entering into contract negotiations with respect thereto;

NOW, THEREFORE,

BE IT HEREBY RESOLVED, that the Town Board as the governing body of the Town of Riverhead Community Development Agency, hereby appoints the law firm of Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., as special counsel in the aforementioned matter in accordance with the terms of the attached retainer agreement which agreement is hereby approved; and

BE IT FURTHER RESOLVED, that the Riverhead Town Board hereby authorizes the Chairman of the CDA to execute the attached 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 & Yakaboski, LLP., 456 Griffing Avenue, P.O. Box 389, Riverhead, New York 11901, the office of the Town Attorney, the CDA Director and the office of Accounting.

This resolution was prepared by Frank A. Isler, Esq., Special Counsel

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

RETAINER AGREEMENT

AGREEMENT made this ____ day of November 2006, by and between the Town of Riverhead Community Development Agency, 200 Howell Avenue, Riverhead, New York (hereinafter "The CDA"), and Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, 456 Griffing Avenue, P.O. Box 389, Riverhead, New York 11901 (hereinafter "The Firm"), pursuant to CDA Resolution # _____ adopted on _____ as follows:

1. The CDA retains the Firm to provide the legal services described in said resolution.
2. The CDA agrees to pay the Firm at an hourly rate of \$165 an hour for partners; \$150 an hour for associates and \$85 an hour for paralegals.
3. The CDA shall reimburse the Firm for actual disbursements.

TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY

By: _____
Philip Cardinale
Chairman

Smith, Finkelstein, Lundberg,
Isler and Yakaboski, LLP

By: _____
FRANK A. ISLER

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

RESOLUTION # 18

**ACCEPTS FINAL SCOPE OF ISSUES ON THE GENERIC ENVIRONMENTAL
IMPACT STATEMENT IN SUPPORT OF THE UPDATE OF THE TOWN OF
RIVERHEAD EAST MAIN STREET URBAN RENEWAL PLAN (1993)**

Councilman Bartunek _____ offered the following resolution which was
seconded by Councilman Dunleavy _____.

WHEREAS, the Town of Riverhead Community Development Agency (CDA)
by CDA Resolution #9 of 9/19/06 authorized the update of the East Main Street Urban
Renewal Plan as adopted October 19, 1993 pursuant to the General Municipal Law of the
State of New York, and

WHEREAS, the CDA by the same resolution declared itself the lead agency in
the plan's update, determined to be an 'unlisted action" pursuant to GNYCRR Part 617
and further determined it to have a potentially significant impact upon the natural and
social environment and that a Generic Environmental Impact Statement be prepared and
subsequently filed the requisite Positive Declaration of Significance, and

WHEREAS, the lead agency prepared a draft scope of issues to properly focus
the analysis of the GEIS, circulated the document among involved and interested
agencies for their comment and also held a scoping hearing on 10/25/2006 to solicit
public comment, and

WHEREAS, the lead agency has reviewed these comments and incorporated
them into a final scope of issues, now

THEREFORE BE IT

RESOLVED, that the Riverhead Community Development Agency hereby
accepts the final scope of issues for the Draft Generic Environmental Impact Statement in
support of the update of the East Main Street Urban Renewal Plan, and

BE IT FURTHER

RESOLVED, that the Riverhead Planning Department be directed to circulate the
document in accordance with SEQR law and that the Town Clerk be hereby authorized to
forward a certified copy of this resolution to the Planning Department and to the
Community Development Agency.

THE VOTE
Dunleavy ✓ yes ___ no Bartunek ✓ yes ___ no
Blass ✓ yes ___ no Densieski ✓ yes ___ no
Cardinale ✓ yes ___ no
THE RESOLUTION WAS WAS NOT

Adopted

TOWN OF RIVERHEAD

GATEWAY ESTATES

BUDGET ADOPTION

RESOLUTION # 1052

COUNCILMAN DUNLEAVY 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 adoption:

		<u>FROM</u>	<u>TO</u>
406.092705.421050.30071	Developer Fees	\$64,000	
406.083200.543501.30071	Engineering Expenses		\$8,000
406.083200.549001.30071	Administration Fees		\$3,500
406.083200.523002.30071	Construction		\$50,000
406.083200.547900.30071	Contingency		\$2,500

THE VOTE

Bartunek Yes No

Dunleavy Yes No

Blass Yes No

Densieski Yes No

abstain

Cardinale Yes No

November 21, 2006

Adopted

TOWN OF RIVERHEAD

PUMPOUT STATION

BUDGET ADOPTION

RESOLUTION # 1053

COUNCILMAN DENSIESKI

_____ 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 adoption:

		<u>FROM</u>	<u>TO</u>
406.031220.492310.40141	NYS DEC State Aid	\$7,176	
406. 031220.523042.40141	Pumpout Station		\$7,176

THE VOTE

Bartunek Yes No

Dunleavy Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

11/21/06

TOWN OF RIVERHEAD

Adopted

Resolution # 1054

APPOINTS
A CALL-IN REGISTERED NURSE
TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN BLASS

_____ offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____

RESOLVED, that Christine Spero is hereby appointed to serve as a call-in Registered Nurse effective November 22nd, 2006 to serve as needed on an at will basis and to be paid at the rate of \$20.00 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, Christine Spero and the Office of Accounting.

1

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

¹ Rec./ Jim:Res p/tRegistered Nurse,Chris Spero

11/21/06

TOWN OF RIVERHEAD

Adopted

Resolution # 1055

**APPOINTS AN ON-CALL ASSISTANT RECREATION LEADER
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILMAN BARTUNEK offered the following resolution,
which was seconded by COUNCILMAN DUNLEAVY

RESOLVED, that Elizabeth Monihan is hereby appointed to serve as an on-call Assistant Recreation Leader Level 1 effective November 30th, 2006 to serve as needed on an at-will basis and to be paid at the rate of \$10.50 per hour, and to serve at the pleasure of the Town Board; and

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

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

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

1

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

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

¹ Rec. Jim/ Res PT Asst. Rec Leader Elizabeth Monihan

NOVEMBER 21, 2006

Adopted

TOWN OF RIVERHEAD

ACCEPTS RESIGNATION OF A HOMEMAKER

RESOLUTION # 1056

COUNCILMAN DUNLEAVY

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

WHEREAS, the Town has received a letter of resignation from Donna Sinko, a Homemaker in the Nutrition Department, effective November 12, 2006.

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

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

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

THIS RESOLUTION ____ IS ____ IS NOT
DECLARED DULY ADOPTED

11/21/06

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1057

APPOINTS TEMPORARY CLERKS TO THE TAX RECEIVER'S OFFICE

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

WHEREAS, this Town Board recognizes the need to provide additional clerical personnel to the Office of the Receiver of Taxes to assist in the processing of tax money.

NOW, THEREFORE, BE IT RESOLVED, that Cori Koroleski and Patrick Flammia be and are hereby appointed as temporary clerks effective December 18, 2006 at an hourly rate of compensation of

Cori Koroleski	\$10.00 per hour
Patrick Flammia	\$10.00 per hour

and

BE IT FURTHER RESOLVED that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Cori Koroleski; Patrick Flammia; Maryann Wowak Heilbrunn, Receiver of Taxes; and the Office of Accounting.

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
 Blass yes ___ no ___ Densieski yes ___ no ___
 Cardinale yes ___ no ___

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

11/21/06

STATUS **Adopted**

TOWN OF RIVERHEAD

Resolution # 1058

AUTHORIZES ATTENDANCE OF THREE POLICE DEPARTMENT EMPLOYEES TO TRACS SEMINAR

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

WHEREAS, Police Chief Hegermiller has requested authorization from the Riverhead Town Board for the attendance of three police department employees to attend the TRACS Training Seminar in Albany, and,

WHEREAS, the seminar will be held in Albany, New York from December 4 – 5, 2006.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the attendance of three police department employees to attend the TRACS Seminar.

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes reimbursement of expenses incurred, not to exceed \$400.00 upon submission of proper receipts; and

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

THE VOTE

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO
BLASS YES ___ NO DENSIESKI YES ___ NO
CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

11/21/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1059

**SETTING SALARIES FOR ON CALL ASSISTANT RECREATION LEADERS
IN SPECIAL NEEDS PROGRAMS FOR 2007
FOR THE RIVERHEAD RECREATION DEPARTMENT**

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

RESOLVED, that the Town Board sets salaries for on-call assistant recreation leaders in special needs programs for 2007 for the Recreation Department effective November 30th, 2006 as per attached schedule.

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
Dunleavy yes no Bartunek yes no
Blass yes no Danieski yes no
Cardinale yes no
**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

**Riverhead Recreation Department
200 Howell Ave.
Riverhead, NY 11901
(631) 727-5744**

**PROPOSED ON-CALL ASSISTANT RECREATION LEADER
IN SPECIAL NEEDS SALARIES- 2006**

Level I	\$10.50
Level II	\$11.50
Level III	\$12.00
Level IV	\$12.50
Level V	\$13.00

***NOTE: The above salaries are listed on a per hour basis. Experience may influence Starting level. Level raise depends upon job performance.**

November 21, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 1060

**APPOINTS PART TIME HOMEMAKER
IN THE NUTRITION DEPARTMENT**

COUNCILMAN DUNLEAVY

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

WHEREAS, due to the vacancy in the Nutrition Department for the position of Part Time Homemaker; and

WHEREAS, this position was duly posted (posting #24); and

WHEREAS, it is the recommendation of the Senior Center Director and the Personnel committee that Virginia Lugo be appointed to said position.

NOW, THEREFORE, BE IT RESOLVED, that effective November 27, 2006 the Town Board hereby appoint Virginia Lugo to the position of Part Time Homemaker in the Nutrition Department at an hourly rate of \$11.5741.

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

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Tabled

TOWN OF RIVERHEAD

Resolution #1061

APPROVES PLAN OF WINETON FARMS LLC FOR AGRICULTURAL WORKER HOUSING PERMIT TO BE ISSUED PURSUANT TO SECTION 108-64.4 OF THE RIVERHEAD ZONING ORDINANCE

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by **COUNCILMAN DENSIESKI**

WHEREAS, the Riverhead Planning Department is in receipt of a survey and plan of the property owned by Wineton Farms LLC to allow the Riverhead Building Department to issue building permits to allow the conversion of a single family residence to that of one (1) Agricultural Worker Housing Unit pursuant to Article XIII Section 108-64.4 of the Riverhead Town Code, such real property located at Main Road, Jamesport, New York, Suffolk County Tax Map Number 0600 -068.00-01-016.01; and

WHEREAS, the Riverhead Planning Department and Riverhead Building Department have reviewed the survey and plan and have determined that the location of the proposed structures conform to the criteria enumerated in the Town Code; and

WHEREAS, the Riverhead Planning Department has reviewed the survey and plan application and recommended to the Town Board that the petition be considered an Unlisted Action without significant adverse impact to either the natural or social environment and a Draft Impact Statement need not be prepared.

NOW THEREFORE BE IT RESOLVED, that in the matter of the survey and plan petition of Wineton Farms, LLC, that the Riverhead Town Board hereby declares itself to be the Lead Agency pursuant to 6NYCRR Part 617 and further determines that action not to have significant adverse impacts upon either the natural or social environment and that the Draft Environmental Impact Statement need not be prepared.

BE IT FURTHER RESOLVED, that the Town of Riverhead does hereby approved the survey, plan and Agricultural Worker Housing plan of Wineton Farms, LLC, pursuant to Article XIII Section 108-64.4 of the Riverhead Zoning Ordinance.

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby authorized to forward a certified copy of this resolution to Wineton Farms, LLC, P.O. Box 17, Jamesport, New York 11947, the Riverhead Planning Department, the Building Department; Assessor's Office and the Town Attorney's Office.

THE VOTE

Dunleavy Yes No Bartunek Yes No
Blass Yes No Densieski Yes No
Cardinale Yes No

The Resolution Is Is Not
Declared Duly ~~Adopted~~

Tabled

TOWN OF RIVERHEAD

Adopted

Resolution #1062

APPROVES PLAN OF EDWARD HARBES FOR AGRICULTURAL WORKER HOUSING PERMIT TO BE ISSUED PURSUANT TO SECTION 108-64.4 OF THE RIVERHEAD ZONING ORDINANCE

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

WHEREAS, the Riverhead Planning Department is in receipt of a survey and plan of the property owned by Edward Harbes to allow the Riverhead Building Department to issue building permits to allow the construction of one (1) Agricultural Worker Housing unit pursuant to Article XIII Section 108-64.4 of the Riverhead Town Code, such real property located at Main Road, Jamesport, New York, Suffolk County Tax Map Number 0600 -.068.00-03-007.05; and

WHEREAS, the Riverhead Planning Department and Riverhead Building Department have reviewed the survey and plan and have determined that the location of the proposed structures conform to the criteria enumerated in the Town Code; and

WHEREAS, the Riverhead Planning Department has reviewed the survey and plan application and recommended to the Town Board that the petition be considered an Unlisted Action without significant adverse impact to either the natural or social environment and a Draft Impact Statement need not be prepared.

NOW THEREFORE BE IT RESOLVED, that in the matter of the plan petition of Edward Harbes, that the Riverhead Town Board hereby declares itself to be the Lead Agency pursuant to 6NYCRR Part 617 and further determines that action not to have significant adverse impacts upon either the natural or social environment and that the Draft Environmental Impact Statement need not be prepared.

BE IT FURTHER RESOLVED, that the Town of Riverhead does hereby approved the survey, plan and Agricultural Worker Housing plan of Edward Harbes pursuant to Article XIII Section 108-64.4 of the Riverhead Zoning Ordinance.

