

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

December 5, 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:
REGULAR TOWN BOARD MEETING:

- #1084 James P. Sharkey and Monique Molfetta
Development Rights Budget Adoption
- #1085 General Fund Budget Adjustment
- #1086 Water District Budget Adjustment
- #1087 General Fund Budget Adjustment
- #1088 Highway Department Budget Adjustment
- #1089 A Resolution Authorizing the Issuance of \$20,000,000
Bonds of the Town of Riverhead, Suffolk County, New
York, to Pay the Cost of Acquisition of Various Parcels of
Real Property, or Rights or Interests in Such Land, for
Active and Passive Park Purposes, Purchase of
Development Rights in Agricultural Lands, and the
Preservation of Open Space in and for Said Town
- #1090 A Resolution Authorizing the Issuance Pursuant to
Section 90.10 of the Local Finance Law of Refunding
Bonds of the Town of Riverhead, Suffolk County, New
York, to be Designated Substantially “Public
Improvement (Serial) Bonds” and Providing for other
Matters in Relation thereto and the Payment of the
Bonds to be Refunded thereby.
- #1091 Awards Bid- Extension No. 71, Country Trails-RWD
- #1092 Order Establishing Extension No. 71- RWD Country
Trails
- #1093 Authorizes Town Clerk to Advertise for Bids- Contract
G- Transmission Improvements at Sound Avenue and
Various Locations-RWD
- #1094 Ratifies Execution and Submission of Grant Application
to Suffolk Count for Fiscal Year 2007 Community
Development Block Grant Funds

- #1095 Authorizes the Assignment of the Petty Cash Account for the Accounting Department
- #1096 Adopts a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (108-3 Definitions-Arcade)
- #1097 Adopts a Local Law to Amend Chapter 64 Entitled, “Fore Prevention” of the Riverhead Town Code (§64-9 Fire Prevention Permits)
- #1098 Adopts a Local Law to Amend Chapter 101 Entitled, “Vehicles and Traffic” of the Riverhead Town Code (§101-9 Installation and Maintenance)
- #1099 Adopts a Local Law Amending Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (Shopping Center (SC), Business Center (BC), Commercial/Residential Campus (CRC) (Indoor Sports and Recreation Facilities)
- #1100 Awards Bid for Heating Fuel
- #1101 Adoption of a Fund Balance Policy of the General Fund
- #1102 Setting Terms and Conditions of the Employment for Margaret Ferris
- #1103 Authorizes the Publication of a Help Wanted Ad for Engineer/Assistant Town Engineer
- #1104 Appoints Member to the Industrial Development Agency (K. Wojciechowski)
- #1105 Appoints Member to the Industrial Development Agency (A. Devito)
- #1106 Authorize the Supervisor to Execute an Addendum to a Contract with Pike Realty, LLC
- #1107 Authorizes the Sale of Town Property Located on the Northwest Corner of Midland Street Where it intersects

with Park Road in Reeves Park, Riverhead, New York,
Subject to a Permissive Referendum

- #1108 Authorizes Town Clerk to Publish Notice of Public Hearing Special Use Permit Petition of Brian P. Simonsen
- #1109 Ratifies the Authorization of the Town Supervisor to Sign a Grant Application for Three Thousand Dollars from New York State Office of Children and Family Services (For Youth Programs)
- #1110 Ratifies the Appointment of a P/T Recreation Aide-Volleyball Official to the Recreation Dept. (A. Sokoloff)
- #1111 Authorizes the Supervisor to Execute Settlement Agreement and General Release in Connection with the Matter Entitled, "MacLellan V. Town of Riverhead, et al., Index No. 03-23950
- #1112 Ratifies the Submission of Application to the New York State Affordable Housing Corporation (AHC) for Funding to Support the Town of Riverhead Home Improvement Program
- #1113 Authorizes the Town Clerk to Publish and Post a Notice to Bidders for Carriage House Renovations-Phase II
- #1114 Amends Resolution #1068 of 2006 (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)
- #1115 Authorizes the Supervisor to Execute a Lease Agreement for the Armory Drill Hall
- #1116 Authorizes Attendance at the 2007 Training School and Annual Meeting Held by the Association of Towns

- #1117 Order Calling Public Hearing-Rehabilitation of Tank Nos 8 & 9-RWD
- #1118 Increases rates for the Riverhead Water District
- #1119 Adopts a Local Law to Amend Chapter 101 Entitled, "Vehicles and Traffic" of the Riverhead Town Code (§101-13- Parking Time Limited)
- #1120 Approves Plan of John A. Reeve for Agricultural Worker Housing Permit to be Issued Pursuant to Section 108-64.4 of the Riverhead Zoning Ordinance
- #1121 Authorizes Town Clerk to Post and Publish Public Notice for Public Hearing to Consider Whether the Town Board Should Change Riverhead Town's Classification Pursuant to Article 2 of the Town Law: Town of the First Class
- #1122 Pays Bills

Adopted

TOWN OF RIVERHEAD

JAMES P. SHARKEY AND MONIQUE MOLFETTA

DEVELOPMENT RIGHTS

BUDGET ADOPTION

RESOLUTION # 1084

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

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

	<u>FROM</u>	<u>TO</u>
406.019400.494200.42055 Serial Bond Proceeds	\$763,850	
406.019400.521000.42055 Land Acquisition		\$743,850
406.019400.543000.42055 Professional Services		20,000

THE VOTE

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

DECEMBER 5, 2006

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 1085

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

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

		<u>FROM</u>	<u>TO</u>
001.000000.390559	Appropriated Fund Balance	57,500	
001.080200.543950	Planning Consultant		55,000
001.080200.543310	Legal Consultant		2,500

THE VOTE

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

DECEMBER 5, 2006

Adopted

TOWN OF RIVERHEAD

WATER DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 1086

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

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

		<u>FROM</u>	<u>TO</u>
112.000000.360924	Fund Balance	106,000	
112.083100.524300	Office Equipment	4,000	
112.083200.524400	Field Equipment	14,500	
112.083200.524451	Purchase of Meters	32,000	
112.083200.524910	Safety Equipment	11,000	
112.083200.542506	Plant Supplies	7,000	
112.090100.581500	NYS Retirement	15,000	
112.090600.584500	Hospitalization	15,000	
112.083200.541100	Repairs		15,000
112.083200.541500	Motor Equipment Expense		70,000
112.083200.543000	Professional Services		10,000
112.083200.546000	Power, Light & Fuel		88,000
112.083100.512500	Overtime		21,500

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

DECEMBER 5, 2006

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 1087

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

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

		<u>FROM</u>	<u>TO</u>
001.016250.541204	Recreation Repairs and Maint	4,000	
001.016250.541150	B&G Repairs and Maint	2,600	
001.014400.543500	Consulting Engineering	4,800	
001.014400.512500	Engineering Overtime		4,800
001.016250.512500	B&G Overtime		6,600

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

DECEMBER 5, 2006

Adopted

TOWN OF RIVERHEAD

HIGHWAY DEPARTMENT

BUDGET ADJUSTMENT

RESOLUTION # 1088

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

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

		<u>FROM</u>	<u>TO</u>
111.051100.541301	Asphalt	30,000	
111.051100.545200	Equipment Rental		10,000
111.051400.541306	Drainage		20,000

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

12/05/06

Resolution #1089

Adopted

**BOND RESOLUTION
(SUBJECT TO PERMISSIVE REFERENDUM)**

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, on the 5th day of December, 2006, at ____:00 o'clock P.M., Prevailing Time.

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

PRESENT: Supervisor Philip Cardinale
Councilman John Dunleavy
Councilman George Bartunek
Councilwoman Barbara Blass

ALSO PRESENT: Town Clerk, Barbara Grattan
Town Attorney, Dawn Thomas

ABSENT: Councilman Edward Densieski

The following resolution was offered by _____ **COUNCILWOMAN BLASS** _____, who moved its adoption, seconded by _____ **COUNCILMAN BARTUNEK** _____, to-wit:

BOND RESOLUTION DATED DECEMBER 5, 2006.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$20,000,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF ACQUISITION OF VARIOUS PARCELS OF REAL PROPERTY, OR RIGHTS OR INTERESTS IN SUCH LAND, FOR ACTIVE AND PASSIVE PARK PURPOSES, PURCHASE OF DEVELOPMENT RIGHTS IN AGRICULTURAL LANDS, AND THE PRESERVATION OF OPEN SPACE IN AND FOR THE TOWN OF RIVERHEAD

WHEREAS, continuing development within the Town of Riverhead, Suffolk County, New York (the "Town") has demonstrated a compelling need to continue to acquire, preserve, protect and maintain active and passive park land, agricultural lands and existing open space to enhance the general quality of life and the environment of the Town, and thereby benefit the residents and taxpayers of the Town; and

WHEREAS, General Municipal Law Section 247 recognizes the value of open space areas and the need to preserve such land in such state and, specifically empowers municipalities with the authority to acquire real property or interests therein, including development rights in agricultural lands, to preserve open spaces and areas; and

WHEREAS, if existing open space areas are to be preserved, protected and maintained, the Town must develop the additional capacity to purchase land, easements or other real property interests quickly and efficiently as the need arises and opportunities are identified; and

WHEREAS, this Town Board recognizes the value of active and passive park land, preservation of agricultural lands through purchase of development rights, and open spaces and wishes to provide for the acquisition of real property and interests in real property therefore, and hereby finds and determines it to be in the public interest and a proper public purpose of the

Town to do so in accordance with the provisions of Section 247 of the General Municipal Law;
and

WHEREAS, it is now desired to provide for the financing of the acquisition of such real property and interests therein for said purpose;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The acquisition of various parcels of land, or rights or interests in such land, for active and passive park purposes, preservation of agricultural lands and open space, throughout, and in and for the Town of Riverhead, Suffolk County, New York, to implement the State authorized programs and policies provided in Section 247 of the General Municipal Law, as such acquisitions may be authorized from time to time by the Town Board of the Town of Riverhead, Suffolk County, New York, after due notice and a public hearing as provided hereunder, including incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$20,000,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$20,000,000 serial bonds of said Town, hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law. It is hereby determined that the adoption of this bond resolution is not intended to constitute an "Action" within the meaning of the New York State Environmental Quality Review Act, and that site-specific compliance with the New York State Environmental Quality Review Act will be made prior to the acquisition of each parcel of land or rights or interests in same; that the intent of this resolution is, in part, to authorize the issuance of serial bonds and bond anticipation notes of the Town from time to time to permit the funding of preliminary expenses, including, but not limited to, the costs of

environmental impact investigations and determinations with respect to each acquisition; that each such acquisition for which the obligations are herein authorized shall be authorized by one or more resolution or resolutions to be adopted by the Town Board in the future only after all questions of compliance with the New York State Environmental Quality Review Act have been resolved and after compliance with the public hearing process required by Section 247 of the General Municipal Law; that any serial bonds or bond anticipation notes authorized by this bond resolution, except for obligations to be issued for preliminary expenses, including, but not limited to, the costs of environmental impact investigations and determinations, shall only be issued after compliance with the requirements of Section 247 of the General Municipal Law and after the adoption of a resolution or resolutions authorizing the acquisition of such parcels of land or rights or interests in same; and that the Town Board does hereby determine and declare that the adoption of this bond resolution shall not constrain the dynamics and freedom of said Town Board in its decision making process with respect to any determinations to be made by the Town Board under Section 247 of the General Municipal Law or the New York State Environmental Quality Review Act in connection with each such acquisition and that the Town Board fully recognizes that, except to pay preliminary costs, including the cost of environmental impact investigations and determinations, it may very well develop that no serial bonds or bond anticipation notes will be issued pursuant to this bond resolution if all questions with respect to environmental impact cannot be satisfactorily resolved, in which event said Town Board shall, without prejudice, feel free to rescind and repeal all or a portion of this bond resolution to the extent permitted and in the manner provided by law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision 21(a) of paragraph a

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

Section 4. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such

recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the class of objects or purposes described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the **News Review**, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The resolution was thereupon declared duly adopted.

* * * * *

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

CERTIFICATION FORM

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

I, the undersigned Clerk of the Town of Riverhead, in the County of Suffolk, New York (the "Issuer"), DO HEREBY CERTIFY:

- 1) That a meeting of the Issuer was duly called, held and conducted on the 5th day of December, 2006.
- 2) That such meeting was a special regular (circle one) meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
- 5) That all members of the Board of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERE TO in the following manner:

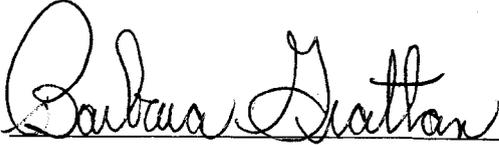
PUBLICATION (here insert newspaper(s) and date(s) of publication)

News Review December 14, 2006

POSTING (here insert place(s) and date(s) of posting)

Town Clerk's Bulletin Board

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this 6th day of December, 2006.



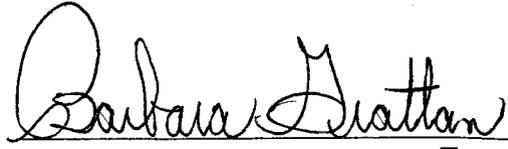
Town Clerk

(CORPORATE SEAL)

NOTICE OF ADOPTION OF RESOLUTION

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, Suffolk County, New York, at a meeting held on the 5th day of December, 2006, duly adopted the resolution published herewith **subject to a permissive referendum.**

Dated: Riverhead, New York,
December 5, 2006.