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby authorized to forward a certified copy of this resolution to Edwards Harbes, P.O. Box 1524, Mattituck, New York 11952, the Riverhead Planning Department, the Building Department; Town Engineer, Assessor's Office Accounting Department and the Town Attorney's Office.

THE VOTE

Dunleavy Yes No Bartunek Yes No
Blass Yes No Densieski Yes No
Cardinale Yes No

The Resolution Is Is Not
Declared Duly Adopted

November 21, 2006

TOWN OF RIVERHEAD

Adopted

Resolution # 1063

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO AMEND CHAPTER 47 ENTITLED "BAYS AND CREEKS" OF THE RIVERHEAD TOWN CODE

Councilman Bartunek 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 amend Chapter 47 entitled, "Bays and Creeks" of the Riverhead Town Code, once in the November 30, 2006 issue of the News-Review Newspaper, 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 Building Department, Planning Department, the Riverhead Police Department; Conservation Advisory Council, Division of Code Enforcement and the Office of the Town Attorney.

THE VOTE
Dunleavy yes ___ no Bartunek 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 5th day of December at 7:25 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 47 of the Riverhead Town Code entitled, "Bays and Creeks."

A copy of the text of the proposed local law may be reviewed at the Office of the Town Clerk beginning November 22, 2006 between the hours of 8:30 AM and 4:30 PM, Monday through Friday.

DATED: November 21, 2006
Riverhead, New York
BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
BARBARA GRATTAN, TOWN CLERK

THE VOTE

DUNLEAVY ___ YES ___ NO BARTUNEK ___ YES ___ NO

BLASS ___ YES ___ NO DENSIESKI ___ YES ___ NO

CARDINALE ___ YES ___ NO

THIS RESOLUTION ___ IS ___ IS NOT
DECLARED DULY ADOPTED

DRAFT Chapter 47, BAYS AND CREEKS

§ 47-1. Definitions.

In this chapter, unless the context requires otherwise, the following terms shall have the meanings indicated:

ABANDONED VESSEL – ~~A vessel which is not used or useful~~ boat or floating structure which has been deemed not seaworthy by a Riverhead Town Police Officer, a Riverhead Town Code Enforcement Officer or a Bay Constable, or which has been abandoned for more than thirty (30) days.

COMMERCIAL PURPOSE - The taking of shellfish or finfish for any use or purpose other than for food consumption by ~~the person so taking~~ a resident/taxpayer or by such person's immediate family or household.

COMMERCIAL DOCKAGE – Any catwalk, fixed dock, floating dock, or mooring intended for use other than residential dockage, as defined in this chapter.

ENFORCEMENT OFFICER -- An ~~peace~~ ^{officer} officer designated by the Town Board to enforce this chapter, including ~~the a~~ a Riverhead Town Police Officer, Riverhead Town Code Enforcement Officers or a Bay Constable.

FINFISH – All marine and fresh water fish species including but not limited to blackfish, blowfish, bluefish, striped bass, silversides, killifish, flounder, fluke, alewife, sea bass, porgy, weakfish, menhaden.

MOORING – A stationary stake or anchor intended to secure a vessel when such vessel is not underway.

RESIDENT -- A person who is domiciled within the Town of Riverhead. Domiciled shall include children of those domiciled while such children live temporarily elsewhere pursuing education or are serving in the armed forces.

RESIDENTIAL DOCKAGE – Any catwalk, fixed dock, or floating dock which provides access to the surface waters from a lot used for residential purpose.

SHELLFISH -- Includes oysters, scallops, hard clams, soft clams, razor clams, crabs, shrimp, all kinds of mussels, skimmer or surf clams, periwinkles and conch.

TAKING -- The actual taking or catching, and all lesser acts such as disturbing, or using of any implement or device commonly used to take shellfish or other products of the waters, whether the result is taking or not, and includes every attempt to take.

TAXPAYER -- A person who owns real property as shown on the assessment rolls of the Town of Riverhead but is not a resident as defined herein.

TEMPORARY RESIDENT -- A person who is temporarily visiting and occupying living quarters within the Town of Riverhead for a minimum of ninety (90) days each year. [Amended 6-15-1993]

TOWN WATERS -- Includes all waters and lands below the mean high-water mark in any harbor, bay, pond, lake, creek or river in the Town of Riverhead, as shown on the Bay Bottoms Map on file with the Town Clerk.

VESSEL – Any boat or floating structure, whether or not seaworthy.

ARTICLE II, Shellfish and finfish

§ 47-2. Purpose.

The regulations for and control of the taking of shellfish and finfish from the waters and lands under waters in the Town of Riverhead are deemed necessary to protect the

propagation of such shellfish and finfish, to preserve public peace and good order and to protect the public health and welfare.

§ 47-3. Taking of shellfish and finfish restricted; permits and fees.

A. No person shall take shellfish from town waters unless such person is a resident, as defined herein, and has obtained a permit as prescribed by this chapter. [Amended 6-15-1993]

B. Shellfish may be taken by a resident upon first applying for and obtaining a shellfish permit from the Town Clerk of the Town of Riverhead. There shall be no fee for such permit, and such permit shall expire on the last day of the ~~third~~ year after of the date of issue. [Amended 6-15-1993]

C. Shellfish may be taken by a temporary resident upon first applying for and obtaining a temporary resident permit from the Town Clerk of the Town of Riverhead. The fee for such permit shall be ~~five dollars (\$5)~~ fifteen dollars (\$15) for up to fifteen (15) days, ~~ten dollars (\$10)~~ thirty dollars (\$30) for up to thirty (30) days, ~~twenty dollars (\$20)~~ sixty dollars (\$60) for up to sixty (60) days or ~~forty dollars (\$40)~~ ninety dollars (\$90) for up to ninety (90) days. Permits shall expire on the date marked thereon.

D. Shellfish and finfish may be taken for commercial purposes by a resident over the age of sixteen (16) years upon first applying for and obtaining a commercial permit from the Town Clerk of the Town of Riverhead. The fee for such permit shall be ~~five dollars (\$5)~~ one hundred dollars (\$100) and shall expire on the 31st day of December in the year of issue. A resident under the age of sixteen (16) years may obtain a commercial permit with parental consent. Commercial residential/taxpayer shellfish permits shall only be issued to persons who have met eligibility requirements and who possess a current Shellfish Digger's Permit from the New York State Department of Environmental Conservation which indicates an address in the Town of Riverhead. The NYSDEC permit number(s) must be legibly indicated on each pot or trap intended for commercial use. [Amended 7-7-1987; 6-15-1993]

E. Shellfish may be taken without obtaining a permit hereunder by a guest of a permittee if accompanied by such permittee or by a child under the age of sixteen (16) years who is a member of the immediate family or a resident. A guest shall be deemed to be one (1) person with the permittee for all purposes hereunder. This subsection shall not apply to a commercial permittee. [Amended 6-15-1993]

F. No person shall take shellfish and/or finfish of any kind from the waters of the Town of Riverhead by means of or with the aid of any device or implement commonly used in the art or practice of scuba diving or by means of or with the aid of any device designed to permit submergence beneath the surface of the water beyond normal human capacity.

§ 47-4. Permit applications.

A. Any person qualified as set forth may obtain a permit for taking shellfish and setting of nets and fykes from the waters or lands under the waters of the Town of Riverhead by making an application therefor and paying the fee as set forth above. [Amended 6-15-1993]

B. Such application shall be made in duplicate, in writing, in the form prescribed by the Town Clerk and shall state:

- (1) The applicant's name.
- (2) The applicant's residence with street and number, if any.

- (3) The length of time of the applicant's resident residence in the Town of Riverhead.
- (4) The applicant's age, sex, height and color of eyes and hair.
- (5) The applicant's domicile outside the Town of Riverhead with street and number, if any.
- (6) The applicant's real property owned in the Town of Riverhead with street and number, if any.
- (7) Any permits issued hereunder shall become void if the holder ceases to be a resident or temporary resident. [Amended 6-15-1993]

C. Permits shall be in the form prescribed by the Town Clerk and shall contain the matters set forth upon the application. The original application shall be filed in the Town Clerk's office and a duplicate application in the office of the Riverhead Town Police and a duplicate application in the office of the Town Supervisor. Permits shall not be transferable, and any person engaged in taking shellfish from the waters and lands under waters of the Town of Riverhead shall be obligated to disclose his name, address and current permit number to any enforcement officer. Failure to do so shall be presumptive evidence that such person has not obtained such permit.

§ 47-5. Hard clams.

- A. No clams shall be taken from town waters between the hours of sunset and sunrise.
- B. Hard clams measuring less than one (1) inch in thickness shall be returned immediately to the waters of the place where taken.
- C. No hard clams shall be taken from the bottom of the waters of the Town of Riverhead by any tool, instrument or device, except the common rake and tongs used and operated by hand alone.
- D. No hard clams shall be uncovered or located by any mechanically operated or power-driven propeller or by any other mechanically operated or power-driven device or means, and no cover, whether plant life or bottom material, shall be removed by any such mechanically operated or power-driven propeller or by any such other mechanically operated or power-driven device or means.

§ 47-6. Soft clams.

- A. No clams shall be taken from town waters between the hours of sunset and sunrise.
- B. Soft clams measuring less than one and one-half (1 1/2) inches in length shall be returned immediately to the waters of the place where taken, except for propagation purposes in town waters, and this may be done only after a written permit therefor has been granted by the Town Board upon written application therefor, subject to the supervision the Town Board or a committee thereof.

§ 47-7. Conch pots. [Amended 6-15-1993]

- A. Conch pots shall not interfere with designated channels of navigation.
- B. No commercial conch pots or other similar commercial pots shall be set in the waters of the Town of Riverhead without a commercial residential/taxpayer permit.
- C. The placement of more than five (5) pots in the waters of the Town of Riverhead shall be considered the taking of conchs for commercial purposes.

§ 47-8. Crabs. [Amended 6-15-1993]

- A. No person shall take female crabs bearing eggs visible thereon from town waters nor offer for sale or possess the same within the Town of Riverhead.
- B. Crab traps shall not interfere with designated channels of navigation.
- C. No commercial crab traps or other similar commercial trap shall be set in the waters of the Town of Riverhead without a commercial residential/taxpayer permit.
- D. The placement of more than five (5) traps in the waters of the Town of Riverhead shall be considered the taking of crabs for commercial purposes.
- E. Crabs may be taken with a dredge, such dredge having an opening at the mouth not to exceed thirty six (36) inches in width, when towed by a boat operated by mechanical power or other means, provided that such dredge is brought aboard by hand power without the use of mechanical power.
- F. Notwithstanding any other provisions of law, no person shall take blue claw crabs less than five (5) inches in length from point to point by any means from the Town waters.
- G. A commercial permittee shall have no limit on the number of blue claw crabs that may be taken per day. All other permittees may take up to thirty (30) blue claw crabs per day.

§ 47-9. Escallops.

- A. Escallops may be taken with a dredge or scrape, having an opening at the mouth not to exceed thirty-six (36) inches in width, when towed by a boat operated by mechanical power or other means, provided that such dredge or scrape is brought aboard by hand power without the use of a mechanical device, only from the bottom of the following-described waters within the Town of Riverhead. [Amended 6-15-1993]
- B. No escallops shall be taken from town waters between the hours of sunset and sunrise.
- C. Escallops may be taken from the town waters of the Town of Riverhead during the period ~~from the first Monday in October to March 31, both inclusive, in each year~~ specified by the New York State Department of Environmental Conservation. The Town reserves the right to annually evaluate and modify the period during which escallops may be taken provided that such dates are inclusive of the dates specified by the NYSDEC. Bay escallops shall not be taken on Sundays by use of a dredge or other device operated by power. [Amended 6-15-1993]
- D. Only bay escallops having an annual growth line or measuring not less than two and one-fourth (2 1/4) inches from the middle of the hinge to the middle of the bill may be taken. Bay escallops which do not meet the requirements of this subsection shall be returned immediately to the water where taken.
- E. The provisions of this section shall not apply to Private Grants or assignments on deeded bay bottom lands in the Town of Riverhead which are used for aquaculture purposes and are permitted by the New York State Department of Environmental Conservation to use mechanical means for harvesting.

§ 47-10. Oysters.

- A. No oysters shall be taken from the bottom of the waters of the Town of Riverhead by any dredge or mechanical device operated or powered either by sail or by an engine or motor.
- B. No oysters shall be taken from the bottom or from any object affixed or appended to the bottom of the waters of the Town of Riverhead between the hours of sunset and

sunrise.

§ 47-11. Shellfish predators.

Starfish, drills, drum fish and moon snails, when taken, shall not be returned alive to the waters of the Town of Riverhead.

§ 47-12. Shrimp.

No shrimp shall be taken from the waters of the Town of Riverhead by the use of any dredge, except by the light shrimp dredge and except by the minnow seine.

§ 47-13. Town Board authorized to amend equipment and limits.

A. The Town Board is hereby authorized, from time to time, to modify, amend or change the method or equipment used in taking shellfish whenever, in its discretion, it deems it necessary to protect shellfish propagation or if shellfish are in short supply or their existence in town waters is endangered, upon giving ten (10) days' notice in the several newspapers in the Town of Riverhead.

B. The Town Board is hereby authorized, from time to time, to increase or decrease the limits on shellfish to be taken in one (1) day whenever, in its discretion, it deems it necessary for the protection of shellfish in town waters, upon giving ten (10) days' notice in the several newspapers in the Town of Riverhead.

§ 47-14. Limits for taking shellfish.

The limits for taking shellfish shall be as follows:

A. Escallops.

(1) Commercial resident/taxpayer permittees may take ~~ten (10)~~ five (5) bushels per day. Two (2) or more such persons occupying the same boat while taking escallops may take, in the aggregate, not more than ~~twenty (20)~~ ten (10) bushels in one (1) day.

~~(3)~~(2) All other permittees may take individually one (1) bushel per day.

B. All other shellfish as defined herein, except escallops.

(1) Commercial residential/taxpayer permittees: ~~no~~ limit of five (5) bushels.

(2) All other permittees may take individually one-half (1/2) bushel of combined shellfish, of which no more than one hundred (100) may be hard clams.

C. Whenever the total catch on board a vessel exceeds the authorized limit, all persons on board shall be deemed in violation.

§ 47-15. Enforcement.

This chapter shall be enforced by any duly constituted law enforcement agency having jurisdiction within the Town of Riverhead.

ARTICLE III, General Provisions

§ 47-16. Nets and fykes.

A. No person shall set, draw or cast any nets or seines in any of the freshwater ponds or streams within the Town of Riverhead.

B. No resident shall cast, draw or cast any nets, seines or other devices for the commercial purpose of taking fish from the waters of the Town of Riverhead without first obtaining a commercial resident/taxpayer permit. [Amended 6-15-1993]

C. A resident may cast, draw or set a seine, limited in size to fifty (50) feet or less, or other device for the purpose of taking nonedible fish from the waters as shown on the official map filed with the Town Clerk. [Amended 6-15-1993EN]

D. No dock, ~~mooring~~, spile, structure, fishpond or fyke shall be placed in the waters of the Town of Riverhead unless duly authorized by a written permit ~~of~~ from the Town

Board of Riverhead.

E. No net, seine or other device shall be placed in any channel in the waters of the Town of Riverhead.

F. No fish traps or pounds shall be placed in the waters of the Town of Riverhead at any time, with the exception of fykes, which may be set in any season, and all such fykes shall conform to the following requirements:

(1) Hoops shall be not over five (5) in number or more than approximately three (3) feet in diameter.

(2) Wings shall be straight and not more than twelve (12) feet in length, each.

(3) Leaders shall be not over twenty (20) fathoms in length.

(4) Stakes shall be not over five (5) in number.

G. The number of fykes which may be set by any one (1) person between May 1 and September 30, both inclusive, in each year, shall be no more than two (2), and each fyke shall bear the name of the owner thereof.

H. Commercial resident/taxpayer fishing permit. A commercial resident/taxpayer shellfish permit issued pursuant to the provisions of § 47-3 shall constitute a valid commercial fishing permit. [Added 6-15-1993]

§ 47-17. Dragging or dredging.

A. No person shall, by the use of any trawl, scoop, net or similar device, while the same is attached or fastened in any manner to any boat, float or device, pull, drag, shove or move in any manner so as to disturb, scrape or move any lands or the surface of any lands under any of the waters of the Town of Riverhead. This regulation shall apply whether or not any mechanical power is actually employed to move any such trawl, scoop or net.

B. Nothing herein contained shall be construed to apply to a bona fide dredging service while engaged in any work duly authorized by permit from the Town Board, to any bona fide haul seine not in excess of fifty (50) feet in length or to the taking of eels by a mechanically operated eel spear. [Amended 6-15-1993]

C. No person shall pull, drag, shove or move any device in such manner so as to disturb any lands and the surface thereof under the waters of the Town of Riverhead.

§ 47-18. Eel dredges. [Amended 6-15-1993]

A. Eel pots shall not interfere with designated channels of navigation.

B. No commercial eel pots or other similar commercial trap shall be set in the waters of the Town of Riverhead or eels taken from the waters of the Town of Riverhead without a commercial resident/taxpayer permit.

C. The placement of more than five (5) pots in the waters of the Town of Riverhead shall be considered the taking of eels for commercial purposes.

D. Between April 1 and November 15, both inclusive, no eels, fluke, flounders or fish shall be taken from the bottom of or caught from the waters as shown on the Official Map as filed with the Town Clerk by the so-called eel dredge, comb, or by any mechanical device operated either by sail or power gas engine or electric motor.

E. Notwithstanding any other provisions of this chapter, no person shall take elvers (juvenile eels) by any means from any Town waters. Size limits for elvers shall be established by the New York State Department of Environmental Conservation.

§ 47-19. Derelicts.

A. No person shall abandon any vessel in any of the waters of the Town of Riverhead.

B. Any abandoned vessel shall be removed ~~by the Town Board~~ at the direction of an Town of Riverhead enforcement officer at the expense of the owners and shall be destroyed or sold to defray any expenses in connection with the removal or salvage of any abandoned vessel.

C. Any deteriorated or unsafe docks, bulk heading or spilings as determined by the Town Engineer, shall be removed at by the Town Board direction of a Town of Riverhead enforcement officer at the expense of the owners.

~~D. The term "vessel," as used herein, shall mean any boat or floating structure, whether seaworthy or wrecked, which shall be left anchored or unattended in the waters of the Town of Riverhead for a period of 90 days.~~

~~E D.~~ Notice of intention to remove or dispose of any abandoned vessel or deteriorated dock shall be given by mail to any known or reputed owner at the last known address of said owner and by publishing a notice of intention to remove and dispose of any abandoned vessel in ~~at least one~~ the official newspaper ~~published in~~ of the Town of Riverhead at least 10 days in advance of such removal and disposition.

E. Manner of assessment of cost of removal or disposal.

In any case where it shall be necessary for the Town Board to have work performed due to the failure of the owner of said abandoned vessel or deteriorated or unsafe dock, bulkheading or spilings to comply with the Town Board's resolution, the Town shall be reimbursed for the cost of the work performed or the services rendered at its direction by assessment or levy upon lots or parcels of land where such work was performed or such services rendered. So much of the actual cost as was actually incurred upon each lot or parcel and the change therefore shall be assessed and collected in the same manner and in the same time as other ad valorem town charges.

§ 47-20. Bays and ponds. [Amended 6-15-1993]

No person shall dam, open up or drain, in any manner whatsoever, any of the bays, ponds or streams within the boundaries of the Town of Riverhead unless duly authorized by written permit, after application and public hearing thereon of the Town Board.

§ 47-21. Docks, moorings, basins and ramps. [Amended 9-3-2003 by L.L. No. 18-2003]
Purpose. (Added)

There has been a significant increase in the applications for and the numbers of fixed and floating piers, and docks accessory to upland residential and other uses. Most of these structures and the uses they support are on and in publicly owned land and waters and always have some effect on physical, biological, ecosystem functions and values, development patterns and the aesthetic character of the area. Therefore it is essential to regulate the type and placement of such structures.

The Town Board declares that it is necessary to regulate the type and placement of fixed and floating piers, moorings and docks, for the protection, preservation, proper maintenance and use of its waters and wetlands. Therefore fixed and floating piers, moorings and docks shall be regulated in order to maintain and contribute to the following resource area values and the attributes and functions they possess: erosion and sedimentation control; storm damage prevention; water pollution control; fisheries; shellfish, including spawner sanctuaries; wildlife habitat; agriculture; aesthetics; and

recreation. In addition, the following resource area values also shall be maintained and protected including: protection and enhancement of existing vegetation cover in order to maintain water quality and wildlife habitat; protection of wildlife, waterfowl, and plant habitat and the maintenance of existing populations and species diversity; prevention of loss or degradation of critical life wildlife and plant habitat; navigation; public access to water and land; and the minimization of the impact of new development, reconstruction and/or expansion on the resource area values listed above.

~~A. No dock, basin or ramp owned, controlled or operated by the Conservation Advisory Council shall be used by persons other than residents of the Town of Riverhead.~~

B A. No person shall place any obstructions or place, pile or store any nets, boxes, bait cars or fishing equipment or gear whatsoever upon any dock, wharf or pier or highway owned, controlled or operated by the Conservation Advisory Council Town of Riverhead so as to obstruct pedestrian or vehicular traffic on the public right of way.

C B. It shall be the policy of the Town of Riverhead that all moorings, docks and appurtenant structures shall be designed, constructed, and located so as to reduce potential adverse impacts to natural resources and habitats, navigation, public safety, waterway congestion, and access to public lands and water.

D C. The standards for a residential dock shall be as follows:

(1) In no case shall the length of the dock exceed 150 feet in length or exceed 15% of the width of the waterway, whichever meets the minimum three-foot low water depth;

(2) Only one dock may be constructed on a residential lot that has a riparian right. A waiver to this provision may be granted where a single dock is proposed for common use by a maximum of three adjacent property owners;

(3) A residential dock and associated mooring piles must be configured so that no more than three vessel berths are created for each residential lot with riparian rights;

(4) The dock and any appurtenant structure, or any vessel tied to the dock, may not be located within or impinge upon that area located within 10 feet of the seaward extension of any property line;

(5) The width of a catwalk or dock may not exceed four feet and must be elevated a minimum of four feet above the mean high water mark and a minimum of four feet above grade when traversing any tidal or freshwater wetlands, as identified by the Wetland Inventory Maps for the Town of Riverhead, or those freshwater or tidal wetlands identified on maps prepared for the New York State Department of Environmental Conservation;

(6) The width of any single float may not exceed six feet in width nor 20 feet in length and shall be secured or installed in such a manner that the float shall not rest on the bottom of the water body at any time during the tidal cycle.

E D. The standards for commercial docks shall be as follows:

(1) In no case shall the dock length, excluding that portion landward of the apparent mean high water mark, be in excess of 150 feet nor exceed 30% of the width of the waterway, whichever is less;

(2) The width of a catwalk or dock may not exceed eight feet and must be elevated a minimum of four feet above grade when traversing any tidal or freshwater wetlands;

(3) The width of any single float may not exceed eight feet in width and shall be secured or installed in such a manner that the float shall not rest on the bottom of the

water body at any time during the tidal cycle;

~~(4) All commercial docking facilities which provide fuel to vessels or provide 75 or more docking slips must also provide pump-out facilities for vessel sanitary waste;~~

(5)(4) A permit for the commercial operation of docking facilities must be applied for on an annual basis. The fee for this permit shall be \$10 per berth, with a minimum fee for this permit of \$50 and a maximum fee of \$200;

~~(6)(5) A certificate of insurance indicating a minimum liability coverage of \$1,000,000 must be placed on file with the Town each year of operation.~~

F E. Safety requirements for private and commercial docks.

(1) All electrical installation must comply with the National Electric Code (NEC) and must be inspected and approved by a representative of the Town of Riverhead Building Department;

(2) An appropriate fire extinguisher must be permanently affixed to the dock during the boating season and located within 75 feet of any boat;

(3) The storage of fuel on a dock is prohibited;

(4) A permit issued by the Fire Marshal or by the Bay Constable is required for the purpose of mobile fueling of a vessel. This permit shall specify the date and the time when the fueling is to be scheduled.

(5) All commercial or private docking facilities which provide fuel to vessels or provide 75 or more docking slips must also provide pump-out facilities for vessel sanitary waste;

G F. Standards for boat moorings.

(1) No boat mooring or dock shall be located within the lines of any navigation channel, be located within 50 feet of any channel marker or so as to interfere with the full use of such channel, nor shall any mooring or dock be located within 100 feet of any municipal dock.

(2) No mooring shall be placed within fifty (50) feet of the low tide line of any shore within the Peconic Estuary.

(3) No mooring, spile, or structure shall be placed in any legally, commercially leased lands dedicated to the purposes of aquaculture.

(4) No iron post, engine block, cement block, etc. shall be allowed as a mooring anchor. Anchoring for a mooring must be either a wooden stake, a mushroom anchor, or other device designed specifically for boat mooring of a weight prescribed by the Bay Constable. Moorings shall conform in design and shall be installed in accordance with the standards and guidelines outlined in "Chapman's Piloting Seamanship and Small Boat Handling."

(5) No mooring shall be allowed for any vessel in excess of twenty-six feet (26') in length on any creek, pond, embayment or harbor on the Peconic Bay Estuary.

(6) No mooring shall be placed so as to interfere with the sweep area of any other moored boat.

H G. The disturbance of natural vegetation and topography during construction activities shall be minimized to the greatest degree possible. To this end, project-limiting fencing, siltation mesh, straw bales or similar devices for controlling land disturbances and retarding erosion and siltation shall be required during construction and during any clearing or grading of land preparatory to or associated with construction activities.

~~F.H.~~ No permit from the ~~Conservation Advisory Council~~ Town Board which is required for projects or activities in tidal waters shall allow the use of wood which has been treated with commercial copper quat (ACQ), pentachlorophenol, or creosote. Wood treated with copper chromated arsenate (CCA) may be used for pilings and framing only. All planking ~~and framing~~ must be constructed of material alternative to CCA-treated wood. In determining whether no reasonable alternative to the proposed construction material exists, the Conservation Advisory Committee shall take into account the cost of alternative materials, their suitability for the intended use (eg., structural integrity) and any environmental benefit to using alternative materials. The provisions of this section are subject to modifications as determined by the New York State Department of Environmental Conservation.

~~F.I.~~ Dock flotation billets must be constructed of durable and acceptable material.

~~K.J.~~ The Town shall have the right to seek removal of any dock which has been constructed or placed without a permit or is in violation of the standards and/or restrictions set forth in this section.