Town Clerk

Resolution # 1089

BOND RESOLUTION DATED DECEMBER 5, 2006.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$20,000,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF ACQUISITION OF VARIOUS PARCELS OF REAL PROPERTY, OR RIGHTS OR INTERESTS IN SUCH LAND, FOR ACTIVE AND PASSIVE PARK PURPOSES, PURCHASE OF DEVELOPMENT RIGHTS IN AGRICULTURAL LANDS, AND THE PRESERVATION OF OPEN SPACE IN AND FOR THE TOWN OF RIVERHEAD

WHEREAS, continuing development within the Town of Riverhead, Suffolk County, New York (the "Town") has demonstrated a compelling need to continue to acquire, preserve, protect and maintain active and passive park land, agricultural lands and existing open space to enhance the general quality of life and the environment of the Town, and thereby benefit the residents and taxpayers of the Town; and

WHEREAS, General Municipal Law Section 247 recognizes the value of open space areas and the need to preserve such land in such state and, specifically empowers municipalities

with the authority to acquire real property or interests therein, including development rights in agricultural lands, to preserve open spaces and areas; and

WHEREAS, if existing open space areas are to be preserved, protected and maintained, the Town must develop the additional capacity to purchase land, easements or other real property interests quickly and efficiently as the need arises and opportunities are identified; and

WHEREAS, this Town Board recognizes the value of active and passive park land, preservation of agricultural lands through purchase of development rights, and open spaces and wishes to provide for the acquisition of real property and interests in real property therefore, and hereby finds and determines it to be in the public interest and a proper public purpose of the Town to do so in accordance with the provisions of Section 247 of the General Municipal Law; and

WHEREAS, it is now desired to provide for the financing of the acquisition of such real property and interests therein for said purpose;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The acquisition of various parcels of land, or rights or interests in such land, for active and passive park purposes, preservation of agricultural lands and open space, throughout, and in and for the Town of Riverhead, Suffolk County, New York, to implement the State authorized programs and policies provided in Section 247 of the General Municipal Law, as such acquisitions may be authorized from time to time by the Town Board of the Town of Riverhead, Suffolk County, New York, after due notice and a public hearing as provided hereunder, including incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$20,000,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$20,000,000 serial bonds of said Town, hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law. It is hereby determined that the adoption of this bond resolution is not intended to constitute an "Action" within the meaning of the New York State Environmental Quality Review Act, and that site-specific compliance with the New York State Environmental Quality Review Act will be made prior to the acquisition of each parcel of land or rights or interests in same; that the intent of this resolution is, in part, to authorize the issuance of serial bonds and bond anticipation notes of the Town from time to time to permit the funding of preliminary expenses, including, but not limited to, the costs of environmental impact investigations and determinations with respect to each acquisition; that each such acquisition for which the obligations are herein authorized shall be authorized by one or more resolution or resolutions to be adopted by the Town Board in the future only after all questions of compliance with the New York State Environmental Quality Review Act have been resolved and after compliance with the public hearing process required by Section 247 of the General Municipal Law; that any serial bonds or bond anticipation notes authorized by this bond resolution, except for obligations to be issued for preliminary expenses, including, but not limited to, the costs of environmental impact investigations and determinations, shall only be issued after compliance with the requirements of Section 247 of the General Municipal Law and after the adoption of a resolution or resolutions authorizing the acquisition of such parcels of land or rights or interests in same; and that the Town Board does hereby determine and declare that the adoption of this bond resolution shall not constrain the dynamics and freedom of said Town Board in its decision making process with respect to any determinations to be made by the Town Board under Section 247 of the General Municipal Law or the New York State Environmental

Quality Review Act in connection with each such acquisition and that the Town Board fully recognizes that, except to pay preliminary costs, including the cost of environmental impact investigations and determinations, it may very well develop that no serial bonds or bond anticipation notes will be issued pursuant to this bond resolution if all questions with respect to environmental impact cannot be satisfactorily resolved, in which event said Town Board shall, without prejudice, feel free to rescind and repeal all or a portion of this bond resolution to the extent permitted and in the manner provided by law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision 21(a) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and

shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies

Adopted

Resolution #1090

43219-2-13

REFUNDING BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at Town Hall, in Riverhead, New York, in said Town, on December 5, 2006, at 7:00 o'clock P.M., Prevailing Time.

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

PRESENT: Supervisor Philip Cardinale
 Councilman John Dunleavy
 Councilman George Bartunek
 Councilwoman Barbara Blass

ALSO PRESENT: Town Clerk, Barbara Grattan
 Town Attorney, Dawn Thomas

ABSENT: Councilman Edward Densieski

The following resolution was offered by COUNCILMAN BARTUNEK, who moved its adoption, seconded by COUNCILMAN DUNLEAVY, to-wit:

REFUNDING BOND RESOLUTION DATED DECEMBER 5, 2006.

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the Town of Riverhead, Suffolk County, New York (hereinafter, the "Town") heretofore issued an aggregate principal amount of \$7,635,000 Public Improvement (Serial) Bonds, 2000, pursuant to various bond resolutions to pay the cost of various capital improvements, as set forth in Exhibit A attached hereto and thereby made a part hereof, and a bond determinations certificate of the Supervisor dated October 30, 2000 (hereinafter referred to as the "Refunded Bond Certificate"), such Public Improvement (Serial) Bonds, 2000, being dated November 15, 2000 and maturing or matured on May 15 annually on each of the years 2000 to 2028, both inclusive, as more fully described in the Refunded Bond Certificate (the "Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the \$5,275,000 outstanding principal balance of the Refunded Bonds (such outstanding principal balance being stated as of December 1, 2006), by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

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

Section 1. For the object or purpose of refunding the \$5,275,000 outstanding aggregate principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of non-matured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium to be paid on the Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$6,000,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Town Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$5,445,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Town Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT (SERIAL) BOND" together with such series designation and year as is

appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-07 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the

Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the

provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for each of the objects or purposes for which such Refunded Bonds were issued is as shown upon Exhibit A attached hereto and hereby made a part hereof;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and hereby made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$5,445,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on said Exhibit B. This Town Board recognizes that the Refunding Bonds may be issued in one or more series, and for the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding

Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Supervisor shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said President shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the Town hereby elects to call in and redeem each of the Refunded Bonds which the Supervisor shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to First Albany Capital (the "Underwriter") for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Supervisor, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor to the Underwriter in accordance with said purchase contract upon the receipt by the Town of said purchase price, including accrued interest.

Section 11. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor.

Section 13. The validity of the Refunding Bonds may be contested only if:

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

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

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

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated: December 5, 2006.

The foregoing resolution was duly put to a vote which resulted as follows:

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The resolution was thereupon declared duly adopted.

* * * * *

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**

EXHIBIT A

\$7,635,000 Public Improvement (Serial) Bonds, 2000

Objects or Purposes and

Their Periods of Probable Usefulness

- 1) Reconstruction of roads. Period of probable usefulness: 15 years pursuant to subdivision 20(c) of Section 11.00 of the Local Finance Law, computed from October 15, 1996, the date of the first obligations issued therefor. Bond Resolution: July 25, 1996.
- 2) Drainage facilities. Period of probable usefulness: 30 years pursuant to subdivision 3 of Section 11.00 of the Local Finance Law, computed from December 15, 1989, the date of the first obligations issued therefor. Bond Resolution: September 5, 1989.
- 3) Riverhead Water District facilities. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from December 15, 1996, the date of the first obligations issued therefor. Bond Resolution: November 26, 1996.
- 4) Installation of traffic signals. Period of probable usefulness: 20 years pursuant to subdivision 72(2nd) of Section 11.00 of the Local Finance Law, computed from May 18, 1999, the date of the first obligations issued therefor. Bond Resolution: March 3, 1998.
- 5) Open spaces. Period of probable usefulness: 30 years pursuant to subdivision 21(a) of Section 11.00 of the Local Finance Law, computed from September 1, 1999, the date of the first obligations issued therefor. Bond Resolution: September 17, 1996.
- 6) Reconstruction of Town Hall. Period of probable usefulness: 15 years pursuant to subdivision 12(a)(1) of Section 11.00 of the Local Finance Law, computed from September 22, 1999, the date of the first obligations issued therefor. Bond Resolution: May 20, 1997.
- 7) Riverhead Water District facilities. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from December 21, 1999, the date of the first obligations issued therefor. Bond Resolution: October 20, 1998.
- 8) Extension 52 to the Riverhead Water District. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from December 21, 1999, the date of the first obligations issued therefor. Bond Resolution: October 19, 1999.

- 9) Commercial Sewer District facilities. Period of probable usefulness: 40 years pursuant to subdivision 4 of Section 11.00 of the Local Finance Law, computed from December 21, 1999, the date of the first obligations issued therefor. Bond Resolution: December 17, 1999.
- 10) Drainage facilities. Period of probable usefulness: 30 years pursuant to subdivision 3 of Section 11.00 of the Local Finance Law, computed from December 15, 1989, the date of the first obligations issued therefor. Bond Resolution: September 5, 1989.
- 11) Riverhead Water District wells. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from December 21, 1999, the date of the first obligations issued therefor. Bond Resolution: June 2, 1998.
- 12) Riverhead Water District facilities. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from December 21, 1999, the date of the first obligations issued therefor. Bond Resolution: June 2, 1998.
- 13) Extension 48 to Riverhead Water District. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from December 27, 1999, the date of the first obligations issued therefor. Bond Resolution: October 19, 1999.
- 14) Bulkheads. Period of probable usefulness: 20 years pursuant to subdivision 22 of Section 11.00 of the Local Finance Law, computed from December 27, 1997, the date of the first obligations issued therefor. Bond Resolution: September 5, 1995.
- 15) Acquisition of land. Period of probable usefulness: 30 years pursuant to subdivision 21(a) of Section 11.00 of the Local Finance Law, computed from December 27, 1999, the date of the first obligations issued therefor. Bond Resolution: June 6, 1995.
- 16) Extension 45 to the Riverhead Water District. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from September 11, 1996, the date of the first obligations issued therefor. Bond Resolution: October 17, 1995.
- 17) Reconstruction of roads. Period of probable usefulness: 15 years pursuant to subdivision 20(c) of Section 11.00 of the Local Finance Law, computed from December 15, 1996, the date of the first obligations issued therefor. Bond Resolution: July 25, 1996.

- 18) Extension 45 to Riverhead Water District. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from September 11, 1996, the date of the first obligations issued therefor. Bond Resolution: October 27, 1995.
- 19) Extension 47 to Riverhead Water District. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from December 15, 1996, the date of the first obligations issued therefor. Bond Resolution: November 25, 1996.
- 20) Riverhead Water District facilities. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from December 15, 1996, the date of the first obligations issued therefor. Bond Resolution: November 25, 1996.
- 21) Extension 47 to the Riverhead Water District. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from August 20, 1998, the date of the first obligations issued therefor. Bond Resolution: June 3, 1997.
- 22) Drainage improvements. Period of probable usefulness: 40 years pursuant to subdivision 4 of Section 11.00 of the Local Finance Law, computed from November 15, 2000, the date of the first obligations issued therefor. Bond Resolution: August 17, 1999.
- 23) Installation of traffic signals. Period of probable usefulness: 20 years pursuant to subdivision 72(2nd) of Section 11.00 of the Local Finance Law, computed from May 18, 1999, the date of the first obligations issued therefor. Bond Resolution: March 3, 1998.
- 24) Comprehensive Master Plan. Period of probable usefulness: 5 years pursuant to subdivision 64 of Section 11.00 of the Local Finance Law, computed from November 15, 2000, the date of the first obligations issued therefor. Bond Resolution: April 7, 1998.
- 25) Acquisition of land. Period of probable usefulness: 50 years pursuant to subdivision 41-a of Section 11.00 of the Local Finance Law, computed from November 15, 2000, the date of the first obligations issued therefor. Bond Resolution: November 16, 1999.
- 26) Acquisition of land. Period of probable usefulness: 30 years pursuant to subdivision 21-a of Section 11.00 of the Local Finance Law, computed from November 15, 2000, the date of the first obligations issued therefor. Bond Resolutions: May 4, 1999 and Spetember 21, 1999.

- 27) Bandshell vehicle. Period of probable usefulness: 5 years pursuant to subdivision 29 of Section 11.00 of the Local Finance Law, computed from November 15, 2000, the date of the first obligations issued therefor. Bond Resolution: February 15, 2000.
- 28) Purchase of highway equipment. Period of probable usefulness: 15 years pursuant to subdivision 28 of Section 11.00 of the Local Finance Law, computed from November 15, 2000, the date of the first obligations issued therefor. Bond Resolution: April 18, 2000.
- 29) Purchase of an ambulance. Period of probable usefulness: 10 years pursuant to subdivision 27-a of Section 11.00 of the Local Finance Law, computed from November 15, 2000, the date of the first obligations issued therefor. Bond Resolutions: August 17, 1999 and November 16, 1999.
- 30) Reconstruction of sidewalks. Period of probable usefulness: 10 years pursuant to subdivision 24 of Section 11.00 of the Local Finance Law, computed from November 15, 2000, the date of the first obligations issued therefor. Bond Resolution: May 18, 1999.
- 31) Extension 45 of the Riverhead Water District. Period of probable usefulness: 40 years pursuant to subdivision 1 of Section 11.00 of the Local Finance Law, computed from September 11, 1996, the date of the first obligations issued therefor. Bond Resolutions: October 27, 1995 and November 6, 1996.