~~L.K.~~ In considering the issue of a permit by the ~~Conservation Advisory Council~~ Town Board, the following impacts shall be weighed:

- (1) The effects upon safe navigation;
- (2) The potential for interference with public use of waterways for swimming, boating, fishing, shell fishing, waterskiing and the like;
- (3) The potential for interference with transit by the public along the beaches or foreshore;
- (4) Whether or not the structure will significantly impair the use or value of waterfront property adjacent or near to the dock;
- (5) The potential for degradation of surface water quality;
- (6) The potential for destruction of beds of eel grass (*Zostera marina*) or shellfish;
- (7) The potential for unduly restricting tidal flow or water circulation; and
- (8) The possibility of despoiling views from public parklands or roadways.

~~M.L.~~ Any dock which received a DEC permit prior to the filing of the local law amending this chapter shall be grandfathered from the provisions herein.

~~L.M.~~ Locations of tidal wetlands, creeks water bodies and bays regulated by this section of the Town Code are as follows, but not to be exclusive of:

- (1) East Creek
- (2) Baiting Hollow Marsh
- (3) Meeting House Creek
- (4) Moose Landing Pond at Pier Avenue
- (5) Reeves Creek
- (6) Sawmill Creek
- (7) Terry's Creek
- (8) Peconic River
- (9) Wading River Creek
- (10) Great Peconic Bay shoreline (fifteen-hundred feet) 1500' seaward from mean high water
- (11) Flanders Bay
- (12) Cases Creek

§ 47-22. Leases for bay bottomland.

No leases shall be granted for any bay bottomlands underwater, except upon special permit as provided in Chapter 108 of the Riverhead Town Code granted by the Riverhead Town Board. In addition to the special permit requirements of Chapter 108, the Town Board shall refer each lease application to the Riverhead Conservation Advisory Council for its review and recommendations.

§47-23. Permits and applications.

A. No person shall dig, dredge or change the bottom of any of the waters in the Town of Riverhead nor drive or place therein any bulk heading, dock, mooring or obstruction nor deposit any material whatsoever nor empty any drain or sewage in said waters nor dig any boat channel or ~~basis~~ basin in any upland to afford access to any of said waters nor cause the same to be done unless authorized by a permit issued by the Riverhead Conservation Advisory Council Town Board.

~~B. No permit shall be issued by the Riverhead Conservation Advisory Council for any of the purposes described in Subsection A hereof, except upon a written application in the following general form:~~

~~Instructions: No application will be considered unless accompanied by maps or sketches acceptable to the Town Board of the Town of Riverhead showing exact location and size of property in Riverhead Town at the waterfront and adjoining neighbors as required by the rules of said Town Board.~~

~~C. This application shall be signed by the owner of the property to be benefited, improved or in any manner served by the project for which a permit is sought or by the person, firm or corporation by whom the work is to be performed acting as agent for the owner of the land.~~

~~D. Unless the application is for the purpose of obtaining a permit to dredge, the last paragraph of this application is inapplicable. Applicants are advised that while the permit of this Board to dredge, erect a dock or bulkhead is necessary, a permit must be obtained from the Department of the Army, New York District Corps of Engineers, if in navigable or channel waters. A permit may also have to be obtained from the building department of the local municipality having jurisdiction.~~

§ 47-24. Form of applications.

~~A. The application for a permit shall also contain the following:~~

~~To the Town Board of the Town of Riverhead [complete either (a) or (b)]~~

~~(a) The undersigned owner (name) of (address).~~

~~(b) The undersigned agent (name of agent) of (address of agent), agent for (owner's name) of (owner's address), does hereby make application for a permit to do work as follows: (state character and description of work).~~

~~The undersigned has read the rules of the Town Board as set forth on the reverse side hereof and is familiar with the same and agrees to fully comply with all provisions thereof and has signed the reverse side hereof as part of this application. The undersigned further agrees to promptly place and maintain any signs required by said Town Board's rules and, upon failure to do so, authorizes said trustees, their employees or agents to obtain, place and maintain the same with the right to recover the cost of making, placing and maintaining such signs.~~

~~Date: (date)~~

~~(signature of owner or agent)~~

Applicant

~~B. Any permit issued by the Riverhead Conservation Advisory Council pursuant to the provisions of this Article shall be in the following form:~~

~~Permit No.: Amount of fee received (amount). Person to whom permit was sent (name).~~

~~An application having been made to this Town Board of the Town of Riverhead by (owner) or (name of individual acting as agent) or (owner) residing at (address) for a permit to (description).~~

~~Permission is hereby granted to perform or install said work subject at all times to the plans of maps filed with this Board and the rules of this Board now in force or hereinafter enacted.~~

~~This permit may be terminated at any time by the Town Board if the holder ceases to be a resident, temporary resident or taxpayer. No work shall be done after the date of termination. This permit is made in duplicate, and, in the event of any discrepancy between the copy and the files of this Board and the copy held by the applicant, the copy so filed shall control. No permit shall be valid unless signed by the authorized officers of this Board and sealed with its Seal.~~

~~Dated: Riverhead, New York, this _____ day of _____,~~

~~19__~~

A. The application for a permit shall comply with the directions and standards for a "Chapter 47 and/or Chapter 107 Conservation Advisory Council Application for Permit (CAC-1)."

B. The Director of the Planning Department shall retain the original permit application for his/her files and distribute one copy each to the Town Board, the Conservation Advisory Council and all other involved agencies.

C. The Conservation Advisory Council shall review all completed permit applications and provide a written report decision to the Town Board, other involved agencies, and the applicant stating its findings and conclusions, within thirty-five (35) days of its receipt of said application. However, such thirty-five (35) day time period shall not apply where an environmental impact statement is to be prepared by the applicant, in which case said sixty-day (60) period shall not commence until a final environmental impact statement has been accepted by the lead agency exercising jurisdiction over the project.

D. The Conservation Advisory Council determination(s) shall be binding unless modified by the Town Board within 15 days of submittal by the Conservation Advisory Council to the Town Board. Such fifteen-day period shall commence upon the lapse of three days from mailing of a copy of the decision of the Conservation Advisory Council to the applicant or service upon the Town Board, whichever shall be later. If either the applicant or the Town Board desires a modification of the determination(s) of the Conservation Advisory Council, a public hearing shall be held upon prior reasonable public notice published in the official newspaper of the Town, and the Town Board shall hold a public hearing on the permit application. The Town Board shall, after the required public hearing, then render a decision to deny, approve or approve with conditions the permit application. In rendering a decision of approval, approval with conditions or denial of a permit, the Town Board shall state, in writing, its findings of fact and conclusions. The

decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the permit application to the applicant, together with the decision and conditions, if any, imposed by the Town Board attached.

E. The decision of the Town Board regarding a permit application shall be judicially reviewable.

F. Based upon the proceedings and decision of the court in the event a taking is declared, the Town may, within the time specified by the court, elect to:

(1) Institute condemnation proceedings to acquire the applicant's land in fee by purchase at the fair market value.

(2) Approve the permit application with lesser restrictions or conditions.

(3) Invalidate all conditions and the application of this chapter to the applicant's land and grant a permit without conditions.

G. The permit holder or his agent shall keep posted, in a conspicuous place on the work site, the permit card and shall keep the same posted until completion of the work.

H. Operations conducted under the permit shall be open to inspection at any time by any agency or agent of Riverhead Town.

I. The location and boundaries of the proposed project must be clearly indicated in the field for the purposes of inspection by any agency or agent of Riverhead Town.

J. The permit application fee is one hundred dollars (\$100); A maximum penalty of three hundred dollars (\$300), in addition to the regular permit fee, may be levied for any applicant who commences construction prior to the issuance of a permit from the Town of Riverhead.

(Seal)

TOWN BOARD OF THE TOWN OF RIVERHEAD

Town Supervisor

~~C. All applications for permits and all permits shall contain on the reverse side thereof such rules of the Town Board regulating the purpose or purposes for which any such permits may be issued, as said Town Board shall from time to time adopt and enact.~~

§ 47-25. Termination of permit.

A. The permit is void if not used within one (1) year from the date of issue.

B. Any permits issued hereunder shall become void if the holder ceases to be a resident, temporary resident or taxpayer in the Town of Riverhead.

C. No extension of this permit shall be granted, except for good cause shown and upon written application. All permits are revocable by order of the Town Board.

ARTICLE IV, Penalties

§ 47-26. Penalties for offenses. [Amended 6-15-1993]

~~Any person who shall violate any of the above provisions of these regulations shall be liable to a penalty of no more than two hundred fifty dollars (\$250.), and each and every violation of said provisions shall constitute a separate violation for which a separate penalty of two hundred fifty dollars (\$250.) may be recovered in the same action. Nothing herein contained shall prevent, impair or deny the maintenance of any action or proceeding to compel compliance with or restrain by injunction any violation of these rules.~~

A. Any person, association, firm or corporation which violates any provision of this chapter or assists in the violation of any provision of this chapter shall be guilty of a violation, punishable:

(1) By a fine of not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1000) or by imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of a first offense.

(2) By a fine of not less than one thousand dollars (\$1000) nor more than three thousand dollars (\$3000) or by imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of the second of two offenses, both of which were committed within a period of five (5) years.

(3) By a fine of not less than two thousand dollars (\$2000) nor more than five thousand dollars (\$5000) or by imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of the third or subsequent offenses of a series of offenses, all of which were committed within a period of five years.

B. Each week's continued violation shall constitute a separate and additional violation.

ARTICLE V, Severability

§ 47-27. The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase thereof shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Adopted

NOVEMBER 21, 2006

TOWN OF RIVERHEAD

Resolution # 1064

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR TRACTOR

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for a TRACTOR and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the NOVEMBER 30, 2006 issue of the News Review and;

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

THE VOTE

Dunleavy Yes No

Bartunek 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 a TRACTOR 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 11:10 a.m. on DECEMBER 7, 2006.

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

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

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

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

BY ORDER OF THE TOWN BOARD

OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

11/21/2006

Adopted

AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS
PROJECT NO: RDWD 05-57
CARRERA PROPERTY, WADING RIVER

Resolution # 1065

~~COUNCILMAN DUNLEAVY~~ offered the following resolution, which was
seconded by ~~COUNCILMAN DENSIESKI~~

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice of Bidders in the November 30, 2006 issue of the News Review, with regard to receiving bids for Installation of Water Mains and Appurtenances, Carrera Property, Wading River, New York, and be it further

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

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

NOTICE TO BIDDERS

The Town Board of Riverhead will receive bids for the "Installation of Water Mains and Appurtenances" for the Riverhead Water District at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, until 11:00 am on Monday, December 11, 2006, at which time and place all bids will be publicly opened and read aloud for:

PROJECT NO. RDWD 05-57

CARRERA PROPERTY, WADING RIVER

RIVERHEAD TOWN NO. 60087

Plans and specifications may be examined and obtained on or after November 30, 2006 at the Office of the Town Clerk between the hours of 8:30 AM and 4:30 PM weekdays, except holidays or by visiting the Town of Riverhead website: www.riverheadli.com and click on "Bid Requests".

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

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

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

ACTING AS THE GOVERNING BODY
OF THE RIVERHEAD WATER DISTRICT

BARBARA GRATTAN, TOWN CLERK

DATED: November 21, 2006

11/21/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1066

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED AT 8 ROBERTS PATH, WADING RIVER, NEW YORK

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

WHEREAS, the Town Board has determined that the property situated at 8 Roberts Path, Wading River, New York is being used and occupied in violation of various sections of the Code of the Town of Riverhead and the New York State Uniform Fire Prevention and Building Code; and

NOW, THEREFORE

BE IT HEREBY RESOLVED, that Dawn C. Thomas, Town Attorney for the Town of Riverhead is authorized to institute legal action in the name of the Town of Riverhead against the owners, tenants, occupants and mortgagee of the dwelling situated at 8 Roberts Path, Wading River, New York in the Supreme Court of the State of New York to enjoin the illegal use, occupancy and/or maintenance of said property and the dwelling situated upon such; and be it further

RESOLVED, that it is left to the discretion of Dawn C. Thomas, Town Attorney for the Town of Riverhead as whether said cause of action should seek monetary and/or punitive damages against the owners, tenants, occupants and/or mortgagee of said property for their illegal use, occupancy and maintenance of said property.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
 Blass yes ___ no Derisieski yes ___ no
 Cardinale yes ___ no

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

11/21/06

TOWN OF RIVERHEAD

Adopted

Resolution # 1067

**GRANTS EXCAVATION PERMIT AS PROVIDED BY CHAPTER 62 TO
STONELEIGH WOODS AT RIVERHEAD, LLC.**

COUNCILWOMAN BLASS

_____ offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK _____:

WHEREAS, Stoneleigh Woods at Riverhead LLC owners of the of the subject property located at Middle Road, Riverhead, NY, Suffolk County tax map number, 600-82.-4-221.5 and 221.9, and

WHEREAS, the owners have petitioned the Town Board and Building Department for site plan approval to allow the exportation of 46,407 cubic yards of soils for the construction of a retirement community condominium complex as depicted on a survey as Phase I, prepared by Young & Young, dated August 23, 2006, and

WHEREAS, the owners are requesting to export 10,000 cubic yards of the proposed 46,407 cubic yards, as depicted on the approved Site Plan for Phase I as provided by Resolution 390 dated May 2, 2006, and

WHEREAS, the owner has applied to the Building Inspector and the Town Board for an Excavation permit pursuant to Chapter 62 of the Town Code of the Town of Riverhead; to commence site work at the subject property in accordance with their approved site plan as provided by Resolution 390 dated May 2, 2006, and

WHEREAS, the applicant's engineer, Douglas E. Adams, P.E., of Young & Young, has submitted an excavation/grading plan indicating a total of 46,407 cubic yards of soil to be exported, and such removal of material will be supported by a manifest from the owners and approved by the Town of Riverhead Engineer and Building Department, and

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

NOW, THEREFORE, BE IT

RESOLVED, that based upon the foregoing, the Town Board hereby grants the excavation permit requested by the applicant, such excavation permit authorizing the exportation of not more than 10,000 total cubic yards of

soils in accordance with the permit application and calculations of Douglas E. Adams, P.E., pursuant to a notation on the site plan prepared by Young & Young Engineering and dated August 23, 2006, and be it further,

RESOLVED, the Building Department is hereby authorized to accept fees in the amount of \$ 20,000.00 dollars representing \$2.00 per cubic yard for the exportation of 10,000 cubic yards, be it further,

RESOLVED, that the excavation permit is conditioned upon specified hours of operation, between the hours of 7:00 a.m. and 5:00 p.m. Monday through Saturday only, be it further,

RESOLVED, the applicant grants permission to the Town of Riverhead to randomly oversee the exportation of said soils and to enter the site to perform soil boring tests, if necessary, during the construction of the said project, be it further,

RESOLVED, the owner is responsible for all expenses incurred by the Town of Riverhead to enforce all of the provisions of this permit and the Riverhead Town Code, and be it further,

RESOLVED, that upon conclusion of the excavation operations that the applicant's engineer will provide certification to the building department confirming the total of 10,000 cubic yards that was removed from the property, and be it further,

RESOLVED, that the owner must reapply to the Building Department and the Town Board to export the remaining 36,407 cubic yards prior to the exportation of said materials, and be it further,

RESOLVED, that all other provisions of Chapter 62 being hereby waived pursuant to Chapter 62.5, and be it further,

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Stoneleigh Woods at Riverhead LLC, PO Box 1442, Riverhead, New York 11901, the Riverhead Planning Department, The Riverhead Town Engineer, and the Riverhead Building Department.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

11/21/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1068

**RESOLUTION AND CONSENT APPROVING THE DEDICATION OF
HIGHWAYS KNOWN AS HIDDEN ACRES PATH, BROOKLINE COURT,
RIVIERA COURT, MAIDSTONE LANE, INVERNESS COURT, SALEM
COURT, TACONIC COURT, CANTERBURY COURT, ST. ANDREWS PATH,
CALVERTON COURT AND RECHARGE BASIN
(BIRCHWOOD AT WADING RIVER – SECTION 1)**

COUNCILMAN BARTUNEK offered the following resolution, was seconded
by COUNCILMAN DUNLEAVY:

At a regular meeting of the
Town Board of the Town of
Riverhead, in the County of
Suffolk, State of New York,
held at 200 Howell Avenue,
Riverhead, New York on the
21st day of November, 2006.

P R E S E N T :

- Hon. Philip J. Cardinale, Supervisor
- Edward Densieski, Councilperson
- George Bartunek, Councilperson
- Barbara Blass, Councilperson
- John Dunleavy, Councilperson

X

In the Matter of the Dedication of
Certain Highways in the Town of
Riverhead, County of Suffolk and
State of New York, Known as

**RESOLUTION
AND CONSENT**

**HIDDEN ACRES PATH, BROOKLINE COURT,
RIVIERA COURT, MAIDSTONE LANE,
INVERNESS COURT, SALEM COURT,
TACONIC COURT, CANTERBURY COURT,
ST. ANDREWS PATH, CALVERTON
COURT AND RECHARGE BASIN.**

X

WHEREAS, a certain subdivision map was filed in the Office of the Clerk of the County of Suffolk, known as "Birchwood at Wading River, Section 1", Town of Riverhead, County of Suffolk, State of New York, filed on August 31, 2001 as File No. 10670 in the Office of the Clerk of Suffolk County, Riverhead, New York; and

WHEREAS, plans for the construction of various improvements to said roads and drainage area known and designated as **HIDDEN ACRES PATH, BROOKLINE COURT, RIVIERA COURT, MAIDSTONE LANE, INVERNESS COURT, SALEM COURT, TACONIC COURT, CANTERBURY COURT, ST. ANDREWS PATH, CALVERTON COURT** and **RECHARGE BASIN** were submitted to the Planning Board of the Town of Riverhead; and

WHEREAS, the Town Board of the Town of Riverhead did approve a performance bond as to form, sufficiency, manner of execution and surety; and

WHEREAS, said roads, drainage systems, sumps and other improvements have been completed in accordance with the plans and specifications of the Town of Riverhead Planning Board; and

WHEREAS, the construction of the said roads, drainage systems, sumps and other improvements have met with the approval of the Superintendent of Highways of the Town of Riverhead; and

WHEREAS, a copy of the Order Laying Out Road Upon Consent of Owner(s) from the Superintendent of Highways indicating his consent is annexed hereto and made a part hereof; and

WHEREAS, a special search street dedication from Omni title Agency as agents for Commonwealth Land Title Insurance Company, Title Number 0608-294747, dated June 27, 2006, has been filed with the Clerk of the Town of Riverhead, together with a deed of dedication and release affecting said roads, drainage systems, sumps and/or other improvements.

NOW THEREFORE BE IT RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same is hereby given that the Superintendent of Highways of the Town of Riverhead, make an order laying out certain roads and drainage area known as **HIDDEN ACRES PATH, BROOKLINE COURT, RIVIERA COURT, MAIDSTONE LANE, INVERNESS COURT, SALEM COURT, TACONIC COURT, CANTERBURY COURT, ST. ANDREWS PATH, CALVERTON COURT** and **RECHARGE BASIN**, said Town roads to consist of the land described in the deed of dedication dated the 16th day of May, 2006 and to extend same as delineated therein; and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby directed to forthwith cause such deeds of dedication to be recorded in the Office of the Clerk of the County of Suffolk, and upon its return, to attach it hereto; and be it further

RESOLVED, that the maintenance bond (International Fidelity Insurance Company Maintenance Bond #285271) received has been reviewed and approved by the Town Attorney as to form and that the Town Clerk is hereby directed to release any and all previously submitted performance bonds upon adoption of this resolution by the Town Board; and be it further

RESOLVED, that letters of intent of non-renewal/cancellation from the financial institution issuing said maintenance bond shall be sent at least 60 days prior to the renewal/cancellation date, via certified mail, to the Office of the Town Attorney, 200 Howell Avenue, Riverhead, New York, 11901; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that the Town Clerk be and 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; International Fidelity Insurance Company, One Newark Center, 20th Floor, Newark, New Jersey, 07102; Attn: Maintenance Bond Division, Bond #285271-M; the Riverhead Superintendent of Highways; the Planning Board; the Planning Department; the Assessor's Office; the Tax Receiver's Office and the Town Attorney's Office.

Dated: Riverhead, New York
November 21, 2006

**TOWN BOARD OF THE
TOWN OF RIVERHEAD**

PHILIP J. CARDINALE

EDWARD DENSIESKI

GEORGE BARTUNEK

BARBARA BLASS

JOHN DUNLEAVY

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

11/21/06

TOWN OF RIVERHEAD

Adopted

Resolution # 1069

ACCEPTS IRREVOCABLE STANDBY LETTER OF CREDIT OF GRUHILL CONSTRUCTION CORP.

COUNCILMAN DUNLEAVY

offered the following resolution, was seconded by

COUNCILMAN DENSIESKI

WHEREAS, by Resolution #31 dated April 10, 2006, the Riverhead Planning Board adopted a resolution conditionally approving the final plat of the subdivision entitled, "Gateway East, LLC"; and

WHEREAS, the aforementioned resolution requested that Gateway East, LLC post a performance bond or other security in the amount of \$272,000.00 representing road and drainage improvements to be completed within said subdivision; and

WHEREAS, the Town is in receipt of a letter from Sean M. Walter, Esq., Attorney for Gateway East, LLC, dated November 13, 2006, advising that Gruhill Construction Corp. is currently in contract to purchase this subdivision from Gateway East, LLC; and

WHEREAS, Gruhill Construction Corp. has submitted to the Town, Suffolk County National Bank Irrevocable Standby Letter of Credit #061109 in the amount of Two Hundred Seventy-Two Thousand and 00/100 (\$272,000.00) Dollars for improvements to be completed within said subdivision; and

WHEREAS, the Town Attorney has reviewed said irrevocable standby letter of credit and determines same to be acceptable in connection with the improvements to be completed in the subdivision entitled, "Gateway East, LLC".

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts Suffolk County National Bank Irrevocable Standby Letter of Credit #061109 in the amount of Two Hundred Seventy-Two Thousand and 00/100 (\$272,000.00) Dollars for improvements to be completed within said subdivision; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Sean M. Walter, Esq., 1348 Wading River Manor Road, P.O. Box 852, Wading River, New York, 11792; Gruhill Construction Corp., P.O. Box 718, Manorville, New York, 11949; Vincent Gaudiello, P.E., John Raynor, P.E., L.S., P.C., P.O. Box 720, Water Mill, New York, 11976; the Building Department; the Planning Department; the Planning Board; the Accounting Department and the Office of the Town Attorney.

Z:\Laura Calamita\bonds\acceptGatewayEast.res.doc

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

11/21/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1070

ADOPTS AMENDED FEE SCHEDULE FOR ELECTRICAL INSPECTIONS UNDER CHAPTER 52

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

WHEREAS, The Town Board of the Town of Riverhead is authorized to establish fees for electrical inspections, pursuant to Section 52-6 (j) (2) of the Riverhead Town Code; and

WHEREAS, the Town Board of the Town of Riverhead has reviewed the current fees and deems said fees are to be amended, and;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby adopts the amended fee schedule for electrical inspections as provided in the attached schedule of fees entitled, "work order codes for electrical applications"; and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the Building Department, the Electrical Inspector, the Accounting Department, and the office of the Town Attorney.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
WORK ORDER CODE FOR ELECTRICAL APPLICATIONS**

RESIDENTIAL & AGRICULTURAL FEES:

<u>Code:</u>	<u>Fee:</u>
ELAB 10 Devices or less	\$49.00
ELEA AG swimming pool, signs, fire reconnects	\$81.00
ELEB residential garage, add./renov. not to exceed 500 sq. ft.	\$97.00
ELEC residential home, add./renov. 501 to 1000 sq.ft. per occupancy	\$129.00
ELED residential home, add./renov. 1001 to 1600 sq.ft. per occupancy	\$162.00
ELEE residential home, add./renov. 1601 to 2500 sq.ft.	\$243.00
ELEF residential home, add./renov. 2501 to 3500 sq.ft	\$324.00
ELEG residential home, add./renov. 3501 sq. ft. or larger	\$635.00
ELSP IG swimming pool, hot tub	\$130.00
Heated pools an additional	\$67.00
ELSD electrical survey, defects removed	\$138.00
ELME residential mechanical equipment	\$49.00
{ ELTGH Temporary Greenhouses	\$81.00
{ ELPGH Permanent Greenhouses	\$115.00
SVCU service 400 amps or under	\$81.00
SVCO service over 400 amps	\$146.00
CONDO per unit	\$243.00

RESIDENTIAL FEES INCLUDE SERVICE

INSPECTION SCHEDULE:

1. underground work requires a trench inspection
2. rough inspection prior to insulation
3. final inspection at completion

COMMERCIAL FEES -DO NOT INCLUDE SERVICE

<u>Code:</u>	<u>Fee:</u>
CMEA 5 or less devices (basic)	\$67.00
CMEA 6 or more devices <i>(plus \$1.00 per replaced device)</i>	\$150.00
CMEB comm. bldg., renov./add. not to exceed up to 500 sq. ft.	\$138.00
CMEC comm. bldg., renov./add. 501 to 1000-sq. ft.	\$203.00
CMED comm. bldg., renov./add. 1001 to 1600 sq. ft.	\$284.00
CMEE comm. bldg., renov./add. 1601 to 2500 sq. ft.	\$405.00
CMEF comm. bldg., renov./add. 2501 to 3500 sq. ft.	\$567.00
CMEG comm. bldg., renov./add. 3501 to 10,000 sq. ft.	\$648.00
CMEH comm. bldg., renov./add. 10,110 to 20,000 sq. ft.	\$972.00
CMEI comm. bldg., renov./add. 20,001 to 30,000 sq. ft.	\$1,215.00
CMEJ comm. bldg., renov./add. 30,001 to 50,000 sq. ft.	\$1,701.00
CMEK comm. bldg., renov/add. 50,001 to 100,000 sq. ft.	\$2,511.00
CMEL comm. bldg., renov./add. 100,001 sq. ft. & above	\$3,159.00
CMSP comm. swimming pools & related equipment	\$243.00
CMEM gas station, marina & related equipment	\$486.00
Tents up to 2,000 s.f. a flat fee of	\$200.00
2,001 s.f. and up a flat fee of	\$350.00
CMME comm. mechanical equipment	\$121.00
CONDO per unit	\$243.00
Duplicate Certificates	\$40.00
CMAP Carbon Monoxide Alarm(s)	\$40.00

** If not listed above, please contact the office of the Electrical Inspector, 631-727-3200 x 268, effective 5/1/00, revised 7/16/02, 1/20/04, 8/1/06, 11/21/06

Adopted

November 16, 2006

TOWN OF RIVERHEAD

Resolution # 1071

AUTHORIZES THE TOWN ATTORNEY TO ORDER AN UPDATED APPRAISAL AND PHASE I FOR PROPERTY LOCATED ON RIVERSIDE DRIVE (The River Club) IN CONNECTION WITH ACQUISITION OF SAID PARCEL

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY

WHEREAS, the Town Board wishes to consider the purchase of certain real property located on the northerly side of Riverside Drive in Riverhead commonly known as "The River Club" from The Nature Conservancy;

WHEREAS, the Town Board authorized an appraisal by Frederick Wood Associates, Inc. on December 28, 2005 by Resolution # 1273 and agreed to share the cost of an appraisal of the aforementioned property with The Nature Conservancy said costs not to exceed \$2500.00 as and for the Town's proportionate share; and

WHEREAS, a significant lapse of time has occurred from completion of the appraisal authorized in December 2005 and the present such that an updated appraisal is required; and

WHEREAS, the Town Board and the Nature Conservancy will share the cost of the updated appraisal of the aforementioned property to be performed by Frederick Wood Associates with the Town's share not to exceed \$250.; and

WHEREAS, The Nature Conservancy contracted for the preparation a Phase I Environmental Assessment of the subject parcel in contemplation of a sale to the Town of Riverhead, the Town Board authorizes the Town Attorney to share the expense of the Phase I in an amount not to exceed \$1500; and

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town of Riverhead and The Nature Conservancy will share the cost of an updated appraisal of the aforementioned property to be performed by Frederick Wood Associates with the Town's share of the cost not to exceed \$250 and Town Attorney may share in the expense of the Phase I in an amount not to exceed \$1500; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Peconic Land Trust, The Nature Conservancy at 175 New Kramer Road, Albany, NY 12205 Attention: Jonathan C. Kaledin, Esq., and the Office of the Town Attorney.