EXHIBIT B

PRELIMINARY REFUNDING FINANCIAL PLAN

TOWN OF RIVERHEAD,
SUFFOLK COUNTY, NEW YORK

DECEMBER 1, 2006

LEGAL NOTICE OF ESTOPPEL

NOTICE IS HEREBY GIVEN that the resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Riverhead, Suffolk County, New York, on December 5, 2006, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Town is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Dated: Riverhead, New York

December 5, 2006



Town Clerk

SUMMARY OF REFUNDING BOND RESOLUTION DATED DECEMBER 5, 2006.

SUMMARY OF A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO.

WHEREAS, the Town of Riverhead, Suffolk County, New York (hereinafter, the "Town") heretofore issued an aggregate principal amount of \$7,635,000 Public Improvement (Serial) Bonds, 2000 (the "Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the \$5,275,000 Refunded Bonds, by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding aggregate principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, (iv) the redemption premium to be paid on the Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs

of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$6,000,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Town Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$5,445,000, as provided in Section 4 hereof.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for the objects or purposes for which such Refunded Bonds were issued is as stated in Exhibit A to the adopted refunding bond resolution (the "Complete Resolution"), on file in the Office of the Town Clerk;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the object or purpose for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the

provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings are set forth in Exhibit B to the Complete Resolution which Exhibit B is not published as part of this summary and is on file in the Office of the Town Clerk. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$5,445,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on said Exhibit B.

Section 5. The Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said President shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall be annually

levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds.

Section 8. The Refunding Bonds shall be sold at private sale to First Albany Capital.

A COPY OF THE COMPLETE TEXT OF THIS RESOLUTION TOGETHER WITH ALL EXHIBITS IS ON FILE IN THE OFFICE OF THE TOWN CLERK WHERE IT IS AVAILABLE FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS.

12/5/06

Adopted

**AWARDS BID
EXTENSION. NO 71, COUNTRY TRAILS
RIVERHEAD WATER DISTRICT**

Resolution #1091

Adopted _____

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

WHEREAS, this Town Board did authorize the advertisement for bids for the installation of water mains and appurtenances for Extension No. 71 for the Riverhead Water District, and

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

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

WHEREAS, by letter dated August 23, 2006, and revised September 14, 2006, H2M, consulting engineers to the Riverhead Water District, did recommend that the bid be awarded as follows:

Alessio Pipe & Construction Co.
Of Huntington, New York
\$136,150.00

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the installation of water mains and appurtenances for Extension 71, Country Trails, be and is hereby awarded to:

Alessio Pipe & Construction Co.
Of Huntington, New York
\$136,150.00

And be it further

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

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

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

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

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

WHEREAS, the Town Board called a public hearing for November 21, 2006, which hearing was held and all persons wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, upon the proceeding and record of the hearing had herein, determines that the extension to the Riverhead Water District to be known as Extension No. 71 as shown on Exhibit A attached is in the best interest of the District and will benefit the property to be served, and

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

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

BE IT FURTHER RESOLVED, that the cost of the installation of the extension is \$86,000, all being constructed subject to the following conditions:

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

2. The developer will deposit cash, bank or certified check with the Town of Riverhead prior to the award of the bid covering the cost of construction in the amount of \$182,500, before this resolution shall become a final order. After the deposit of all costs in the aforesaid amount, the Clerk shall certify this resolution as a final order and cause the same to be recorded and filed as set forth below; and

3. Key money will be assessed by new connections, which will be owed at Certificate of Occupancy for any new construction within the District as extended;

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

BE IT FURTHER RESOLVED, that when the conditions call for herein have been completed, the town Clerk shall cause of a copy of this order to be recorded in the

Office of the clerk of Suffolk county and filed with the New York State Comptroller, and

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

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

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

EXHIBIT "A"

RIVERHEAD WATER DISTRICT

PROPOSED EXTENSION NO. 71

COUNTRY TRAILS SUBDIVISION

DESCRIPTION OF EXTENSION

MARCH 2002

All this certain lot, parcel of land, said property being known as Section 081, Block 01, Lot 017, situated and lying and being at Riverhead, Town of Riverhead, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point formed by the easterly right-of-way of Mill Road and the westerly right-of-way of Osborn Avenue.

Traveling southerly along the westerly right-of-way of Osborn Avenue a distance of approximately 290 feet to a POINT OF BEGINNING.

Said POINT OF BEGINNING described herein being a point formed by the westerly right-of-way line Osborn Avenue and the southerly property line of Section 081, Block 01, Lot 016.

From said POINT OF BEGINNING running easterly a distance of approximately 50 feet to a point formed by the southerly property line of Section 080, Block 02, Lot 015.2 and the easterly right-of-way line of Osborn Avenue.

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

1. South 51° - 20' - 50" East; approximately 1,590 feet

2. South 45° - 01' - 00" East; approximately 336.5 feet

to a point formed by a line perpendicular to a point formed by the northerly property line of Section 081, Block 01, Lot 022 and the westerly right-of-way of Osborn Avenue.

THENCE running westerly perpendicular to the easterly right-of-way of Osborn Avenue a distance of approximately 50 feet to a point formed by the northerly property line of Section 81, Block 1, Lot 22 and the westerly right-of-way line of Osborn Avenue.

THENCE running westerly along the northerly property line of Section 81, Block 1, Lot 22 the following bearing and distance:

South 82° - 21' - 00" West; 186.30 feet

to a point known as the northwesterly property corner of Section 81, Block 1, Lot 22.

THENCE running southerly along the westerly property line of Section 81, Block 1, Lots 22, 21.8, 21.9 and 21.10 the following two (2) bearings and distances:

1. South 8° - 29' - 00" East; 97.2 feet
2. South 8° - 20' - 00" East; 351.79 feet

to a point formed by the northeasterly property corner of Section 81, Block 1, Lot 20.1 and the southeasterly property corner of Section 81, Lot 1, Block 17.

THENCE running westerly along the southerly property line of Section 81, Block 1, Lot 17 the following bearing and distance:

South 83° - 46' - 40" West; approximately 328 feet;

to a point formed by the southerly property line of Section 81, Block 1, Lot 17 and a line running parallel to the easterly right-of-way line of Mill Road. The said herein line being a parallel distance of 500 feet from the easterly right-of-way line of Mill Road.

THENCE running northerly along the aforementioned parallel line the following bearing and distance:

North 19° - 33' - 50" West; approximately 1,347 feet;

to a point formed by the aforementioned parallel line and the westerly right-of-way line of Osborn Avenue.

THENCE running northerly along the westerly right-of-way line of Osborn Avenue the following bearing and distance:

North 51° - 20' - 50" West; approximately 751 feet;

to the said POINT OF BEGINNING.

END OF DESCRIPTION

NOTICE TO BIDDERS

The Town Board of Riverhead will receive bids for the "Transmission *Improvements at Sound Avenue & Various Locations*" for the Riverhead Water District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, until **11:00 A.M.**, on **Monday, January 8, 2007**, at which time and place all bids will be publicly opened and read aloud for:

PROJECT NO.: RDWD 06-01,

TRANSMISSION IMPROVEMENTS AT SOUND AVENUE & VARIOUS LOCATIONS –

CONTRACT 'G' – Re-Bid

Plans and specifications may be examined and obtained on or after *December 14, 2006* at the Office of the Town Clerk between the hours of 8:30 A.M. and 4:30 P.M. 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 percent (5%) of the total bid, or a certified check made payable to the TOWN OF RIVERHEAD as assurance that the bid is made in good faith.

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

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

ACTING AS THE GOVERNING BODY
OF THE RIVERHEAD WATER DISTRICT

BARBARA GRATTAN, TOWN CLERK

DATED: December 14, 2006

12/5/06

Town of Riverhead

Adopted

Resolution 1094

Ratifies Execution and Submission of Grant Application to Suffolk County for Fiscal Year 2007 Community Development Block Grant Funds

COUNCILMAN DUNLEAVY

offered the following resolution, which

was seconded by COUNCILWOMAN BLASS.

WHEREAS, the Town of Riverhead annually requests Community Development Block Grant funds from the United States Department of Housing and Urban Development for benefit to low and moderate income persons and for the prevention of slum and blight; and

WHEREAS, the Town of Riverhead has complied with the citizen participation requirements of the Community Development Block Grant Program; and

WHEREAS, the Town of Riverhead possesses the legal authority to make a grant application and to execute a community development and housing program.

THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby ratifies the execution and submission of a grant application to the Suffolk County Department of Community Development as grantee of Community Development Block Grant funds, as attached on Schedule A, for FY 2007 from the United States Department of Housing and Urban Development; and

BE IT FURTHER RESOLVED, that upon approval by the Grantor, the Town Board authorizes the Supervisor to execute the required agreement between Suffolk County and the Town of Riverhead and to undertake the program as approved.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to provide a certified copy of this resolution to Joseph Sanseverino, Suffolk County Community Development Director, H. Lee Dennison Building, PO Box 6100, Hauppauge, NY 11788 and to Andrea Lohneiss.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Denisieski ___ yes ___ no
Cardinale ~~yes~~ ___ no *abstain*

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

ATTACHMENT A

Bread and More Soup Kitchen	\$ 5,000
Open Arms Soup Kitchen	\$ 5,000
CAP	\$ 5,000
Literacy	\$ 5,000
<u>Dominican Sisters</u>	<u>\$ 5,000</u>
Total Public Service Projects	\$ 25,000

East End Arts Council	\$ 75,000
Suffolk County Historical Society	\$ 25,000

Home Improvement Program	\$ 25,000
Administration	\$ 15,000

Total	\$165,000
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December 5, 2006

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1095

AUTHORIZES THE ASSIGNMENT OF THE PETTY CASH ACCOUNT FOR THE ACCOUNTING DEPARTMENT

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

WHEREAS, the Town Board previously approved a imprest petty cash account of (\$200.00) to be assigned to John J. Hansen, Financial Administrator; and

WHEREAS, John J. Hansen has retired from the Accounting Department it is requested that William J. Rothaar be assigned custodian of petty cash for the Accounting Department on an interim basis; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves this assignment; and

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

12/5/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1096

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

COUNCILMAN BARTUNEK 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 an amendment to Chapter 108 entitled, "Zoning" (108-3 Definitions) of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 21st day of November, 2006 at 7:25 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law to consider an amendment to Chapter 108 entitled, "Zoning" (108-3 Definitions) of the Town Code of the Town of Riverhead is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk 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 Riverhead Building Department; the Riverhead Zoning Board of Appeals; 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
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" at its regular meeting held on December 5, 2006.

Be it enacted by the Town Board of the Town of Riverhead as follows:

Chapter 108

ZONING

ARTICLE I, General Provisions

§ 108-3. Definitions; word usage.

ARCADE -- a building or portion of a building housing amusement devices of machines operated by the insertion of either cash or tokens intended for the amusement of a patron including but not limited to sport related games, computer games, video games and other similar games. An Arcade is not considered to be indoor recreation facility.

* Underscore represents addition(s)

Dated: Riverhead, New York
December 5, 2006

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

BARBARA GRATTAN, Town Clerk

12/5/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1097

ADOPTS A LOCAL LAW TO AMEND CHAPTER 64 ENTITLED, "FIRE PREVENTION" OF THE RIVERHEAD TOWN CODE (§64-9 Fire Prevention permits.)

COUNCILMAN DUNLEAVY offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 64 of the Riverhead Town Code entitled, "Fire Prevention", once in 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

WHEREAS, a public hearing was held on the 21st day of November, 2006 at 7:20 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 64 entitled, "Fire Prevention" of the Riverhead Town Code 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 Building Department; the Fire Marshal 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
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 64 entitled, "Fire Prevention" of the Riverhead Town Code at its regular meeting held on December 5, 2006. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 64
FIRE PREVENTION**

§ 64-9. Fire-prevention permit fees.

C. Installation and operational fire-prevention permit fees. The Town Board has determined fire prevention fees shall be as follows:

(1) Installation permit fees.

- (a) Installation of fire detection/alarm systems and water-based fire protection systems: ~~\$150~~ \$250 for the first 25 devices and ~~\$2~~ \$4 per device in excess thereof. A device shall include, but not be limited to, a heat detector, a smoke detector, a pull station, a bell or other sounding device, a speaker, a fire alarm control panel, a remote annunciator, a floor command station, an alarm and check valve, a deluge valve, an exhaustor, an accelerator, a retard chamber or a Fire Department connection.
- (b) Installation of automatic fixed pipe extinguishing systems: ~~\$200~~ \$250.
- (c) Installation of exhaust systems for the removal of smoke- and/or grease-laden or other vapors: ~~\$100~~ \$200.
- (d) Installation permits required by Article XX, Liquefied Petroleum Gases: \$75 for the first 10,000 gallons and \$0.005 per gallon in excess thereof.
- (e) Installation permit required by § 64-9A(1) for review of new building construction plans or existing building alteration plans: ~~\$50~~ \$100.

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

Dated: Riverhead, New York
December 5, 2006

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

BARBARA GRATTAN, Town Clerk

12/5/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1098

ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES AND TRAFFIC" OF THE RIVERHEAD TOWN CODE
(§101-9. Installation and maintenance.)

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN BARTUNEK

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 101 entitled, "Vehicles and Traffic" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 21st day of November, 2006 at 7:30 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law amending Chapter 101 entitled, "Vehicles and Traffic" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Kenneth Testa, P.E.; Town Engineer; the Highway Department; the Police 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
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 101 entitled, " Vehicles and Traffic" of the Riverhead Town Code at its regular meeting held on December 5, 2006. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**ARTICLE IV
Traffic Control Signals**

§101-9. Installation and maintenance.

Pursuant to authority granted by §1660 of the Vehicle and Traffic Law, traffic control signals shall be installed, maintained and operated at the following intersections and other locations:

Intersections

Riley Avenue and Donna Drive (extension)

* Underline represents addition(s)

Dated: Riverhead, New York
December 5, 2006

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

BARBARA GRATTAN, Town Clerk

12/5/06

TOWN OF RIVERHEAD

Adopted

Resolution # 1099

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED, "ZONING" OF
THE RIVERHEAD TOWN CODE
(SHOPPING CENTER (SC), BUSINESS CENTER (BC),
COMMERCIAL/RESIDENTIAL CAMPUS (CRC)
(Indoor sports and recreation facilities.)**

COUNCILMAN BARTUNEK

_____ 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 amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 21st day of November, 2006 at 7:15 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review, the official 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 Riverhead Planning Board; the Riverhead Planning Department; the Riverhead Zoning Board of Appeals; the Riverhead Building 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
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on July 19, 2005. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

ARTICLE XLVII
Shopping Center (SC) Zoning Use District

§ 108-261. Purpose and intent.

The intent of the Shopping Center (SC) Zoning Use District is to provide adequate locations for moderate-sized convenience shopping centers, mainly on Route 58, in central locations that are accessible from adjacent neighborhoods by car, transit, walking, and biking, where residents may purchase daily necessities such as groceries. It is the further intent to allow increased floor area in the SC Zoning Use District with the use of transferred development rights where appropriate. Retail development is intended to be arranged in a shopping center layout, with large-scale stores complemented by ancillary small-scale stores. Professional office buildings are intended to be arranged in campus-style layout. Strip or freestanding development is discouraged.

§ 108-262. Uses.

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

A. Permitted uses:

- (1) Shopping centers (with a minimum size of 50,000 square feet of gross floor area).
- (2) Office campuses.
- (3) Health clubs and spas.
- (4) Restaurants.
- (5) Indoor sports and recreation facilities.

ARTICLE XLVIII
Business Center (BC) Zoning Use District

§ 108-265. Purpose and intent.

The intent of the Business Center (BC) Zoning Use District is to encourage small, freestanding roadside commercial uses, mainly along Route 58, between the existing Destination Retail Center (DRC) and Shopping Center (SC) Zoning Use Districts, with the employment of transferred development rights where appropriate.

§ 108-266. Uses.

Z:\Laura Calamita\reso\108-261,265&266.ado.doc

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

A. Permitted uses:

- (1) Retail stores.
- (2) Personal services.
- (3) Restaurants, cafes, banquet facilities, and ice cream parlors.
- (4) Bakeries with retail sales on premises, specialty food stores.
- (5) Banks.
- (6) Health clubs and spas.
- (7) Radio or television broadcast studios.
- (8) Offices.
- (9) Professional offices.
- (10) Dealerships for new motor vehicle and boat sales.

- (11) Indoor sports and recreation facilities.

ARTICLE XLIX

Commercial/Residential Campus (CRC) Zoning Use District

§ 108-269. Purpose and intent.

The intent of the Commercial/Residential Campus (CRC) Zoning Use District is to provide locations for offices and professional offices which offer essential legal, medical, accounting, real estate, travel, and other services to Riverhead residents; and to provide additional housing alternatives convenient to services and arterials.

§ 108-270. Uses.

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

A. Permitted uses:

- (1) Offices.
- (2) Banks.
- (3) Restaurants.
- (4) Funeral homes.
- (5) Single-family residences.

- (6) Two-family residences, with the use of one Preservation Credit.
- (7) Townhouses.
- (8) Garden apartments.
- (9) Radio and television broadcast studios.
- (10) Schools.
- (11) Museums and art galleries.
- (12) Meeting rooms of fraternal organizations.
- (13) Places of worship.
- (14) Parks and playgrounds.
- (15) Indoor sports and recreation facilities.

Underline represents addition(s)

Dated: Riverhead, New York
December 5, 2006

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

BARBARA GRATTAN, Town Clerk

December 5, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 1100

AWARDS BID FOR HEATING FUEL

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

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for #2 HEATING FUEL;

WHEREAS, 1 bid was received and opened 27th day of November at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW THEREFORE BE IT

RESOLVED, that the bid for #2 HEATING FUEL be and hereby is, awarded to General Utilities for +.319 cents per gallon plus Northville tank car reseller price;

RESOLVED, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the General Utilities and the Purchasing Department.

Purchasing: MTague

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

December 5, 2006

Adopted

Town of Riverhead

ADOPTION OF A FUND BALANCE POLICY
OF THE GENERAL FUND

RESOLUTION # 1101

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

WHEREAS, when the Town of Riverhead issues bonds, it is entering into a long term commitment that will require the Town to make timely principal and interest payments over the life of the bonds; and

WHEREAS, the Town needs to ensure that future debt service payments to bondholders can be made in full and on time, without jeopardizing the provision of essential services with an acceptable degree of flexibility, including sufficient revenues to meet unanticipated expenditures and accommodate revenue fluctuations; and

WHEREAS, by analyzing debt capacity and establishing appropriate limits of debt issuance, the Town is better able to keep debt at affordable levels.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the following Fund Balance Policy of the General Fund.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

TOWN OF RIVERHEAD, NEW YORK

FUND BALANCE POLICY

Year-end surpluses and fund balances are moneys that can provide a cushion or buffer that may be needed from time to time to operate without interruption or reduction in services. They provide a degree of stability and the resources to weather fluctuations in revenues and expenditures without severely impacting real property tax rates. Fund balances and adequate reserves should be managed and reviewed on a regular basis.

In its evaluations of credit ratings, Moody's Investors Service has stated it "...expects [municipalities] to maintain... conservative budgeting and sound fiscal management in order to sustain levels of fund equity." Standard & Poor's Corporation, in its evaluations, has stated that it expected "...that [issuers] will continue to maintain strong financial positions..." that "...are supported by conservative budgeting practices..." Thus, the financial community, and especially the credit rating agencies, attaches considerable importance to adequate fund balances and policies to monitor and manage those fund balances.

Auditors and financial advisors often note that fund balances are not replaceable through the budget process because of the legal requirement to develop balanced budgets for the general fund and the special revenue funds. The Town does face significant pressure on the expenditure side of its budget (and therefor on its reserves) due to health insurance premiums, pension costs and labor negotiations. If surplus is depleted at the end of a fiscal year, it cannot be replaced unless during the ensuing fiscal year expenditures are less than amounts budgeted or non-tax revenues are higher than projected (or both).

The Town of Riverhead, due to revenue streams produced by property taxes and other sources, as well as careful and conservative budgeting of expenditures, has been able to generate operating surpluses in its General Fund over the past several years. This has resulted in an unappropriated/unreserved fund balance in the General Fund as of December 31, 2005 in excess of 20%.

In recognition of sound fiscal policy and in order to stabilize and possibly enhance the current credit rating of the Town, the Town Board will make all reasonable efforts to maintain a total fund balance including reserves in its General Fund at the end of each fiscal year equal to no less than 15% of its total operating budget. The Town believes that this is a reasonable amount fund balance to achieve at the end of each fiscal year as unanticipated events during the course of a year can have negative effects on non-tax revenues or expenditures, or both.

If an emergency or a need were to occur that necessitated the appropriation of funds that would result in reducing the fund balance in the General Fund below 15% of operating expenditures, a resolution of the Town Board would be adopted to approve such appropriation. Subsequent to such appropriation, the Town would immediately begin the process of reducing expenditures or raising revenues in order to restore the unreserved/unappropriated fund balance in the General Fund to 15% of operating expenditures.

Fund balance in the General Fund above 15% may be appropriated for the following purposes:

To reduce the subsequent year's property taxes.

For one-time capital expenditures.

For emergencies caused by natural occurrences such as hurricanes or blizzards.

This policy will remain in effect until the Town of Riverhead, by resolution, amends or revises it.

December 5, 2006

Tabled

TOWN OF RIVERHEAD

Resolution # 1102

ESTABLISHES TERMS & CONDITIONS OF TOWN PERSONNEL OFFICER
MARGARET FERRIS

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, the Town Board wishes to establish the terms and conditions of employment of the Town Personnel Officer Margaret Ferris;

WHEREAS, the Town desires to provide Ferris with written terms and conditions of employment in order to enhance administrative stability and continuity within the Town, which the Town believes generally improves the quality of its overall mission; and

WHEREAS, the Town believes that written terms and conditions of employment are necessary to describe specifically their relationship and to serve as the basis of effective communication between them as they fulfill their governance and administrative functions in the operation of the Town; and

NOW THEREFORE BE IT RESOLVED, the terms and conditions of employment of Ferris as Town Personnel Officer, for the Town of Riverhead, shall, effective, be as follows:

ARTICLE I

DURATION

1. These terms and conditions shall be effective as of December 4, 2006, and shall continue in full force and effect until terminated by Ferris or the Town on an at will basis.

ARTICLE II

HOURS OF WORK

1. Ferris' minimum basic workweek shall be 35 hours per week.

2. Ferris shall be entitled to the same paid holidays as the civil service employees.

3. (a) Thirty Five (35) hours personal leave will be granted beginning in 2007.

(b) Personal leave must be approved by the Supervisor forty eight (48) hours in advance unless the personal leave is deemed to be an emergency of which she had no prior knowledge in which case Ferris must notify the Supervisor or designee of such absence. Failure to notify the Supervisor or designee will result in loss of pay for the day's absence. Personal leave may not be accumulated and must be used within the calendar year earned, except that unused personal days at the end of each year shall be converted to sick time and may be used as sick time, subject to all the rules and pertaining to sick time.

4. Funeral Leave. Ferris shall be entitled to four (4) consecutive working days leave of absence computed either from the day of death or the day following death, at Ferris's option, for the death of Ferris's spouse, child (including adopted children), father, mother, brothers, sister, parents, parents-in-law, grandparents, grandparents-in-law, grandchildren, daughter-in-law, brothers-in-law, sister-in-law, son-in-law, or stepchild.

5. Jury Service. Ferris will be paid her regular salary while performing jury service upon documentary proof being filed with the Town Attorney. Ferris shall endorse the jury salary checks to the Town. Travel allowance or mileage compensation checks for jury service are to be retained by Ferris.

6. Court Appearance. Ferris's absence by reason of appearance as a defendant or witness on behalf of the Town in any court action involving the Town will be approved by the Town Attorney for the number of days necessary. Ferris shall not lose any salary therefrom.

7. Parentage Leave. Ferris shall receive parentage leave as defined in the current CSEA contract, Article III, Section 5.

ARTICLE III

VACATIONS

1. Ferris shall be entitled to ten working days of vacation (January 1 to December 31, 2007), during fiscal year 2007. Ferris shall be entitled to an additional five vacation days as of July 1, 2007.

2. Ferris, upon request, shall be paid her vacation pay prior to the vacation, providing she shall have given three (3) weeks' notice to the Town Attorney.

3. Upon retirement or termination of service, except for cause, Ferris shall be compensated, in cash, for any accumulated vacation.

4. Ferris may carry over any unused vacation days from one (1) year into the following year, but in no event shall Ferris carry over more than sixty (60) vacation days from one year to the next.

5. Upon retirement or termination of service, except for cause, Ferris shall be compensated for any accumulated vacation up to a maximum of sixty (60) days.

6. Ferris, at her option, shall be entitled to make an election to work the current year's allotted vacation time. Ferris must provide written notification to the Town Attorney of the exercising of her option not fewer than thirty (30) days prior to the date of which payment is requested. The Town Attorney is to acknowledge receipt of her notification to the payroll personnel prior to payment. Payment is to be processed during the next overtime run. Payment will be the same method as outlined in the 1999-2001 Superior Officers' Contract, Article IX, Section C, except buyback shall be in blocks of three days per month.

ARTICLE IV

SICK LEAVE

1. Sick leave is absence necessitated by Ferris' illness or other physical disability. Effective January 1, 2007, Sick leave will be accumulated at the rate of one and 8 hours per month, total accumulated sick leave of three hundred (300) days. After three hundred (300) days, additional paid sick leave may be granted in the sole discretion of the Town Board. In order to receive sick leave, Ferris shall, when absent because of sickness for more than three (3) days, furnish the Town Attorney, when requested, with a medical certificate. Failure to furnish a medical certificate will result in loss of pay for absent days. The Town Board, in its discretion, may request a physical examination of Ferris before her return to work.

2. Ferris, or her legal representative, upon retirement or severance, is entitled to cash payment for accumulated sick leave. Said payment shall be

paid in a lump sum the value of her accumulated and unused sick leave to the extent of one hundred (100%) percent of the first two hundred and eighty (280) days thereof.

3. Ferris may elect to reduce the sick time accrued under paragraph "1" (one) by filing a written election with the Town Attorney one (1) month prior to payment. Buy-out shall be in lots of ten (10) sick days. The rate of pay shall be calculated at the time of payment based on a two hundred sixty (260) day work-year. If Ferris "buys-out" sick leave, she shall be permitted to re-accumulated sick days to a maximum of three hundred (300) days.