THE VOTE

Bartunek Yes No Dunleavy Yes No
Blass Yes No Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

11/21/06

Adopted

TOWN OF RIVERHEAD

Resolution# 1072

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR PUBLIC HEARING REGARDING APPLICATION BY THE RIVERHEAD MULTI-FAMILY HOUSING CORPORATION TO INITIATE PROCEDURES TO DISSOLVE THE CORPORATION

COUNCILMAN DUNLEAVY offered the following resolution, 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 resolution seeking authorization for the Riverhead Multi-Family Housing Corporation to initiate dissolution procedures once in the November 30, 2006 issue of the News Review Newspaper, 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 Town Board, Town Attorney, Riverhead Multi-Family Housing Corporation, Riverhead Housing Development Corporation, Community Development Agency, Nina J. Greenfield Stewart, Esq. 8 Second Street Box 463, Bellport, NY, and Eric Brown, Esq. at P.O. Box 2435, East Hampton, NY 11937-0245.

THE VOTE

Bartunek Yes No Dunleavy Yes No
Blass Yes No Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 19th day of December, 2006 at 2:00 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider a resolution to authorize the Riverhead Multi-Family Housing Corporation to Initiate Dissolution Procedures:

The Town Board of the Town of Riverhead adopted a resolution approving the establishment of the Riverhead Housing Development Corporation, a not-for-profit corporation, to assist the Town in carrying out one or more housing projects for persons of low income as approved by the Town, pursuant to Public Housing Law, Section 8 of the United States Housing Act of 1937 as amended, and Department of Housing and Urban Development ("HUD") regulations (collectively, the "Act") on April 4, 1978.

The Town sought to supplement the efforts of the Riverhead Housing Development Corporation first taken in 1978 and alleviate the shortage of decent, safe and sanitary dwelling for families of low income and thus adopted Resolution # 206 of 1981 which approved the establishment of the Riverhead Multi-Family Housing Corporation, a not-for-profit corporation, authorized to manage, operate and finance through tax exempt obligations subject to Town and HUD approval, projects to facilitate the goals of the Town in creating low income housing projects.

The Riverhead Housing Development Corporation and Riverhead Multi-Family Housing Corporation supervised, managed and funded through tax free debt obligations the "Doctors Path Apartments Project" and Riverpointe Project".

The Riverhead Housing Development Corporation and the Riverhead Multi-Family Housing Corporation completed construction and financing of their respective projects such that all debt instruments were defeased relative to their respective projects.

The Town approved pursuant to resolution #3 of 2006, the transfer of management and general oversight duties regarding the Doctors Path Apartments Project from Riverhead Multi-Family Housing Corporation to Riverhead Housing Development Corporation in order to unify management of Section 8 and related programs.

The Department of Housing and Urban Development (HUD), by letter dated June 30, 2006, authorized the above referenced transfer of management and oversight duties from the Riverhead Multi-Family Housing Corporation to the Riverhead Housing Development Corporation and found same to be a necessary and appropriate management reform in the best interests of the Doctors Path residents.

Pursuant to the Certificate of Incorporation dated May 14, 1981 and Resolution # 255 of 1981, the defeasance of the debt instruments of Riverhead Multi-Family Housing Corporation, together with the transfer of management and oversight to the Riverhead Housing Development Corporation, satisfied and completed the purpose and function of

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the Riverhead Multi-Family Housing Corporation (RMFHC), such that it is appropriate to dissolve the corporation.

The Riverhead Multi-Family Housing Corporation, in contemplation of dissolution adopted a resolution seeking Town Board approval to dissolve the not-for-profit corporation, authorizing corporate counsel to make application to the New York State Secretary of State to accomplish formal legal dissolution of same, and agreement among all members of the board to refrain from holding meetings or deliberations of any kind unless deemed necessary by corporate counsel and/or the Town Attorney to accomplish dissolution.

Town Board hereby determines that the usefulness of the Riverhead Multi-Family Housing Corporation has been fulfilled and that corporate counsel shall take all necessary steps to achieve the dissolution of the corporation.

Dated: Riverhead, New York
November 21, 2006

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

11/21/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1073

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES AND TRAFFIC" OF THE RIVERHEAD TOWN CODE (101-8 WEIGHT LIMITS)

COUNCILWOMAN BLASS

_____ offered the following

COUNCILMAN DENSIESKI

resolution, which was seconded by _____:

RESOLVED, that the Town Clerk is hereby authorized to publish and post 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 November 30, 2006 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Riverhead Police Chief David Hegermiller; the Riverhead Highway Department and the Office of the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek 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 19th day of December, 2006 at 2:05 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:

§ 101-8. Weight limits.

No person shall operate a motor vehicle of a total weight of greater than ~~16,000~~ 18,000 pounds (~~8 tons~~) (9 tons) upon the following designated town highways or part thereof, except local deliveries.

Street

Location

Fresh Pond Road

In its entirety commencing from the intersection of S.R. 25 (Middle Country Road) in a northerly direction to the intersection of Sound Avenue

Dated: Riverhead, New York
November 21, 2006

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

BARBARA GRATTAN, Town Clerk

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

11/21/06

TOWN OF RIVERHEAD

Adopted

Resolution # 1074

**RESOLUTION AND CONSENT APPROVING THE DEDICATION OF
HIGHWAYS KNOWN AS GATZ ROAD
(GATZ ESTATES)**

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded

COUNCILMAN DUNLEAVY

by _____:

At a regular meeting of the
Town Board of the Town of
Riverhead, in the County of
Suffolk, State of New York,
held at 200 Howell Avenue,
Riverhead, New York on the
21st day of November, 2006.

P R E S E N T :

- Hon. Philip J. Cardinale, Supervisor
- Edward Densieski, Councilperson
- George Bartunek, Councilperson
- Barbara Blass, Councilperson
- John Dunleavy, Councilperson

_____ X

In the Matter of the Dedication of
Certain Highways in the Town of
Riverhead, County of Suffolk and
State of New York, Known as

**RESOLUTION
AND CONSENT**

GATZ ROAD.

_____ X

WHEREAS, a certain subdivision map was filed in the Office of the Clerk of the
County of Suffolk, known as "Gatz Estates", Town of Riverhead, County of Suffolk,
State of New York, filed on June 3, 2003 as File No. 10957 in the Office of the Clerk of
Suffolk County, Riverhead, New York; and

WHEREAS, plans for the construction of various improvements to said road
known and designated as **GATZ ROAD** were submitted to the Planning Board of the
Town of Riverhead; and

WHEREAS, the Town Board of the Town of Riverhead did approve a performance bond as to form, sufficiency, manner of execution and surety; and

WHEREAS, said roads, drainage systems, sumps and other improvements have been completed in accordance with the plans and specifications of the Town of Riverhead Planning Board; and

WHEREAS, the construction of the said roads, drainage systems, sumps and other improvements have met with the approval of the Superintendent of Highways of the Town of Riverhead; and

WHEREAS, a copy of the Order Laying Out Road Upon Consent of Owner(s) from the Superintendent of Highways indicating his consent is annexed hereto and made a part hereof; and

WHEREAS, a special search street dedication from Columbia Title & Abstract Corp. as an authorized agent for United General Title Insurance Company, Title Number CTA03-2396A, dated January 10, 2006, has been filed with the Clerk of the Town of Riverhead, together with a deed of dedication and release affecting said roads, drainage systems, sumps and/or other improvements.

NOW THEREFORE BE IT RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same is hereby given that the Superintendent of Highways of the Town of Riverhead, make an order laying out a certain road known as **GATZ ROAD**, said Town road to consist of the land described in the deed of dedication dated the 3rd day of August, 2004 and to extend same as delineated therein; and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby directed to forthwith cause such deed of dedication to be recorded in the Office of the Clerk of the County of Suffolk, and upon its return, to attach it hereto; and be it further

RESOLVED, that the maintenance bond (Bank of Smithtown Maintenance Letter of Credit No. 100356) received has been reviewed and approved by the Town Attorney as to form and that the Town Clerk is hereby directed to release any and all previously submitted performance bonds upon adoption of this resolution by the Town Board; and be it further

RESOLVED, that letters of intent of non-renewal/cancellation from the financial institution issuing said maintenance bond shall be sent at least 60 days prior to the renewal/cancellation date, via certified mail, to the Office of the Town Attorney, 200 Howell Avenue, Riverhead, New York, 11901; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Michael R. Strauss, Esq., 1303 Main Street, suite 4, Port Jefferson, New York, 11777; Bank of Smithtown, 3460 Veterans Memorial Highway, Bohemia, New York, 11716, Attn: Thomas J. Stevens, Executive Vice President; Vincent Gaudiello, P.E., John Raynor, P.E., L.S., P.C., P.O. Box 720, Water Mill, New York, 11976; the Riverhead Superintendent of Highways; the Planning Board; the Planning Department; the Assessor's Office; the Tax Receiver's Office and the Town Attorney's Office.

Dated: Riverhead, New York
November 21, 2006

**TOWN BOARD OF THE
TOWN OF RIVERHEAD**

PHILIP J. CARDINALE

EDWARD DENSIESKI

GEORGE BARTUNEK

BARBARA BLASS

JOHN DUNLEAVY

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

November 21, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 1075

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER THE PURCHASE OF A PARCEL LOCATED IN THE TOWN OF RIVERHEAD LOCATED ON THE NORTH SIDE OF RIVERSIDE DRIVE COMMONLY REFERRED TO AS "RIVERCLUB" FROM THE NATURE CONSERVANCY

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded by

COUNCILMAN BARTUNEK

:

WHEREAS, pursuant to the provisions of §247 of the New York State General Municipal Law, fee simple owners may elect to sell their property in fee simple for preservation of open space for public purposes to a municipality and the Town of Riverhead may elect to purchase their property in fee simple for preservation of open space for public purposes; and

WHEREAS, the purported owner of the property being: The Nature Conservancy, a non-profit corporation, has expressed a desire to sell the property located on the north side of Riverside Drive approximately 35.86 acres in fee simple for preservation of open space for public purposes to the Town of Riverhead; and

WHEREAS, the property is located along the northerly side of Riverside Drive, Riverhead, New York. Said property is in the Residence "B-40" Zoning District of Code of the Town of Riverhead; and

WHEREAS, the proposed purchase price is \$ 6,840,000.00 for approximately 35.86 acres. Said purchase price is supported by a Real Estate Appraisal prepared by Frederick Wood Associates, Inc. on December 26, 2002 and update/addendum to the appraisal dated November 20, 2006 and is on file in the Office of the Riverhead Town Clerk and Phase I ESA by Freudenthal and Elkowitz; and

WHEREAS, Said property is further described as Suffolk County Tax Map numbers numbers 0600-130-1 lots 9 through 11; 0600-130-1 lots 18 through 51; 0600-131-1 lots 15 through 33; and 0600-131-2- lots 1 through 30 and lots 35 through 40; and 0600-131-3-lots 3-7 through 19 and lot 28; ("subject property").

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider the Town of Riverhead's fee

simple purchase of subject property for preservation of open space for public purposes. The purported owner of the subject property being: Contract Vendors: The Nature Conservancy, a non-profit corporation with a principal address at 4245 North Fairfax Drive, Arlington, VA 22203 and maintaining a South Fork Shelter Island Chapter Office at P.O. Box 5125 142 Route 114, East Hampton, New York 11937. The property is 35.8607 acres bounded on the north by property owned by the MTA, on the east by the Riverhead Sewage Treatment Plant, on the south by Riverside Drive and on the west by Brown Street and further described as Suffolk County Tax Map numbers 0600-130-1 lots 9 through 11; 0600-130-1 lots 18 through 51; 0600-131-1 lots 15 through 33; and 0600-131-2- lots 1 through 30 and lots 35 through 40; and 0600-131-3-lots 3-7 through 19 and lot 28. The Town Clerk shall publish the attached public notice once in November 30, 2006 issue of the News Review the official newspaper of the Town of Riverhead for this purpose, and also to cause a copy of the Town of Riverhead's proposed purchase of fee simple property for preservation of open space for public purposes to be posted on the sign board of the Town located in the Office of the Riverhead Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to; The Nature Conservancy, Office at P.O. Box 5125 142 Route 114, East Hampton, New York 11937, Attn: Randy Parsons; the Farmland Preservation Committee; Peconic Land Trust, Attn: Dawn Haight, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

Bartunek	• Yes	• No	Dunleavy	• Yes	• No
Blass	• Yes	• No	Densieski	• Yes	• No

Cardinale • ~~Yes~~ • No

The Resolution • Was • Was Not
 Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held on the 19th day of December, 2006 at 2:15 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York 11901 to hear all interested persons to consider the Town of Riverhead's fee simple purchase of property located on the northerly side of Riverside Drive, Riverhead, New York, located in Code of the Town of Riverhead Residence "B-40" Zoning District, for preservation of open space for public purposes.