4. Ferris, if she falls ill while on vacation, upon presentation of a medical certificate certifying she was confined to bed for more than five (5) working days during her vacation, may charge ther illness to sick leave upon proper notification to the Town Attorney and may take the same number of sick days as vacation days.

ARTICLE V

PENSION AND LONGEVITY

Ferris represents that she is a member of the New York State Employees Retirement System. As a Tier IV employee, she is a participant in Article 14 Coordinated Retirement plan.

Longevity payments shall be based on the present year's salary and the percentages shall be taken therefrom. Employees shall be paid longevity based on the following schedule:

Four percent (4%) of the total base pay after ten (10) years of service.

Six percent (6%) of the total base pay after fifteen (15) years of service.

Seven percent (7%) of the total base pay after eighteen (18) years of service.

ARTICLE VI

HEALTH INSURANCE

1. The Town shall pay, on Ferris's behalf, one hundred (75%) percent of the cost of either the individual or family coverage for hospitalization under the Town Health Insurance Program, which shall be at least equal to the

January 1, 1991 NYS Empire Core Plan Plus Medical and Psychiatric Enhancements. These plans shall also provide that the Town pays for one hundred (100%) percent coverage for Ferris if she retires from the Town and Town shall also pay to the extent of fifty (50%) percent coverage on the premiums for her family. In the event that Ferris's employment with the Town should terminate, she shall have the option, at her own expense, to participate in the Town Health Insurance Program. Should Ferris remain employed by the Town as of January 1, 2015.

2. The Town shall pay, on Ferris's behalf, one hundred (100%) percent of the cost of either the individual or family plan for dental coverage under the Riverhead Town Dental Plan.

3. The Town shall pay, on Ferris's behalf, one hundred (100%) percent of the cost of either the individual or family plan for optical coverage under the Riverhead Town Optical Plan.

4. The Town will insure Ferris's life in accordance with the maximum death benefit provided by the Employees Retirement System for Tier IV members.

5. The Town will offer a Universal Life Insurance Policy, a disability insurance policy or participation in the New York State Retirement Systems deferred compensation program. Ferris may, at her option, choose the life insurance, the disability insurance or the deferred compensation program or any combination thereof. The cost of these policies to the Town may not exceed \$2,500.00. Any additional cost may be supplemented by Ferris via a payroll deduction. The cost will be adjusted yearly based on the Consumer Price Index for the New York and Northeastern New Jersey area for all Urban Consumers as produced by the U.S. Department of Labor, Bureau of Labor Statistics. The Base Year to be used will be 1989.

6. Ferris, at her option, may elect not to accept the Town's hospitalization coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: One thousand six hundred fifty dollars (\$1,650) if Ferris changes from family to no coverage; nine hundred (\$900) if Ferris changes from individual coverage; seven hundred fifty dollars (\$750) if Ferris changes from individual to no coverage. Also, at her option, Ferris may elect not to accept the dental coverage for a period of not less than one calendar year and receive a payment the following payment during the first full pay period of each year the election is made: two hundred thirty dollar (\$230) if Ferris changes from family to no coverage; one hundred fifty dollars (\$150) if Ferris changes from family to individual coverage; eighty dollars (\$80) if Ferris changes from individual to no coverage. Also, at her option, Ferris may elect not to accept the optical coverage for a period of not less than one calendar year and receive

a payment of twenty five dollars (\$25) during the first full pay period of each year the election is made. Ferris must sign an application form each year and said application shall include an acknowledgment that she is covered under another plan.

ARTICLE VII

GENERAL PROVISIONS

1. The Town agrees to provide legal counsel, either the District Attorney or the private counsel, to defend Ferris in any action arising out of an assault on Ferris on Town business, and the Town hereby agrees to defend, indemnify, and hold Ferris harmless for any and all acts performed for the Town, its agents and employees, including but not limited to preparation, certification and sealing of plans prepared exclusively for the Town, its agents and employees, provided Ferris was acting within the scope of her employment. In the event that Ferris is appointed, authorized or directed by the Town or one of its agencies to represent it as a member of the board of directions of an organization or agency, then he shall be covered by the provisions of Public Officers Law Section 18 and Town Code Sections 15-1 and 15-2 pertaining to the defense and indemnification of officers and employees of public entities, provided Ferris is otherwise eligible for coverage pursuant to the terms of those provisions.

2. If Ferris is injured or assaulted in the course of employment, she shall receive full salary until such time as her application for reinstatement to full duty status, or, in the event of permanent disability, her application for a disability pension is finally determined or by a physician's examination determining no further disability, whichever comes first. If Ferris is injured on the job and reports the same to the Town Attorney, and has to be absent from work, no days shall be deducted from her sick leave for such injury. If Ferris receives a compensation check for lost time due to a compensable injury, she shall endorse her check over to the Town. The above shall apply if Ferris was acting within the scope of her employment.

3. A leave of absence, without pay, may be granted to Ferris in the discretion of the Town Board for a maximum of six (6) months, upon written application therefore and good cause shown.

4. If Ferris is absent without leave or without due notification to the Town Attorney, she shall suffer loss of pay for the days of such absence.

5. Ferris shall receive a medical examination once a year and inoculations, when necessary, at the expense of the Town and by a physician selected by the Town.

6. Ferris will be paid every two (2) weeks on Thursday of the latter week.

7. Upon Ferris's request to examine her official employment personnel file, she may be permitted to do so at the discretion of the Town Board. Any material classified as confidential shall not be subject to duplication by Ferris, but she shall have an opportunity to read said material and makes a written reply, which shall be inserted, in her personnel folder.

8. Ferris is offered the protection of Section 75 of the Civil Service Law of the State of New York, except for conviction of a crime, upon which a hearing can be held at the discretion of the Town. The Town Board may suspend Ferris without pay if he is charged with a crime. If proven innocent, he will receive full pay.

9. Safety equipment shall be furnished by the Town Board to Ferris at no cost to him.

10. The Town shall make available a safe and reliable vehicle to Ferris for use on Town business.

11. To the extent permitted by the U.S. Internal Revenue Code and the New York State Income Tax Laws, the Town shall establish a deferred compensation plan for Ferris.

12. The Town Board agrees to establishment of a chain of command. A written policy will be developed through conference and agreement of Ferris and the Town Board. The establishment of a written policy detailing the chain of command will be completed within thirty (30) days of the signing of their Agreement.

13. The Town will provide a college or post-graduate incentive program for courses approved by the Town Board. The Town will reimburse Ferris the tuition cost on a grade-related basis. A grade of "A" will receive seventy-five (75%) percent of the tuition cost. A grade of "B" will receive fifty (50%) percent of the tuition cost. A grade of "C" will receive twenty-five (25%) percent of the tuition cost. Payment will only be made upon submission of voucher and proof of grade.

ARTICLE XIII

WAGES

Ferris shall receive the following annual salary:

2006: \$60,000.00 (prorated)
2007: \$60,000.00

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Margaret Ferris; Office of the Town Attorney and Accounting Department.

THE VOTE

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

absent

Tabled

Adopted

December 5, 2006

TOWN OF RIVERHEAD

Resolution # 1103

AUTHORIZES THE PUBLICATION OF A HELP WANTED AD FOR ENGINEER/ASSISTANT TOWN ENGINEER

Councilwoman Blass offered the following resolution, which was seconded by
COUNCILMAN BARTUNEK

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Advertisement in the December 7, 2006 issue of The News Review and the December 10, 2006 issue of the Sunday Newsday.

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

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

HELP WANTED (Advertisement for News Review)

Town of Riverhead seeking qualified individual for position of Assistant Town Engineer. Management of Town facilities, Buildings and Grounds and Infrastructure. P.E. License and 4 years operations and maintenance experience required. Applications can be downloaded at www.Riverheadli.com and submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:30 pm on December 22, 2006. EOE

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

(Newsday)

ASSISTANT TOWN ENGINEER

Ass't. Town Engineer manage bldgs, grounds, infrastructure. PE Lic 4 yrs ops/maint exp. Apply Riverhead Town Acctg Dept 200 Howell Ave Rvhd NY EOE

December 5, 2006

~~Tabled~~

TOWN OF RIVERHEAD

RESOLUTION # 1104

APPOINTS MEMBER TO THE INDUSTRIAL DEVELOPMENT AGENCY

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

WHEREAS, the Industrial Development Agency currently has a vacancy.

RESOLVED, effective December 6, 2006, Kathleen Wojciechowski be and is hereby appointed as a member of the Town of Riverhead Industrial Development Agency for a term of three (3) years through December 31, 2008; and

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

THE VOTE

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski Yes No

Cardinale ~~Yes~~ No

Z:/Trina

Tabled

December 5, 2006

Tabled

TOWN OF RIVERHEAD

RESOLUTION # 1105

APPOINTS MEMBER TO THE INDUSTRIAL DEVELOPMENT AGENCY

COUNCILMAN DUNLEAVY offered the following resolutions, which was seconded
by COUNCILWOMAN BLASS.

WHEREAS, the Industrial Development Agency currently has a vacancy.

RESOLVED, effective December 6, 2006, Angela DeVito be and is hereby appointed as a member of the Town of Riverhead Industrial Development Agency for a term of three (3) years through December 31, 2008; and

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

THE VOTE

Dunleavy ~~Yes~~ No

Blass ~~Yes~~ No

Cardinale ~~Yes~~ No

Bartunek ~~Yes~~ No

Densieski ~~Yes~~ No *absent*

Tabled

Z:/Trina

12/05/06

TOWN OF RIVERHEAD

Tabled

Resolution # 1106

**AUTHORIZES THE SUPERVISOR
TO EXECUTE AN ADDENDUM TO A
CONTRACT WITH PIKE REALTY, LLC**

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

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is authorized to execute an addendum to contract with Pike Realty, LLC substantially in the form attached hereto; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Office of the Town Attorney, Andrea Lohneiss, CDA Director 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

Tabled

12/05/06

TOWN OF RIVERHEAD

Resolution # 1107

Adopted

TO AUTHORIZE THE SALE OF TOWN PROPERTY LOCATED ON THE NORTHWEST CORNER OF MIDLAND STREET WHERE IT INTERSECTS WITH PARK ROAD IN REEVES PARK, RIVERHEAD, NEW YORK, SUBJECT TO A PERMISSIVE REFERENDUM

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

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WHEREAS, the Town of Riverhead is the owner of certain real property located on the Northwest corner of Midland Street where it intersects with Park Road in Reeves Park, Riverhead, New York, more particularly described in Schedule "A" attached hereto, also known as Suffolk County Tax Map number 0600-13-4-7.1 ("Subject Premises"); and

WHEREAS, the Town of Riverhead acquired the Subject Premises, in its capacity as the governing body of the Riverhead Water District, as part of Riverhead Water District Extension number 23; and

WHEREAS, the Town of Riverhead, in its capacity as the governing body of the Riverhead Water District, desires to declare this property excess property and offer the Subject Premises for sale at public auction to the highest bidder; and

WHEREAS, an appraisal of the Subject Premises was conducted by Andrew Stype Realty, Inc., who determined that the fair market value of said property is \$225,000.00; and

WHEREAS, the Town of Riverhead desires to limit the use, occupancy and development of the Subject Premises as a one family dwelling; and

WHEREAS, the Subject Premises was rezoned by the Town Board on June 1, 2004 to Residence A-40 (RA-40) Zoning Use District; and

WHEREAS, no further State Environmental Quality Review compliance is required because the sale of the Subject Premises is being carried out in conformance with the conditions and thresholds established for such action in the Generic Environmental Impact Statement prepared and accepted for the Town of Riverhead's Comprehensive Plan and its Findings Statement on November 3, 2003; and

WHEREAS, the Town Board as governing body of the Riverhead Water District, held a public hearing pursuant to New York State Town Law Article 12 Section 198 on January 17, 2006 to receive public input on declaring the Subject Premises as not required for the purposes of the Riverhead Water

District and for the authorization of the sale and transfer of the Subject Premises at a public auction to the highest bidder;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby declares the Subject Premises to be excess property; and be it further

RESOLVED, that the Town Board hereby authorizes the sale and transfer of the Subject Premises at a public auction to the highest bidder at or above the fair market value of \$225,000.00; and be it further

RESOLEVED, that the sale and transfer of the Subject Premises is subject to a covenant being placed upon said property restricting the use, occupancy and development of said property as a one family dwelling and that said property may not be subdivided; and be it further

RESOLVED, that the sale and transfer of the Subject Premises is subject to the following terms and conditions:

- (a) The Subject Premises will be sold in one parcel, subject to the following: any state of facts that an accurate survey may show; easements, covenants, restrictions or reservations of record, if any; zoning restrictions and any amendments thereto according to law and now in force; the physical condition of the premises at the time of closing; and without any apportionment or adjustments.
- (b) Ten percent of the purchase money for the Subject Premises will be required to be paid in cash or by certified check to the Town of Riverhead at the time and place scheduled for the public auction of said property and for which a receipt will be given. Bids will be accepted in increments of five hundred (\$500.00) dollars.
- (c) The residue of said purchase price will be required to be paid by bank or certified check to the Town of Riverhead on the date scheduled for the closing of said property.
- (d) The purchase of the Subject Premises must be completed within ninety (90) days from the public auction of said property.
- (e) All taxes, assessments and other encumbrances which at the time of sale are liens or encumbrances upon the Subject Premise, to the extent applicable, shall be apportioned as of midnight of the day before the day of closing.
- (f) If the purchaser defaults or fails to purchase the Subject Premises within ninety (90) days from the public auction of said property the Town of Riverhead can elect to cancel said sale and the Town of Riverhead can elect to receive and retain the ten percent down payment set forth above as liquidated damages, it being agreed that the Town of Riverhead's damages in case of the purchaser's default might be impossible to ascertain and that said down payment constitutes a fair and reasonable amount of damages under the circumstances and is not a penalty.

- (g) In the event that purchaser defaults or fails to purchase the Subject Premises within ninety (90) days from the public auction of said property the Town of Riverhead can elect to place the Subject Premises for sale again.
- (h) The purchaser of the Subject Premises will, at the time and place scheduled for the public auction of said property, sign a memorandum of the purchase and an agreement to comply with the terms and conditions of the sale herein contained.

RESOLVED, that the Supervisor is hereby authorized to execute the deed for the sale and transfer of the Subject Premises to the highest bidder; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish the attached notice for the sale and transfer of the Subject Premises at public auction to be held on March 22, 2007 at 10:00 a.m. at the foot steps of the Town Hall of the Town of Riverhead, located at 200 Howell Avenue, Riverhead, New York 11901 in one issue of the News Review, the official newspaper of the Town of Riverhead having general circulation in the Town, on March 8, 2007, and to post the same on the signboard at Town Hall, which is subject to a permissive referendum; and

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to: Richard A. Ehlers, Esq.; the Office of the Town Attorney; the Office of Accounting and Gary Pendzick.

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

December 5, 2006

TOWN OF RIVERHEAD

Resolution # 1108

Adopted

**Authorizes Town Clerk to Publish Notice of Public Hearing
Special Use Permit Petition of Brian P. Simonsen**

COUNCILMAN DUNEAVY offered the following resolution which
was seconded by COUNCILWOMAN BLASS

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Brian P. Simonsen pursuant to Article XXVIA and Section 108-12B.(1) of the Riverhead Town Code, for an addition to an existing single family dwelling to convert it to a two family use on a 1.7ac. parcel zoned Residence B-40, such property more particularly described as SCTM 0600-91-1-22.6, and

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

WHEREAS, the Riverhead Planning Department has reviewed these materials and has determined the petition to be a Type II action pursuant to 6NYCRR Part 617.5(c)(9) as the construction of a single, two or three family dwelling on an approved lot, and

WHEREAS, by resolution dated July 5, 2006, the Riverhead Town Board determined the Action type II pursuant to 6NYCRR Part 617.5(c)(9), and

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

THEREFORE, BE IT

RESOLVED, that the Town Clerk be authorized to publish and post the following notice of public hearing.

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 3rd day of January, 2007 at 2:10 p.m. to consider the Special Use Permit petition of Brian P. Simonsen to allow for a two-family dwelling on real property located at South Jamesport, such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-091.-1-22.6.

Dated: Riverhead, New York
December 5, 2006

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

12/5/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1109

RATIFIES THE AUTHORIZATION OF THE TOWN SUPERVISOR TO SIGN A GRANT APPLICATION FOR THREE THOUSAND DOLLARS FROM NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES. (FOR YOUTH PROGRAMS)

COUNCILWOMAN BLASS

_____ offered the following resolution,

Which was seconded by COUNCILMAN BARTUNEK

RESOLVED, that the Town Board does authorize the Town Supervisor to sign a \$3000.00 grant from New York State Office of Children and Family Services.

BE IT FURTHER RESOLVED, that the town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department, Supervisor Office

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

Rec.Doris/Resolution Superivsortsigngrant

12/5/06

TOWN OF RIVERHEAD

Adopted

Resolution # 1110

**RATIFIES THE APPOINTMENT OF A P/T RECREATION AIDE-
VOLLEYBALL OFFICIAL
TO THE RIVERHEAD RECREATION DEPARTMENT**
COUNCILMAN BARTUNEK

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

RESOLVED, that Alexandra Sokoloff is hereby appointed as a P/T Recreation Aide-Volleyball Official effective, December 4, 2006 to and including December 31, 2006, to be paid at the rate of \$9.00 per game, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to Alexandra Sokoloff, 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. Colleen/ Resolution. Alexandra Sokoloff

TOWN OF RIVERHEAD

Resolution # 1111

AUTHORIZES THE SUPERVISOR TO EXECUTE SETTLEMENT AGREEMENT AND GENERAL RELEASE IN CONNECTION WITH THE MATTER ENTITLED, MACLELLAN V. TOWN OF RIVERHEAD, et al., INDEX NO. 03-23950

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

which was seconded by COUNCILWOMAN BLASS _____ :

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute a Settlement Agreement and General Release in connection with the aforementioned action; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Paul E. Levitt, Esq., Attorney for the Plaintiff, 445 Broadhollow Road – Suite 124, Melville, New York, 11747, Richard K. Zuckerman, Esq., Lamb & Barnosky, LLP, 534 Broadhollow Road, Suite 21, PO Box 9034, Melville, New York, 11747-9034, Dawn C. Thomas, Town Attorney and the Office of Accounting.

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO
 BLASS YES ___ NO DENSIESKI ___ YES ___ NO
 CARDINALE YES ___ NO
 THIS RESOLUTION IS ___ IS NOT
 DECLARED DULY ADOPTED

12/5/06

Town of Riverhead

Adopted

Resolution # 1112

Ratifies the Submission of Application to the New York State Affordable Housing Corporation (AHC) for Funding to Support the Town of Riverhead Home Improvement Program

COUNCILWOMAN BLASS

_____ offered the following resolution, which was

seconded by **COUNCILMAN BARTUNEK**

WHEREAS, the Town of Riverhead has offered low interest loans and grants to homeowner occupants for more than 30 years; and

WHEREAS, the need for assistance among Riverhead's low income residents, particularly fixed-income senior citizens has increased, while federal HUD funding has decreased; and

WHEREAS, other sources of funds have become necessary to support this program; and

WHEREAS, AHC offers funding to provide for improvement of owner-occupied housing and the stabilization and preservation of neighborhoods and communities.

THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby ratifies the submission of an application to AHC for funds in the amount of \$75,000 (60%) with a match to be provided from CDBG funds in the amount of \$50,000 (40%) previously committed; and

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Mr. John Abramo (Vice President, NYS Affordable Housing Corporation, 641 Lexington Ave. New York, NY 10022) and the Community Development Department.

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO

BLASS YES ___ NO DENSIESKI ___ YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

December 5, 2006

Resolution #1113

**AUTHORIZES THE TOWN CLERK TO POST AND PUBLISH A NOTICE TO
BIDDERS FOR CARRIAGE HOUSE RENOVATIONS – PHASE II**

COUNCILMAN BARTUNEK

_____ offered the following resolution which was

COUNCILMAN DUNLEAVY

seconded by _____.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the December 14, 2006 issue of the official Town newspaper for the Carriage House Renovations – Phase II, Riverhead, New York; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Christine Fetten, P.E., Patricia Snyder, East End Arts Council, Andrea Lohneiss 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**

EAST END ARTS COUNCIL
NOTICE TO BIDDERS

Sealed proposals for the Carriage House Renovations – Phase II, Riverhead, New York will be received by the Town of Riverhead and East End Arts and Humanities Council, the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:05 am on January 8, 2007 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and obtained on or about December 14, 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.

A nonrefundable fee of \$50 will be required for each copy of the contract specifications picked up from the Office of the Town Clerk.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked “Carriage House Renovations – Phase II” and must be accompanied by a bid surety as stated in the Instructions of Bidders.

The Town of Riverhead and East End Arts & Humanities Council reserves the right to reject any and all bids.

BY ORDER OF THE RIVERHEAD TOWN BOARD
Barbara A. Grattan, Town Clerk
Riverhead, New York 11901

Dated: December 5, 2006

12/5/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1114

AMENDS RESOLUTION #1068 OF 2006

(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 DUNLEAVY offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, Resolution #1068 adopted by the Riverhead Town Board on November 21, 2006, approved the dedication of roads and a recharge basin in the subdivision entitled, "Birchwood at Wading River – Section 1"; and

WHEREAS, said resolution incorrectly referred to one of the roads in the within subdivision to be named as "Canterbury Court"; and

WHEREAS, the correct name for said road shall be "Canterbury Drive".

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby amends Resolution #1068 dated November 21, 2006 to reflect the correct road name of "Canterbury Drive"; and be it further

RESOLVED, that all other terms and conditions of Resolution #1068 shall remain in full force and effect; and be it further

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

12/5/06

TOWN OF RIVERHEAD

Adopted

Resolution # 1115

AUTHORIZES THE SUPERVISOR TO EXECUTE A LEASE AGREEMENT FOR THE ARMORY DRILL HALL

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

WHEREAS, the Town of Riverhead Recreation Department wished to utilize space for its programs at the Armory Drill Hall located on Route 58,

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute the attached Agreement with Division of Military and Naval Affairs, and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Armory Drill Hall, the Recreation Department, the Office of the Town Attorney 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

THIS LEASE AGREEMENT, made this 20 day of Dec. 2007 between the People of the State of New York acting by and through the Division of Military and Naval Affairs (hereinafter referred to as "Lessor" or DMNA) and Riverhead Recreation Dept. 200 Howell Ave. Riverhead NY 11901, 11-60001935 (631) 727-5744

NAME ADDRESS FED ID TELEPHONE

(hereinafter referred to as "Lessee"). WHEREAS, DMNA is charged with the responsibility for the care and maintenance of the armories throughout the state, many of which facilities have drill halls, meeting rooms and areas adjacent thereto which are capable of use for purposes of public assembly; and

WHEREAS, the Lessee desires to use one of these facilities, specifically for the purpose of Activity Programs for Riverhead Town School Children, Supervised by Town Employees.

NOW, THEREFORE, in consideration of the covenants herein contained, the parties agree as follows: 1. This lease agreement is subject to all terms and conditions contained in Section 183 of the Military Law of the State of New York and DMNA Regulation 210-1, as amended.

2. DMNA agrees to the use by the Lessee of the facility named above with respect to a particular area of that facility for a specific date and time. This specific area, date and time are set forth in sub-paragraphs a. and b. below:

a. Area of Facility To Be Used: Armory Drill Hall and First Floor Bathroom b. Date(s)/Time(s) of Use: From the 5th day of January 07, at 1730 HRS P.m. To the 21 day of Dec. 2007 2100 PM .m.

3. Lessee further agrees to be liable for any and all additional charges arising out of this lease including, but not limited to, longer use of the armory than specified in paragraph 2 and/or additional personal or non-personal services supplied by Lessor.

4. As of the date of execution of this agreement, Lessee agrees to pay DMNA as rental charges hereunder the sum of Thirteen Thousand, Two Hundred & Fifty Dollars (\$ 13,258.00) dollars as reflected on the Form 99 (Work Sheet for Computation of Rental Charges) attached hereto and made a part of this agreement.

Lessee agrees to pay these rental charges to the "New York State Division of Military and Naval Affairs" by certified check or from some other source of guaranteed funds. No cash payments are authorized and payment in full will be received by DMNA no later than the starting date under this agreement or it shall be cancelled.

5. Lessee further agrees that, if proof of insurance and full payment of the rental charges set forth in paragraph 3 above are not provided at least 31 days prior to the starting date under this agreement, all deposits made by Lessee under this agreement will be forfeited, and Lessee shall also lose the right to conduct the event.

6. Appendix A (Standard Clauses for all New York State Contracts) is attached hereto and made a part of this agreement.

7. Appendix B (Standard Clauses for all DMNA Armory Leases) is attached hereto and made a part of this agreement.

8. Entire Lease: This lease form, the Form 99, Appendix A and Appendix B constitute the entire agreement between the parties thereto and no statement, promise, condition, understanding, inducement, oral or written, expressed or implied, which is not contained herein, shall be binding or valid and this agreement shall not be changed, modified, or altered in any manner except by instrument in writing executed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this lease as of the date first above written.

LESSEE BY: (NAME & TITLE TYPED OR PRINTED)

Ron Baran FACILITY MANAGER OFFICER IN CHARGE & CONTROL/ ASS'T OFFICER IN CHARGE & CONTROL

FOR USE IF LESSEE SIGNS AS AN INDIVIDUAL: STATE OF NEW YORK) COUNTY OF) SS. On the ___ day of ___, before me personally came

HQ APPROVAL IF REQUIRED

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

FOR USE IF LESSEE DOES NOT SIGN AS AN INDIVIDUAL: STATE OF NEW YORK) COUNTY OF) SS. On the ___ day of ___, before me personally came

to me known who, being by me duly sworn, did depose and say that he resides at No. ___

that he is the ___ of ___ the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Notary Public, State of New York My Commission expires:

Worksheet for Computation of Rental Charges

Armory: Riverhead, 1405 Old Country Rd. Date: Oct. 23, 2006
 Lease #: _____ Lessee: Riverhead Town Recreation Dept.
 Purpose: Recreation Programs for Riverhead School Teens.