The purported owner being: The Nature Conservancy and proposed purchase price of \$6,840,000.00 The property is 35.8607 acres bounded on the north by property owned by the MTA, on the east by the Riverhead Sewage Treatment Plant, on the south by Riverside Drive and on the west by Brown Street and further described as Suffolk County Tax Map numbers 0600-130-1 lots 9 through 11; 0600-130-1 lots 18 through 51; 0600-131-1 lots 15 through 33; and 0600-131-2 lots 1 through 30 and lots 35 through 40; and 0600-131-3 lots 3-7 through 19 and lot 28. The Town of Riverhead's fee simple purchase will be pursuant to §247 of the New York State General Municipal Law and Chapter 14 of the Riverhead Town Code.

Dated: Riverhead, New York
November 21, 2006

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

11/21/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1076

AUTHORIZES THE SUPERVISOR TO EXECUTE A SITE ACCESS AGREEMENT WITH RIVERHEAD RENAISSANCE, LLC TO CONDUCT TESTING TO DETERMINE CONDITIONS WITHIN THE RIVERFRONT PARKING AREA OWNED BY THE TOWN OF RIVERHEAD

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

COUNCILWOMAN BLASS

WHEREAS, the Town of Riverhead is in negotiations with Riverhead Renaissance, LLC as part of the proposed redevelopment of downtown Riverhead; and

WHEREAS, Riverhead Renaissance has retained Cameron Engineering as consulting professionals to assist it in evaluating existing conditions and designing its proposed projects in the downtown area; and

WHEREAS, as part of this evaluation, Cameron Engineering must access Town property to conduct certain tests as detailed in the attached Site Access Agreement.

NOW, THEREFORE, it is hereby

RESOLVED the Town Board of the Town of Riverhead authorizes the Supervisor to execute the attached Site Access Agreement with Riverhead Renaissance, LLC; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Town Supervisor, Town Attorney, Town Engineer, Community Development, Twomey, Latham, Shea & Kelley, et al and The Weber Law Group.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT THEREFORE DULY ADOPTED

DRAFT

SITE ACCESS AGREEMENT

THIS SITE ACCESS AGREEMENT ("Agreement"), made as of the _____ day of November, 2006, between THE TOWN OF RIVERHEAD, a municipal corporation having its principal office at 200 Howell Avenue, Riverhead, New York 11901 (the "Town") and RIVERHEAD RENAISSANCE LLC, a Limited Liability Company with offices care of Apollo Real Estate Advisors, LP, 60 Columbus Circle, New York, New York 10023 (the "Company").

WITNESSETH:

WHEREAS, the Town is the owner of certain real property located on the south side of Main Street bordered on the west by Peconic Avenue and on the east by property owned now or formerly by Atlantis Holding Company, LLC and designated as tax map 600-129-4-20, 21.1 and 21.2 (the "Property"), which Property is depicted on Exhibit "A"; and

WHEREAS, the Town and Company entered into a Master Developer Designation Agreement ("MDDA") dated August 10, 2006 pursuant to which the Company intends to redevelop portions of the East Main Street Urban Renewal Area ("EMSURA"), including portions of the Property referenced in the preceding paragraph; and

WHEREAS, in order to facilitate the Company's due diligence concerning the suitability of the Property for its intended use, the Company and its agents and representatives wish to perform certain physical testing of the Property as is more particularly described herein; and

WHEREAS, the Town is willing to facilitate the Company's site investigation and related due diligence provided the terms and conditions of this Agreement are met;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and intending to be legally bound hereby, the parties hereto agree as follows:

1. WORK TO BE PERFORMED. Attached hereto as Exhibit "B" is a sketch of the Property showing the location of certain borings and test wells which the Company wishes to install (the "Work"). Specifically, the Work to be performed by the Company and its representatives shall consist of and be limited to the following:

2. NOTICE. At least forty-eight (48) hours prior to the commencement of the Work, the Company shall notify Christopher Kent, Deputy Town Supervisor ("Kent") and Stephen Latham ("Latham"), the Town's Special Counsel, of its intent to begin the Work. Such notification shall be given in writing (facsimile is acceptable) to Kent at 200 Howell Avenue, Riverhead, NY 11901 (Phone: 631-727-3200 Extension 252; Facsimile: 631-727-6712) and to Latham at P.O. Box 9398, Riverhead, NY 11901 (Phone: 631-727-2180 Ext. 242; Facsimile: 631-727-2385).

3. INSURANCE. At least forty-eight (48) hours prior to the commencement of the Work, the Company shall deliver a copy of a commercial general liability policy for the period of the Work covering the Company's consultants, representatives, contractors and other agents who are involved in any aspect of the Work, in an amount

not less than One Million (\$1,000,000.00) Dollars for each occurrence with excess umbrella coverage of not less than Five Million (\$5,000,000.00) Dollars, naming the Town, the Town of Riverhead Community Development Agency ("CDA") , and the Town of Riverhead Parking District #1 ("Parking District") as additional insureds. Proof of said insurance shall be a precondition to the commencement of the Work.

4. INDEMNITY. In addition to the insurance coverage provided in the preceding paragraph, the Company shall indemnify and hold the Town, the CDA and the Parking District harmless from and against any and all claims, liabilities, expenses, costs, damages and/or losses of any kind (including reasonable attorney's fees) arising out of any injury to person or property that results from any work performed by the Company or its consultants, agents and contractors, except to such extent that such injury directly results from the willful negligence of the Town, the CDA or the Parking District or their representatives, employees or agents.

5. DISPOSAL OF RESIDUE. In the event any of the work to be performed by the Company or its representatives, agents, consultants or contractors results in the excavation or generation of any soil, water or other material from the Property (the "Residue") which is not replaced in its original location, said Residue shall be disposed of by the Company in accordance with all applicable laws.

6. ASSUMPTION OF RISK. The Company assumes all responsibility for any damage to the Property, including any damage to existing infrastructure (water and sewer lines, drainage structures and other utilities) as a result of the Work. The Company shall be solely responsible for the repair of any damage which is caused by the Company and assumes all risks associated with locating all existing infrastructure and/or utilities.

The Company acknowledges that although the Town has provided the Company with various surveys and other maps concerning the location of said infrastructure and utilities, the Town is making no representation with regard to the accuracy of such maps or surveys. The Company assumes all responsibility for verifying the accuracy of the information on those maps and surveys during the course of the Work.

7. RESTRICTION OF PROPERTY. Upon the completion of the Work, the Company shall return the Property to the condition it was in immediately prior to the commencement of its site investigation and due diligence activities. The Company shall use its best efforts to conduct the Work so that it does not interfere with the commercial or other activity on the Property.

8. ENTIRE AGREEMENT. This Agreement constitutes the parties' entire agreement on this subject. There are no written or oral representations or understandings that are not fully expressed in this Agreement. No change, waiver, or discharge is valid unless in writing and signed by the party against whom it is sought to be enforced.

9. SEVERABILITY AND WAIVER. If any part of this Agreement is for any reason found to be unenforceable, all other portions nevertheless remain enforceable. The waiver of any breach of any term or condition of this Agreement does not waive any other breach of that term or condition or of any other term or condition.

10. CONTROLLING LAW. This Agreement must be construed, and its performance enforced, under New York law.

12. BINDING EFFECT. Each person executing this Agreement represents that the party on whose behalf the person is executing this Agreement has duly authorized

the execution of this Agreement and that such person is authorized to execute this Agreement on behalf of such party.

IN WITNESS HEREOF, the parties are authorized and have executed this Agreement on the day and year first written below.

THE TOWN OF RIVERHEAD

Date:

By: _____
Name:
Title:

RIVERHEAD RENAISSANCE LLC

Date:

By: _____
Name:
Title:

11/21/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1077

**AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR
PUBLIC HEARING REGARDING A LOCAL LAW TO AMEND CHAPTER 52
(BUILDING CONSTRUCTION) OF THE RIVERHEAD TOWN CODE
(APPRENTICESHIP REQUIREMENT)**

COUNCILWOMAN BLASS

_____ offered the following resolution,

COUNCILMAN DUNLEAVY

which was seconded by _____:

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a local law to amend Chapter 52 entitled, "Building Construction" (Apprenticeship Requirement) of the Riverhead Town Code once in the December 1, 2006 issue of News Review Newspaper, 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 Town Board, Town Attorney, Building Department, Town Engineer; the Planning Department.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
 Blass ___ yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the day of 5th day of December at 7:20 o'clock p.m., at Town Hall located at 200 Howell Avenue, Riverhead, NY to hear all interested persons to consider a local law to amend Chapter 52 entitled "Building Construction" (Apprenticeship Requirement) of the Riverhead Town Code as follows:

§ 52-7. Issuance of building permit.

- A. The Building Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within a reasonable time.
- B. Upon approval of the application and upon receipt of the legal fees therefor, he shall issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto.
- C. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved." One set of such approved plans and specifications shall be retained in the files of the Building Inspector and the other set shall be returned to the applicant, together with the building permit, and shall be kept at the building site, open to inspection by the Building Inspector or his authorized representative at all reasonable times.
- D. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all of the requirements of the applicable building regulations, the Building Inspector shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.
- E. The permit holder or his agent shall keep posted, in a conspicuous place on the work site, the permit card and shall keep the same posted until the completion of the work.
- F. Prior to the issuance of a building permit for the construction of public works projects in excess of 100,000 square feet in size as indicated on the building construction plans and the building permit application, the applicant shall demonstrate that any general contractor, contractor or subcontractor for such project, must have apprenticeship agreements appropriate for the type and scope of work to be performed, which have been registered with, and approved by, the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

G. The determination of compliance with this section shall be made and certified by the Town Engineer. An aggrieved party may appeal such determination in an
C:\Documents and Settings\Giguemel.TOR\Local Settings\Temporary Internet
Files\OLK2F\apprenticeship.doc

Article 78 proceeding to the Supreme Court, Suffolk County filed within thirty (30) days of filing of the determination by the Town Engineer with the Town Clerk or mailing of such determination to the applicant, whichever is later.

H. It is the intent of the Town Board to exercise its municipal home rule powers to supercede any inconsistent provisions of state law, with specific reference to the time periods to commence legal action set forth in CPLR § 217(1) or any other inconsistent provision of state law with respect to the subject matter of this code provision.

11/21/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1078

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 OF THE TOWN CODE OF THE TOWN OF RIVERHEAD ENTITLED, "ZONING"

(Site Plan Review)

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

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

WHEREAS, a public hearing was held on the 8th day of November, 2006 at 2:40 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law to amend Chapter 108 of the Town Code of the Town of Riverhead entitled, "Zoning" is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

Dunleavy	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Bless	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on November 21, 2006. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 108
Zoning**

ARTICLE XXVI Site Plan Review

§ 108-129. Review authorized; approval required; penalties; issuance of permits and certificates of occupancy; expiration.

- A. Authorization. The Town Board hereby authorizes the Planning Board, pursuant to §274-a of the Town Law, to review and approve, approve with modifications, or disapprove site plans for the activities and land uses listed herein except for site plan petitions upon real property within urban renewal designated areas pursuant to Article 15 of the General Municipal Law and further excepting site plans that have already been referred to the Suffolk County Planning Commission pursuant to General Municipal Law §239-m as of the date of adoption of this local law. To the extent the Town Board continues as the agency reviewing site plans pursuant to this Article, references to the "Planning Board" in connection with site plan review shall be interpreted to mean the "Town Board".
- C. Permits. No building permit or land clearing permit as required by Chapter 52, Building Construction, required for any such activity, including, without limitation, grading, clearing, cutting and filling, excavating or tree removal associated therewith, or the erection, construction, alteration, demolition or moving of any structure, shall be issued until the required site plan approval shall have been granted, and the approved site plan thereafter shall have been signed by a majority of the ~~Town Board~~ Planning Board.
- D. Certificates of occupancy. No certificate of occupancy shall be issued until all requirements and conditions of the site plan approval have been implemented and an as-built survey, including without limitation the location of all buildings, structures, curb cuts, and other required improvements (e.g., berms, buffer areas), has been submitted to the Planning Director or his duly authorized representative. Any significant change to the approved site plan or elevations that affects the physical character of the building(s) and/or the site, in the absence of an approved amended site plan reflecting said changes, shall cause the certificate of occupancy to be withheld until such change is approved by the ~~Town Board~~ Planning Board. The Planning Director shall determine the significance of any such change.
- E. Expiration. Site plan approval shall remain in effect for 36 months. In the event that the applicant has not obtained a valid building permit within said thirty-six-month period, the ~~Town Board~~ Planning Board may grant one twelve-month extension of site plan approval, upon the request of the applicant made at least 30 days prior to the expiration of the original

thirty-six-month period. This section shall also apply to site plans which have been approved but which have not obtained a building permit prior to the date of adoption of this section.

§ 108-130. Review and approval required.

The following shall be subject to site plan review and require site plan approval by the ~~Town Board~~ Planning Board:

§ 108-131. Application procedure; fees.