Rental Classification:

<input type="checkbox"/> Commercial	<input type="checkbox"/> Vending	<input type="checkbox"/> Unit Member	<input type="checkbox"/> M-P, TV
<input type="checkbox"/> Noncommercial	<input checked="" type="checkbox"/> Youth	<input type="checkbox"/> Veterans	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Secondary School	<input checked="" type="checkbox"/> Fitness	<input type="checkbox"/> Government	

Base Charges:	Number of Days	Rate per Day	Sub-Total
Drill Hall <small>Room</small>	83	NONE	\$.
_____			.
_____			.
_____			.
Other Usage Charges:			
Food Concessions:			NONE .
Souvenir Concession:			NONE .
Portable Bar Charge:			NONE .
Total Base Charges			\$ NONE
Additional Charges:			
Utilities:			
Heat Cost	336	1.25	\$ 420.00
Light Cost	336	190.00	638.40
WATER Additional	474	@ .40	189.60
Janitorial:			
Overtime			NONE .
Temp. Svc.			NONE .
Total Janitorial			NONE
Security:			
Overtime	336	35.00	11,760.00
Temp. Svc.			NONE .
Total Security			11,760.00
Vehicle Movement:			
Temp. Svc.			NONE .
Additional Temp			NONE .
Total Vehicle Movement			NONE .
Surcharges:			
Janitorial Supplies	<u>One Case of Paper Towels and one case of toilet paper 12 bars of soap</u>		110.00
Sub Total			\$13,118.00
Surety Bond	\$10.00 per \$1,000		140.00
Grand Total			\$13,258.00

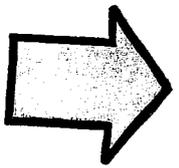
Remarks: Armory will be open for Riverhead Teen Center, Monday, Wednesday & Friday evenings, Riverhead Town Employees will supervise the teens at the Armory. No Bicycle riding allowed in the Armory. Also NO Smoking in the Armory.

Verbal Confirmation
 OIC/IAOICG 

APPENDIX C
to
Agreement for Use of Armory

New York State Division of Military and Naval Affairs

1. The primary function of an armory is to provide adequate space for training, administration, supply activities, and mobilization of military units and soldiers stationed at said armory. The armory may also be required for use during the activation and mobilization of other military units not necessarily stationed at that particular armory.
2. In the event the use of the armory space being rented under this agreement: (a) is required to support military purposes; (b) is required by higher military authority; (c) is required for the purpose of any Federal, State, or local municipal emergency; or (d) is required to be closed to public access due to heightened Force Protection implementation, this Agreement for Use of Armory will be cancelled without advance notice.
3. Upon cancellation of this Agreement under the condition(s) listed above, coordination and arrangements will be made to enable the Lessee and the Lessee's agents, workers, exhibitors and affiliated personnel to vacate the premises and to remove any and all equipment and merchandise as quickly as possible.
4. Upon termination of this Agreement under the conditions above, the Division of Military and Naval Affairs will take steps to initiate a refund of the rent and expense charges for days not already used by the Lessee under this Agreement.
5. Lessee acknowledges, by signature below, that the above terms and conditions are fully understood and agreed to.



Lessee Signature and date

Witness Signature and Date

ADDENDUM TO NONMILITARY USE AGREEMENT

SECURITY STANDARDS AND REQUIREMENTS

PUBLIC EVENTS

The following security standards and requirements are applicable to all public nonmilitary use events at all Division of Military and Naval Affairs (DMNA) controlled facilities.

1. Lessee fully understands that this Non-Military Use Agreement may be cancelled without notice if use of the armory is required for military emergency purposes or Force Protection (previously known as THREATCON) levels are increased to the point where non-military uses cannot be accommodated. Any such cancellation is not subject to negotiation and the decision of the Division of Military and Naval Affairs is final.
2. Access to the facility will be limited to one entry point. All outside doors must be clearly marked with signs, (no less than 24 inches by 24 inches), indicating that "Entrance or exit through front door (or other appropriate entrance) only." If signs are not already in place, the lessee shall be responsible for providing the signs prior to the start of the event move-in. If access is required through a back door or overhead door, i.e., to bring equipment or merchandise into the armory, the front entrance must be closed, locked, and secure while the alternate entrance is in use. AT NO TIME shall more than one door to the facility be open, except in cases where military units are utilizing an alternate door while a nonmilitary use activity is using the main entrance.
3. The lessee must advise customers, guests, vendors, sports participants, spectators, and any other persons attending the event at the armory that any backpacks, bags, packages, purses, gym bags, and any other items brought into the armory will be subject to search by security personnel. It is strongly suggested materials being brought into the facility by the attendees be kept to a minimum.
4. **Armory staff security.** The armory superintendent shall schedule a sufficient number of state personnel, full time or temporary service, to safeguard the facility and its contents during the entire event. There must be a state employee assigned to the main entrance at all times. Security must be adequate enough to ensure that all participants are limited to accessing only those areas of the armory for which the rental is in effect. If any rear doors are to be used, even temporarily, a DMNA door guard will be posted at that door. Armory security personnel will perform security duties only. Any janitorial services required will be provided by other personnel hired to perform janitorial services.

5. Additional security personnel.

For publicly attended events, the lessee must hire licensed, bonded security guards at a rate of 2 guards per 50 attendees. The number of attendees will be determined by the maximum rated occupancy level of the space. The guards, while hired and paid for directly by the lessee, shall be directed and controlled by the armory superintendent. In lieu of private company security guards, the lessee may hire off duty police or sheriffs to perform the security functions. In cases where the armory superintendent expects that the attendance level will be much lower than the maximum number allowable, a reduction in security force numbers MAY be permitted. Any reduction in security must be approved, in advance, by the Joint Chief of Staff, Division of Military and Naval Affairs.

6. Main entrance security:

a. The main entrance will be attended at all times by an armory employee, at least one security guard, and a representative of the lessee.

b. While Force Protection B is in force, random checks of photo identification of at least every fourth person gaining access will be performed and spot checks will be made of bags, packages and materials being brought in to the facility. While Force Protection C is in force, checks of photo identification of every person gaining access will be performed and checks will be made of all bags, packages and materials being brought in to the facility. Young children without identification must be accompanied by an adult. To ensure no foreign material or contraband is being smuggled into the venue, security guards may require personnel to remove their coats for inspection.

c. **Exit and re-entering.** Attendees and lessee personnel may wish to leave the building temporarily and gain re-entry. This is permissible, but individuals will be subject to the same security checks as during initial entry.

d. At the conclusion of the event, after participants, guests and vendor personnel have exited the building, the security personnel will lock the building and carefully inspect the building to ensure all persons who have entered the building have, left.

7. Vendor security.

a. Lessee will provide to the armory superintendent, in advance of the start date of the non-military use event, an alphabetical list of all vendors, caterers, dealers, entertainment personnel, decorators, and similar activity support personnel who will require access to the facility. Each vendor will provide an alphabetical list of all employees scheduled to work the event. As the vendor's employees gain access to the facility to perform their job functions, their

photo identification will be checked. Each vendor or lessee must be present to verify their status as employees. The lessee will provide temporary identification badges to all vendors and work personnel at large events. These badges will not replace the need for each person to have a personal photo ID.

b. The armory superintendent and security personnel will ensure all supplies, equipment and other materials brought into the armory are what they purport to be, such as food, beverages, audio equipment, craft items, etc. They will also check to ensure prohibited materials are not brought into the facility.

c. Vendors will not be permitted to begin moving equipment, supplies, decorations and other materials out of a facility until all guests, patrons or customers have left the building and the main entrance door is locked secured. Only then will an alternate door be opened for moving out. If the main entrance is to be used for move out, all guests, patrons or customers must have departed the facility before the vendor(s) begin to move out.

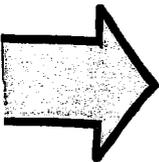
8. Materials in the facility.

a. Pyrotechnic supplies and materials, artificial smoke, fireworks, and similar items are not permitted in the facility.

b. Security guards will continuously move about during the event, checking dealer booths, tables and other areas to ensure packages and goods are in plain sight and use. Any suspicious materials, boxes or hidden items will promptly be inspected and, if necessary, removed from the premises.

c. After the event, security guards will carefully inspect the facility to ensure all items have been removed. Any unidentified boxes or materials remaining will be left in place and the local police will be notified immediately. This will be handled the same way as any other unattended briefcase or package at a facility.

d. Boxes or material left deliberately in order to be picked up by the lessee or vendor at a later date must be inspected by a security guard prior to the box or package being sealed. Any such items must be placed in a secure location within the armory and will not be accessed by anyone without a security guard in attendance until they are picked up for removal.



Lessee Signature and date

NONMILITARY USE SECURITY GUIDELINES

LIMITED ATTENDANCE/NONPUBLIC EVENTS

1. The following guidelines are applicable to non-military use events of a non-public nature, where there are a fixed number of participants. Examples of this type of event are wedding receptions, physical fitness/sports activities, office rentals, school programs and other activities where the number of participants/attendees is generally known in advance.
2. All outside doors must be marked with signs indicating access will be permitted through the front door only.
3. All lessees must advise their customers, guests, vendors, sports participants, spectators, and any other persons entering the armory that any backpacks, bags, packages, purses, gym bags, and any other matter brought into the armory will be subject to search by security personnel. If anyone attending the armory non-military use activity does not wish to agree to this search, they may leave these items in their vehicle.
4. The lessee must provide the following, in advance, to the armory superintendent:
 - a. A complete attendee list, in alphabetical order.
 - b. A list with the name, address, phone of each caterer, disc jockey, band, announcer, entertainer and any other support vendors.
 - c. Each vendor must provide a list of all employees scheduled to work the event.
5. Access to the facility will be limited to one main entry point. There will be sufficient personnel stationed at the entrance to check each person and annotate the list to show who is present. The lessee must provide someone to verify the identity of all guests entering the premises. If the list contains the name of an individual who is not present for that particular session, the name will be marked as "absent".
 - a. Any participants who attempt entry, but are not on the list, may be added to the list, provided the lessee can personally identify the person and sufficiently explain why that person was not on the original list. It will be the responsibility of the lessee to provide the armory superintendent with updated lists in advance of each date of use.
 - b. Spectators will be permitted under the same criteria as those outlined above. A list of all authorized spectators must be provided, in advance, by the lessee. Any spectator, who attempts entry, but is not on the list, may be added to the list, provided the lessee can personally identify the person.

c. Open public admission is not permissible under these security guidelines. If open public admission is desired by the lessee, the Addendum for Public Events will apply and must be implemented. The armory superintendent and the OIC&C/AOIC&C, retain the right to restrict the overall total number of spectators or limit the number to one or two per participant, in order to maintain proper levels of security during the event.

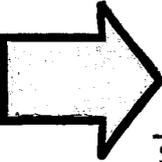
d. At the conclusion of the event, after participants, guests and vendor personnel have exited the building, security personnel will lock and carefully inspect the building to ensure all persons who have entered the building have left.

6. Copies of the annotated attendance lists will be maintained on file with the Non-Military Use Agreement and other documents at the facility. A new list will be prepared for each day or time of use and the date and time should be clearly marked on each page.

7. **Exit and re-entering.** It is understandable that some guests and vendor personnel may wish to leave the building temporarily for a smoke break, outdoor photographs, etc. This is permissible, but re-entry will be subject to the same security checks as initial entry.

8. Security staffing levels for the event must be adequate enough to ensure that all participants are limited to accessing only those areas of the armory for which the rental is in effect.

9. **Vendor security.** The armory superintendent must make adequate provisions for vendors, caterers, entertainment personnel, decorators, and similar activity support personnel to have sufficient access to perform their jobs and functions without jeopardizing armory security. For example, if the caterer requires access through a door other than the front, for delivery of food, supplies, equipment, etc.; should be accomplished at a time when the front door is locked and not in use. This will prevent the armory security force from being overtaxed. The superintendent will ensure that all persons gaining access to the armory are identified and checked against the list provided by the vendor. The armory superintendent will ensure all supplies, equipment and other materials brought into the armory are what they are purported to be. Pyrotechnic supplies and materials will not be permitted.



Signature of Lessee

date signed

DMNA Customer Utilization Form

Armory Riverhead, 1405 Old Country Rd.

Date

10 / 20 / 06

Information on lessee:

Name of organization/person Riverhead Town Recreation Dept.

Contact Person Jim Janecek

Address Town Hall 200 Howell Ave. Riverhead Recreation Dept. Riverhead, New York 11901

Telephone (631) 727-5744 Fax

Nine Digit FED ID# or SS# 11-60001935

Purpose of Using Facility Recreation Program For School Teenagers Attending Riverhead Schools

Will there be admission charge? Yes No Amount \$

Have you done business with us or any other New York State armory previously? yes YES no

Facility Request

Areas requested Drill Hall and First Floor Bathroom Monday, Wednesday and Friday Nights

Time/dates Time/date January 2007, Thru December 2007 Except for the months of May, June, July and August 2007. Event

Alcohol Use or Sale Will there be the use or sale of spirituous or malt liquor on the premises? Yes No

Potential Construction

Will construction, such as temporary walls, bleachers, platforms, stage, booths, or the like, be required? Yes No Customers' Amount \$

* all construction must be approved by MNFE-CE Will temporary electricity, not in place, be required? Yes No

** Discrimination due to the race, sex, creed or religion of a lessee, or by the lessee, is prohibited. All armory uses must be in accordance with the nondiscriminatory assurance contained in Title VI of the Civil Rights Act of 1964. Violation can be cause for potential monetary penalty.

X Signature of Requestor

DMNA Customer Utilization Form

Armory Riverhead, 1405 Old Country Rd.

Date

10 / 20 / 06

Information on lessee:

Name of organization/person: Riverhead Town Recreation Dept.
Contact Person: Jim Janecek

Address

Town Hall 200 Howell Ave.
Riverhead Recreation Dept.
Riverhead, New York 11901

Telephone

(631) 727-5744

Fax

[]

Nine Digit FED ID# or SS#

11-60001935

Purpose of Using Facility

Recreation Program For School Teenagers
Attending Riverhead Schools

Will there be admission charge?