E. Appeals.

- ~~(Where relief is required of the Zoning Board of Appeals, or any other body with jurisdiction over the site, the time utilized to obtain such relief shall not be tolled towards the sixty-two) day limitation imposed herein.~~

~~{ Should such relief be sought and obtained, said relief does not preclude denial of the site }
2
} plan by the Town Board when appropriate cause for such denial is duly indicated.~~

E. Inspections.

Subsequent to site plan approval and the issuance of a building permit, it is the obligation of the applicant to call for site plan inspections upon the installations or construction of each of the following:

- (1) drainage improvements prior to backfill
- (2) grading and site improvements prior to the first lift of paving
- (3) post construction prior to the issuance of a certificate

An inspection fee of \$250 per inspection must be paid prior to each inspection.

§ 108-133. Conditions for approval.

In reviewing a site plan submitted to it under this article, the ~~Town Board~~ Planning Board may call upon expert advice in varied disciplines to assist it in making the determination required of it. It shall seek to further the overall purposes and goals of this chapter, and of other applicable provisions of the Town Code and state law. Moreover, it shall make certain that any development plan it approves hereunder conforms to the following:

- I. Performance bond or other equivalent security. Upon approval of a final site plan by the ~~Town Board~~ Planning Board and prior to the issuance of a building permit, the

applicant shall post a ~~performance bond~~ letter of credit or other equivalent security in a form approved by the Town Attorney and adopted by resolution of the Town Board, in an amount equal to ~~5%~~ 100% of the cost of construction of site improvements as estimated by the ~~Building Planning Department or Town Engineer~~. The Town Board may, at its discretion, reduce or waive a performance bond upon a showing of significant hardship. No certificate of occupancy shall be issued until all site improvements have been inspected and approved by the Planning Department and ~~Architectural Review Board~~ and said ~~performance bond~~ letter of credit or equivalent security has been released by resolution of the Town Board. In the event that the applicant fails to comply with the provisions of this article, the ~~performance bond~~ letter of credit or other security shall be forfeited to the Town, and the Town of Riverhead shall complete the site plan improvements. Where the cost of the improvements exceeds the forfeited security, the additional cost, including but not limited to any legal fees incurred, shall be and constitute a lien upon the land upon which the improvements are to be made and shall be included in the levy against such property and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as are provided by law for the collection and enforcement of real property taxes in the Town of Riverhead.

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

Dated: Riverhead, New York
November 21, 2006

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

BARBARA GRATTAN, Town Clerk

TOWN OF RIVERHEAD

Adopted

AUTHORIZATION TO DISCARD FIXED ASSETS

RESOLUTION # 1079

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

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

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

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

- | | |
|-----------------------------|--------------------------|
| 77 Duplicate Tag | 22095 CPU |
| 4593 American Gun Locker | 22210 CPU |
| 6446 Life Preservers | 22218 Modem |
| 6507 Printer | 22219 Mouse |
| 6599 Printer | 22226 Upgrade junked CPU |
| 6600 Unisys 9246-7 Printer | 22234 Legal Tray |
| 6600 Printer | 22235 Legal Tray |
| 6877 Speakers | 22370 Mouse |
| 7868 HD-003 Disk Drive | 22383 CPU |
| 8212 Monitor | 22385 Mouse |
| 8212 Monitor | 22410 CPU |
| 20116 CPU | 22533 CPU |
| 20990 CPU | 22557 CPU |
| 20998 CPU | 22568 CPU |
| 20999 Keyboard | 22568 CPU |
| 21134 SG-3500 | 22594 Mouse |
| 21138 Monitor | 22598 Mouse |
| 21329 Mouse | |
| 21331 Monitor | 22770 Monitor |
| 21351 Speakers | 22846 Keyboard |
| 21352 Speakers | 22857 Hub |
| 21366 Mouse | 22858 Keyboard |
| 21454 CPU | 22861 Mouse |
| 21455 Keyboard | 22863 CPU |
| 21457 Mouse | 22869 Mouse |
| 21458 UPS | 22928 Modem |
| 21459 Keyboard | 23010 Cd Writer |
| 21460 Monitor | 23045 Keyboard |
| 21461 Mouse | 23059 Monitor |
| 21463 rescind junked status | 23138 Mouse |

21465	CD-Rom	23152	Mouse
21466	Keyboard	23154	Monitor
21499	Keyboard	23222	Mouse
21529	rescind junked status	23224	Mouse
21543	Shredder	23226	Printer
21553	CPU	23241	Keyboard
21562	Mouse	23293	Monitor
21563	CPU	23298	Monitor
21602	CPU	23332	Monitor
21630	Mouse	23365	Keyboard
21679	Mouse	23404	RICI CPU
21801	CPU	23461	Keyboard
21810	Mouse	23485	Keyboard
21814	Mouse	23546	fax machine
21820	Monitor	23586	rescind junked status
21856	CPU	23644	Maxtrc Medcom
21869	Mouse	23655	Keyboard
21908	Monitor	23657	CPU
21924	File Cabinet	23662	Hub
21926	Monitor	23665	Printer
21931	Mouse	23701	USB port
21942	Keyboard	23737	CPU
21971	Computer Switch	24163	CPU
22033	CPU	24165	Keyboard
22044	CPU	24177	HP Desk Jet 1220 C
24241	CPU	24195	CPU
24297	Keyboard	22218-98	Internal Modem
24299	Monitor	22226-99	Memory Upgrade
24312	Mouse	22234-98	Legal Tray
24322	mouse	22235-98	Legal Tray
24331	Keyboard	22928-99	Internal Modem
24335	Keyboard	23010-2001	Cd Writer
24337	Keyboard	30C	Trailer - duplicated tag
24340	Keyboard	96B	Duplicate Tag
24366	Keyboard	A77045	Ambulance
24367	Keyboard	SOFT#101	Oboslete Software
24368	Keyboard	SOFT#123	Oboslete Software
24369	Keyboard	SOFT#5	Oboslete Software
24370	Keyboard	25417	Mouse
24372	Mouse	25443	Keyboard
24374	Mouse	25590	Monitor
24375	Mouse	25819	Mouse
24376	Mouse	25888	Mouse
24377	Mouse	25898	rescind junked status
24379	CPU	25903	Keyboard
24381	CPU	25970	Monitor
24650	Keyboard	25980	Mouse
24775	Printer	26033	Subwoofer
24776	HP Desk Jet 825 C	26034	Speakers
24802	Mouse	26035	Speakers
24810	UPS	26473	UPS
24810	CPU	26983	Defib - recalled
24898	Trap	26984	Defib - recalled
24898	Trap	26986	Defib - recalled
25157	Mouse	26987	Defib - recalled
25378	Mouse	26988	Defib - recalled

26989 Defib - recalled
26990 Defib - recalled
26991 Defib - recalled
84926 Compressor
213988-0093 Light Bar
213991-0093 Light Bar

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

RESOLUTION # <u>1080</u> ABSTRACT #06-45 November 16, 2006 (TBM 11/21/06)				
COUNCILMAN BARTUNEK proposed the following Resolution which was seconded by				
COUNCILMAN DENSIESKI				
FUND NAME		CD - 11/15/06	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	5,250,000.00	147,251.15	5,397,251.15
POLICE ATHLETIC LEAGUE	4	21,000.00		21,000.00
TEEN CENTER	5	15,000.00		15,000.00
RECREATION PROGRAM FUND	6	212,000.00	270.00	212,270.00
SR NUTRITION SITE COUNCIL	7	6,000.00		6,000.00
DARE PROGRAM FUND	8	3,000.00		3,000.00
CHILD CARE CENTER BUILDING	9	140,000.00	50.48	140,050.48
TOWN BOARD SPECIAL PROGRAM	24	100,000.00		100,000.00
SRS DAYCARE BUILDING FUND	27	20,000.00		20,000.00
ECONOMIC DEVELOPMENT ZONE FUND	30	58,000.00	52.88	58,052.88
HIGHWAY FUND	111	1,950,000.00	53,492.86	2,003,492.86
WATER DISTRICT	112	1,550,000.00	53,690.83	1,603,690.83
REPAIRS & MAINTENANCE	113	1,030,000.00		1,030,000.00
RIVERHEAD SEWER DISTRICT	114	2,125,000.00	40,863.24	2,165,863.24
REFUSE & GARBAGE COLLECTION	115	250,000.00	300,006.60	550,006.60
STREET LIGHTING DISTRICT	116	570,000.00	39,173.60	609,173.60
PUBLIC PARKING DISTRICT	117	89,000.00	3,465.04	92,465.04
BUSINESS IMPROVEMENT DISTRICT	118		120.06	120.06
AMBULANCE DISTRICT	120	200,000.00	3,613.92	203,613.92
EAST CREEK DOCKING FACILITY	122	85,000.00	2,388.40	87,388.40
CALVERTON SEWER DISTRICT	124	193,000.00	27,047.26	220,047.26
RIVERHEAD SCAVANGER WASTE DIST	128	1,300,000.00	11,065.22	1,311,065.22
SEWER DISTRICT FUND	130	400,000.00		400,000.00
WORKERS' COMPENSATION FUND	173	995,000.00	18,786.44	1,013,786.44
RISK RETENTION FUND	175		2,300.00	2,300.00
UNEMPLOYMENT INSURANCE FUND	176	50,000.00		50,000.00
CDBG CONSORTIUM ACCOUNT	181			
RESTORE	184	10,000.00		10,000.00
PUBLIC PARKING DEBT SERVICE	381	40,000.00		40,000.00
SEWER DISTRICT DEBT SERVICE	382	100,000.00		100,000.00
WATER DISTRICT DEBT SERVICE	383	295,000.00		295,000.00
GENERAL FUND DEBT SERVICE	384	5,350,000.00		5,350,000.00
SCAVANGER WASTE DEBT SERVICE	385	10,000.00		10,000.00
SUFFOLK THEATER DEBT SERVICE	386	550,000.00		550,000.00
YOUTH SERVICES CAP PROJECT	452		6.60	6.60
SENIORS HELP SENIORS CAP PROJE	453		76.25	76.25
MUNICIPAL FUEL FUND	625		125.00	125.00
MUNICIPAL GARAGE FUND	626		8,360.53	8,360.53
TRUST & AGENCY	735		5,197.28	5,197.28
SPECIAL TRUST	736	375,000.00		375,000.00
COMMUNITY PRESERVATION FUND	737	573,000.00		573,000.00
CALVERTON PARK - C.D.A.	914	290,000.00	1,048.55	291,048.55
TOTAL ALL FUNDS		24,205,000.00	718,452.19	24,923,452.19

THE VOTE

Dunleavy yes no Bartunek yes no
 Blass yes no Densieski yes no
 Cardinale yes no

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

RESOLUTION # 1080 ABSTRACT #06-44 November 9, 2006 (TBM 11/21/06)

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

FUND NAME		CD - None	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		642,767.76	642,767.76
RECREATION PROGRAM FUND	6		402.19	402.19
SENIOR CITIZEN DAY CARE CENTER	27		533.16	533.16
ECONOMIC DEVELOPMENT ZONE FUND	30		2,771.54	2,771.54
HIGHWAY FUND	111		60,563.42	60,563.42
WATER DISTRICT	112		55,253.71	55,253.71
RIVERHEAD SEWER DISTRICT	114		35,920.71	35,920.71
REFUSE & GARBAGE COLLECTION DI	115		5,810.18	5,810.18
STREET LIGHTING DISTRICT	116		4,450.80	4,450.80
AMBULANCE DISTRICT	120		150.91	150.91
CALVERTON SEWER DISTRICT	124		1,654.13	1,654.13
RIVERHEAD SCAVANGER WASTE DIST	128		23,165.83	23,165.83
WORKERS' COMPENSATION FUND	173		12,881.72	12,881.72
CDBG CONSORTIUM ACOUNT	181		904.73	904.73
PUBLIC PARKING DEBT SERVICE	381		18,094.93	18,094.93
SEWER DISTRICTS DEBT SERVICE	382		69,330.04	69,330.04
WATER DISTRICT DEBT SERVICE	383		125,916.14	125,916.14
GENERAL FUND DEBT SERVICE	384		2,375,271.86	2,375,271.86
SCAVANGER WASTE DISTRICT DEBT	385		54,033.92	54,033.92
YOUTH SERVICES CAP PROJECT	452		2,488.77	2,488.77
SENIORS HELP SENIORS CAP PROJE	453		2,922.82	2,922.82
EISEP CAP PROJECT	454		30.26	30.26
MUNICIPAL GARAGE FUND	626		15,487.03	15,487.03
TRUST & AGENCY	735		774,130.71	774,130.71
COMMUNITY PRESERVATION FUND	737		381.14	381.14
TOTAL ALL FUNDS			4,285,318.41	4,285,318.41

Adopted

November 21, 2006

TOWN OF RIVERHEAD

Resolution # 1081

APPROVES REQUEST FOR LEAVE OF ABSENCE

COUNCILWOMAN BLASS offered the following

resolution, which was seconded by COUNCILMAN DUNLEAVY

WHEREAS, William Czech, a Crew Leader in the Highway Department has requested a 3 month non-paid leave of absence.

NOW, THEREFORE, BE IT RESOLVED, that William Czech's request for a 3 month non-paid leave of absence from November 21, 2006 to February 21, 2007 is hereby approved subject to the following condition(s):

(1) To facilitate the proper functioning of the Town offices, the employee shall submit written notice to the Town Supervisor of his intent to return to work, resign, retire or other relief at least thirty (30) days prior to the expiration of the leave of absence, and

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

THE VOTE

Dunleavy	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Bartunek	<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			

THIS RESOLUTION ~~IS~~ IS NOT DECLARED DULY ADOPTED