Yes []
No []

[]
NO []

Amount \$ []

Have you done business with us or any other New York State armory previously?
yes [] YES [] no []

Facility Request

Areas requested

Drill Hall and First Floor Bathroom
Monday, Wednesday and Friday Nights

Time/dates

Time/date: January 2007, Thru December 2007
Except for the months of May,
June, July and August 2007.

Event

[]
[]
[]

Alcohol Use or Sale

Will there be the use or sale of spirituous or malt liquor on the premises?
Yes [] No [] NO []

Potential Construction

Will construction, such as temporary walls, bleachers, platforms, stage, booths, or the like, be required? Yes [] No [] NO [] Customers' Amount \$ []

* all construction must be approved by MNFE-CE
Will temporary electricity, not in place, be required? Yes [] No [] NO []

** Discrimination due to the race, sex, creed or religion of a lessee, or by the lessee, is prohibited. All armory uses must be in accordance with the nondiscriminatory assurance contained in Title VI of the Civil Rights Act of 1964. Violation can be cause for potential monetary penalty.

X
Signature of Requestor

Adopted

**TOWN OF RIVERHEAD
ORDER CALLING PUBLIC HEARING
REHABILITATION OF TANK NOS. 8 & 9
RIVERHEAD WATER DISTRICT**

Adopted _____

Resolution # 1117

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

WHEREAS, a recommendation has been made to the Town Board of the Town of Riverhead, Suffolk County, New York, as governing body of the Riverhead Water District, by H2M, consulting engineers to the Riverhead Water District, that there is need to repaint the tanks at Plants 8 & 9, and

WHEREAS, the maximum amount proposed to be expended for said repainting is 1,250,000, with said funds for the repainting to be allocated and charged as the cost of increasing and improving the facilities of the District and shall be borne by the entire District to be paid from existing funds, and

WHEREAS, it is necessary that a public hearing be held on the question of the increase and improvement of the facilities of the entirety of said District as described above, in accordance with the provisions of Section 202-b of the Town Law,

NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Riverhead, as follows:

1. A public hearing will be held at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, in said Town, on the 3rd day of January, 2007, at 2:05 p.m. on the question of the increase and improvement of the facilities of the Riverhead Water District in the Town of Riverhead, Suffolk County, New York, in the manner described in the preambles hereof, and to hear all persons in the subject thereof, concerning the same, and to take such action as is required or authorized by law.

2. The Town Clerk is hereby authorized and directed to cause a copy of the notice of public hearing to be published in the December 21, 2006, edition of The News Review, the newspaper hereby designated as the official newspaper for this purpose, and

also to cause a copy thereof to be posted on the sign board of the town, such publication and posting to be made not less than ten nor more than twenty days before the date designated for the public hearing..

3. The project described in the preambles hereto is hereby determined to be an "unlisted action" under the State Environmental Quality review Act, the implementation of which, as proposed, will not result in any significant environmental effects.

4. The notice of public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Riverhead Water District pursuant to Section 202-b of the Town Law. The object of such hearing will be the increase and improvement of the Riverhead Water District regarding the repainting of Standpipes at Plant Nos. 8 and 9. All persons wishing to be heard should be present at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on January 3rd, 2007, at 2:05 p.m. The estimated cost of the project is \$1,250,000 to be paid from existing district funds.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Riverhead, NY
December 5, 2006

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

Section 5. This order shall take effect immediately.

And be it further

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

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

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

12/5/06

Adopted

INCREASES RATES FOR THE RIVERHEAD WATER DISTRICT

Adopted: _____

Resolution # 1118

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

RESOLVED, in accordance in Section 105.25 of the Riverhead Town Code, the Riverhead Town Board hereby establishes Rates for the Riverhead Water District, effective January 1, 2007, as outlined on the attached Exhibit A, and be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to the Accounting Department, Assessors, Tax Receiver, Water District.

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

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

EXHIBIT A

RATE INCREASES FOR RIVERHEAD WATER DISTRICT

SERVICE/METER CHARGES

1" Service in vault	\$1,200.00
1" Radio Read Meter	\$350.00
Service Line Inspection (ea. Insp).....	\$ 35.00
Turn Off/On Fee.....	\$40.00
Emergency Turn Off/On Fee.....	\$100.00
(After hours & weekends & holidays)	
Service line inspection	\$35.00
(per inspection per location)	
Large Tap Fee	\$250.00
One day hydrant rental	\$50.00

QUARTERLY BILLING RATES

¾ & 5/8"	\$ 10.90	7,000 Gals
1"	\$ 19.90	16,000 Gals
1 ½"	\$ 32.90	29,000 Gals
2"	\$ 38.90	35,000 Gals
3"	\$ 57.90	54,000 Gals
4"	\$ 75.90	72,000 Gals
6"	\$126.90	123,000 Gals
8"	\$259.90	256,000 Gals
10"	\$339.90	336,000 Gals
12"	\$414.90	411,000 Gals

\$1.10 additional per thousand over the minimum

QUARTERLY SPRINKLER RATES

2" Line.....	\$ 55.00
4" Line.....	\$ 66.00
6" Line.....	\$143.00
8" Line.....	\$286.00
10" Line.....	\$374.00
12" Line.....	\$473.00

12/5/06

TOWN OF RIVERHEAD

Adopted

Resolution # 1119

ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED, "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE
(\$101-13. Parking time limited.)

COUNCILMAN BARTUNEK 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 an amendment to Chapter 101 entitled, "Vehicles and Traffic" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 21st day of November, 2006 at 7:40 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 consider an amendment to Chapter 101 entitled, "Vehicles and Traffic" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Chief Hegermiller, Riverhead Police Department; Code Enforcement; Mark Kwasna, Highway Superintendent; the Traffic Safety Committee 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
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

**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 101 entitled, "Vehicles and Traffic" of the Riverhead Town Code at its regular meeting held on December 5, 2006. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 101
Vehicles and Traffic
ARTICLE VII

§ 101-13. Parking time limited.

Parking is hereby prohibited for longer than the time limit designated upon any of the following described streets, or portions thereof, and parking fields:

- A. Thirty minutes. The parking of vehicles for a period longer than 30 minutes between the hours of 9:00 a.m. and 5:00 p.m., except Sundays and holidays, is prohibited in the following locations:

Street	Side Location
<u>Second Street</u>	Both Between Roanoke Avenue and Griffing Avenue except where two-hour parking is permitted as provided in Subsection E herein

- E. Two hours. The parking of vehicles for a period of longer than two hours is prohibited in the following locations between the hours of 9:00 a.m. and 5:30 p.m., except Sundays and holidays:

Street	Side Location
<u>Second Street</u>	<u>Both Between Roanoke Avenue and Griffing Avenue</u>

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

Dated: Riverhead, New York
December 5, 2006

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

BARBARA GRATTAN, Town Clerk

**APPROVES PLAN OF JOHN A. REEVE FOR
AGRICULTURAL WORKER HOUSING PERMIT TO BE ISSUED PURSUANT TO
SECTION 108-64.4 OF THE RIVERHEAD ZONING ORDINANCE**

COUNCILMAN DUNLEAVY offered the following resolution,

which was seconded by **COUNCILWOMAN BLASS**

WHEREAS, the Riverhead Planning Department is in receipt of a survey and plan of the property owned by John A. Reeve 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 5506 Sound Avenue, Riverhead, New York, Suffolk County Tax Map Number 600 -21.-3-1; 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 site 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 site plan petition of John A. Reeve, 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 and Agricultural Worker Housing plan of John A. Reeve pursuant to Article XIII Section 108-64.4 of the Riverhead Zoning Ordinance.

BE IT FURTHER RESOLVED, that no use permit or certificate of occupancy shall issue prior to the recording of a covenant acceptable to the Town Attorney which includes the following conditions:

1. That the pre-fabricated dwelling unit shall not be occupied by anyone other than two (2) farm workers employed by the applicant; subject to condition #2 below.
2. The applicant shall actively farm at least five (5) acres of land within three (3) miles of the subject premises upon which the two (2) farm workers renting premises work and shall submit proof of same to the Town of Riverhead Zoning Board of appeals and Town Board, annually on or before the month and day anniversary of this decision and inform ZBA and Town Board of any changes within thirty (30) days of such changes.

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby authorized to forward a certified copy of this resolution to John A. Reeve, P.O. Box 2666, Riverhead, New York 11901, 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 *absent*

Cardinale Yes No

The Resolution Is Is Not
Declared Duly Adopted

12/05/06

Adopted

TOWN OF RIVERHEAD

Resolution # 1121

AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR PUBLIC HEARING TO CONSIDER WHETHER THE TOWN BOARD SHOULD CHANGE RIVERHEAD TOWN'S CLASSIFICATION PURSUANT TO ARTICLE 2 OF THE TOWN LAW: TOWN OF THE FIRST CLASS

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

WHEREAS, New York State Town Law Article 2 provides for different classifications of townships within the State based upon, among other things, population, and

WHEREAS, the Town of Riverhead is currently classified as a Town of the Second Class, and

WHEREAS, pursuant to Article 2 of the Town Law, the Town now qualifies to be reclassified as a Town of the First Class, and

WHEREAS, Certain advantages become available with reclassification as a Town of the First Class, and

WHEREAS, the Town Board wishes to hold a public hearing to discuss whether the Town Board should resolve to reclassify the Town of Riverhead pursuant to Article 2 of the Town Law,

NOW, THEREFORE, BE IT,

RESOLVED, that the Town Board of the Town of Riverhead hereby directs the Town Clerk to publish and post the attached public notice, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the all Town Departments.

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 17th day of January 2007 at 7:05 o'clock p.m., at Town Hall located at 200 Howell Avenue, Riverhead, NY to hear all interested persons to consider whether the classification of the Town of Riverhead should be changed from a Town of the Second Class to a Town of the First Class pursuant to Article 2 of the Town law of the State of New York.

Adopted

RESOLUTION # <u>1122</u> ABSTRACT #06-46 November 22, 2006 (TBM 12/5/06)			
COUNCILMAN BARTUNEK COUNCILMAN DUNLEAVY offered the following Resolution which was seconded by			
FUND NAME		CD-None	CHECKRUN TOTALS
			GRAND TOTALS
GENERAL FUND	1		907,535.56
TEEN CENTER FUND	5		112.66
RECREATION PROGRAM FUND	6		1,145.75
SENIOR CITIZEN DAY CARE CENTER	27		533.16
ECONOMIC DEVELOPMENT ZONE FUND	30		3,208.91
HIGHWAY FUND	111		87,894.80
WATER DISTRICT	112		64,065.06
RIVERHEAD SEWER DISTRICT	114		55,966.35
REFUSE & GARBAGE COLLECTION DI	115		314,961.78
STREET LIGHTING DISTRICT	116		6,858.22
PUBLIC PARKING DISTRICT	117		2,652.42
AMBULANCE DISTRICT	120		85,026.89
CALVERTON SEWER DISTRICT	124		5,101.13
RIVERHEAD SCAVANGER WASTE DIST	128		34,648.10
WORKERS' COMPENSATION FUND	173		5,551.34
CDBG CONSORTIUM ACOUNT	181		2,388.55
WATER DISTRICT DEBT SERVICE	383		7,914.33
GENERAL FUND DEBT SERVICE	384		571,855.03
SCAVANGER WASTE DISTRICT DEBT	385		1,046.27
YOUTH SERVICES CAP PROJECT	452		3,690.91
SENIORS HELP SENIORS CAP PROJE	453		7,768.43
MUNICIPAL FUEL FUND	625		19,222.47
MUNICIPAL GARAGE FUND	626		17,853.79
TRUST & AGENCY	735		874,639.96
COMMUNITY PRESERVATION FUND	737		2,224.86
TOTAL ALL FUNDS			3,083,866.73

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 # 1122 ABSTRACT #06-47 November 30, 2006 (TBM 12/5/06)				
COUNCILMAN BARTUNEK offered the following Resolution which was seconded by				
COUNCILMAN DUNLEAVY				
FUND NAME		CD-None	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		\$ 97,713.40	\$ 97,713.40
RECREATION PROGRAM FUND	6		\$ 410.00	\$ 410.00
HIGHWAY FUND	111		\$ 7,516.83	\$ 7,516.83
WATER DISTRICT	112		\$ 8,417.01	\$ 8,417.01
RIVERHEAD SEWER DISTRICT	114		\$ 1,689.28	\$ 1,689.28
STREET LIGHTING DISTRICT	116		\$ 1,352.56	\$ 1,352.56
PUBLIC PARKING DISTRICT	117		\$ 98.44	\$ 98.44
CALVERTON SEWER DISTRICT	124		\$ 11,524.78	\$ 11,524.78
WORKERS' COMPENSATION FUND	173		\$ 209.16	\$ 209.16
EISEP CAP PROJECT	454		\$ 12.46	\$ 12.46
MUNICIPAL FUEL FUND	625		\$ 21.42	\$ 21.42
MUNICIPAL GARAGE FUND	626		\$ 4,896.56	\$ 4,896.56
TRUST & AGENCY	735		\$ 30,293.28	\$ 30,293.28
COMMUNITY PRESERVATION FUND	737		\$ 6,682.67	\$ 6,682.67
TOTAL ALL FUNDS			\$ 170,837.85	\$ 170,837.85

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